



## WHISTLEBLOWING POLICY

Last Review: May 2019  
Committee: Resources  
Date Ratified: 3<sup>rd</sup> October 2019  
Next Review: May 2022

### Rationale

Employees are often the first to realise that there may be something seriously wrong within the school. However, they might not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation and it may be easier, therefore, to ignore the concern rather than report what may just be a suspicion of malpractice.

This school is committed to the highest standards of openness, probity and accountability. It expects **employees, and others that it deals with, who have serious concerns about any aspect of the School's work**, to come forward and voice those concerns. The word 'whistleblowing' in this procedure refers to the disclosure internally or externally by employees of malpractice as well as illegal acts or omissions at work.

This Policy makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the School, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the School who speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

### 1. AIMS AND SCOPE OF THIS PROCEDURE

This Procedure aims to:

- encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments;
- provide alternative avenues for raising concerns;
- ensure that responses to concerns are made;
- reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in good faith.

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This procedure is intended to cover major concerns that fall outside the scope of other procedures and include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees (where the concerns raised have not been addressed through normal departmental procedures);
- damage to the environment;
- the un-authorised use of public funds including fraud and corruption;
- sexual or physical abuse;
- other unethical or unprofessional conduct;
- notification of any suspicions of price-fixing cartels providing services/goods to the school.

The School fully understands that employees who are members of a Trade Union recognised by the School may, in the first instance, wish to see advice and guidance from their Union on the application of this procedure.

Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the school or others acting on behalf of the school, can be reported under this procedure. This may be about something that:

- makes an employee feel uncomfortable in terms of apparent non adherence to known standards;
- appears to be contrary **to the requirements of the school's policies**;
- falls below established standards of practice;
- may amount to improper conduct;
- appears to be an attempt to mislead.

## 2. SAFEGUARDS

### Harassment or Victimisation

The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is the subject of the complaint. However, if employees state the truth they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

The School will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will be separate from any grievance, disciplinary or redundancy procedure that already affects an employee. Equally, any investigation will not be influenced by any such procedures involving an employee.

## 3. CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

## 4. ANONYMOUS ALLEGATIONS

In order to ensure that employees receive protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are much less powerful. Anonymous concerns and allegations will therefore be investigated at the discretion of the Headteacher, Governing Body, or the Department for Education.

In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources factual evidence.

## 5. UNTRUE ALLEGATIONS

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## 6. HOW TO RAISE A CONCERN

i. The Representor (the person raising the concern) should:

- Raise their concern with their line manager or the Headteacher. This may be done orally or in writing. The Representor has the right to have the matter treated confidentially.
- If the line manager believes the concern to be genuine and that it is appropriate to use the Whistle blowing Procedure, the manager should contact the Assessor who will be appointed by the Headteacher or the Chair of Governors.
- If the Representor feels unable to raise their concern with their line manager or the Headteacher in the first instance they may contact the Chair or Vice Chair of Governors directly. If this occurs

the Representor will be asked to justify why they feel unable to raise the concern with their line manager or the Headteacher.

ii. The Assessor should:

- Interview the Representor within seven working days, in confidence, or earlier if there is immediate danger to life or serious injury.
- Obtain as much information as possible from the Representor about the grounds for the belief of malpractice.
- Consult with the Representor about further steps which could be taken.
- **Advise the Representor of the appropriate route if the matter does not fall under the School's Whistleblowing Policy.**
- Report all matters raised under this Procedure to the **School's Headteacher.**

iii. At the interview with Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the school staff to take notes.

iv. Within ten working days of the interview the Assessor will recommend to the Headteacher one or more of the following:

- the matter be investigated internally by the School;
- the matter be investigated by the external auditors appointed by the School;
- the matter to be reported to the Department of Education;
- the matter to be reported to the Police;
- the route for the member of staff to pursue the matter if it does not fall within this procedure;
- that no further action is taken by the School.

The grounds on which no further action is taken include:

- the assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- the assessor is satisfied that the Representor is not acting in good faith;
- **the matter is already (or has been) the subject of proceedings under one of the School's other policies or procedures;**
- the matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education or other authority.

v. Should it be alleged that the Headteacher is involved in the alleged malpractice the Assessor's recommendation will be made to the Chair of Governors.

vi. The recipient of the recommendation will ensure that it is implemented unless there is no good reason for doing so in whole or in part. Such a reason will be reported to the next Governors' Resources Meeting.

vii. The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of the above the Assessor will not reveal the identity of the Representor except:

- where the Assessor is under a legal obligation to do so;
- where the information is already in the public domain;
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice;
- where it is necessary that the Representor provides evidence at a disciplinary hearing or other proceedings.

viii. The conclusion of the any agreed investigation will be reported by the Assessor to the representor within twenty eight days.

ix. All responses to the Representor will be made in writing and sent to the Representor's home address.

## 7. EXTERNAL SOURCES

Whistleblowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the Representor is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of senior managers, serious health and safety issues or possible discrimination. The external sources which could be used are:

- Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- Police
- Trade Union
- Relevant professional body or regulatory organisation

If employees do decide to take the matter outside the School, they must ensure that they do not **disclose to a third party any of the School's confidential information.**