



## WHISTLEBLOWING POLICY - SCHOOLS

### 1. Policy Statement

Our School's Governing Body is committed to achieving the highest possible standards of openness, integrity and accountability. In line with that commitment, the Governing Body expects employees and others that it deals with such as agency workers, contractors and partners, who have genuine concerns about any aspect of the School's work, to come forward and "Speak out" under the auspices of this policy and the Public Interest Disclosure Act 1998.

The Governing Body endeavours to ensure that the highest standards of conduct and probity are maintained and will take appropriate action to prevent serious failure, irregularities, dishonesty and wrongdoing.

The Whistleblowing Policy is for concerns where the interests of others or the organisation itself are at risk. This policy sets out the ways in which employees may raise any concerns that they have, and how those concerns will be dealt with. It gives protection from harassment, victimisation or bullying where concerns are raised within these procedures.

It has been devised to enable employees to raise concerns at an early stage and in the right way and under no circumstances should an employee try to obtain proof themselves.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the school nor should it be used to reconsider any matters, which have already been addressed under an alternative procedure, for example, harassment, complaint, disciplinary.

### 2. Scope

This policy applies to all employees in community and voluntary controlled schools where the Local Authority (LA) is the employer. It is also commended to all other schools in the borough.

### 3. Aims of the Policy

The Public Interest Disclosure Act 1998 and the Enterprise Regulatory Reform Act 2013 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters of concern. The policy aims to:

- support a culture of openness, accountability and integrity;
- encourage a person to feel confident in raising genuine concerns and to question and act upon these;
- encourage employees to raise matters internally at an early stage so that these can be dealt with appropriately and demonstrate the school's commitment to ensuring its affairs are carried out ethically, honestly, and to high standards;
- allow the complainant to voice their concerns outside the school in certain circumstances;
- reassure employees that if they raise any concerns, they will be protected from, possible reprisals, victimisation or other detriment;

- provide ways for anyone to raise those concerns and, subject to any legal constraint, receive feedback on any action taken as a result, and ensure that those raising issues get a response to their concerns and that they are aware of how to pursue them if they are not satisfied with any actions;
- contribute to the efficient running of the school and the delivery of its service to the community; and
- Uphold the reputation of the school and maintain public confidence.

Issues which can be disclosed as part of this policy are (but not limited to):

- a criminal offence (e.g. fraud, corruption or theft) has been or is likely to be committed;
- a miscarriage of justice has been or is likely to occur;
- the health or safety of any individual has been or is likely to be threatened;
- the environment has been or is likely to be damaged;
- public funds are being used in an unauthorised or illegal manner;
- conflict of interest e.g. not declaring a direct or indirect financial interest in a company which trades, or could potentially trade with the school/LA or a direct personal, financial and other interests which may conflict with the business of the Council or with their employment with the school/LA;
- breach of a legal obligation or statutory codes of practice;
- serious failure to comply with appropriate professional standards;
- sexual, physical or verbal abuse or mistreatment of any employee or service recipient is taking place;
- discrimination as defined under the Equality Act 2010 is occurring to any employee or service recipient;
- showing undue favour over a contractual matter or to a job applicant;
- any other form of improper action or conduct is taking place, or if information relating to any of the above is being deliberately concealed or attempts are being made to conceal it.
- if told not to raise or pursue any concern by a line manager or senior officer, employees should not remain silent, the matter should be reported.

This policy is not a substitute for, and does not replace, other complaints or reporting procedures. Where the concern raised relates to a breach of one of these they will be investigated under the most relevant policy. In such cases, the employee will still receive protection in respect of confidentiality and anonymity as detailed in this policy. For example:

- financial regulations;
- child protection/safeguarding procedures;
- health and safety policy;
- the disciplinary policy;
- the dignity at work policy (which is designed to deal with harassment and bullying cases);
- the complaints procedure;
- The grievance procedure (which an employee may use to resolve contractual issues relating to their employment or conditions of service).

#### **4. Designated Contact Officer**

The School has a Designated Officer who is the point of contact for concerns raised under the Whistleblowing Policy. He/She will normally be the Headteacher or Chair of Governors.

It is recognised, however, that employees may wish to raise a concern independently of school or the concerns may relate to the Headteacher/Chair of Governors and therefore the Local Authority (LA) can be contacted should this be necessary, the contact in the LA is the Governor Services Support Manager.

## 5. Safeguarding of Children and Young People

Employees have a duty to report concerns about the safety and welfare of pupils and students. Any concerns should be reported to the school's Designated Senior Person for Child Protection (DSP), if this is under Whistleblowing this should be as well as the Designated Officer for Whistleblowing detailed above, this would include such issues as:

- physical abuse of a pupil/student;
- sexual abuse of a pupil/student;
- emotional abuse of a pupil/student;
- neglect of a pupil/student;
- An intimate or improper relationship between an adult and a pupil/student.

The school's DSP for Child Protection is \_\_\_\_\_(Name and position).

The reason for the concern may be the actions of a colleague (including a more senior colleague), a Governor, another pupil/student or someone outside the school. Whatever the reason, concerns must be reported.

## 6. Raising Concerns within the School

- In the first instance, employees should raise concerns with the immediate line manager. The manager will then refer the matter to the Designated Officer and/or DSP as appropriate either in school or at the LA.
- If the line manager is involved, concerns should raise with the Designated Officer in the school or the LA.
- If the Designated Officer is involved at school level, the line manager should raise the concerns with the Chair of Governors or the LA.
- If the Chair of Governors is involved, the Designated Officer in school should raise the concerns with the Head of Schools and Education at the LA and, in the case of Voluntary Aided Schools, with the Diocesan Education Officer.

In the first instance, concerns may be raised verbally, but ideally, this should be done in writing. A written outline of the concerns helps to clarify key issues and reduce any misunderstanding. This should include the following information where possible:

- the background and history of the concern (giving relevant names, dates etc. where possible);
- the reason why the employee is particularly concerned about the situation;
- the possible implications of your concerns.

The earlier the concern is raised the easier it is to investigate and take action.

If an employee is unsure, they may wish to discuss the concern confidentially with a colleague or Trade Union Representative first and may find it easier to raise the matter if there are two (or more) who have had the same experience or concerns.

A trade union representative or a work colleague may to be present during any meetings or interviews in connection with the concerns raised.

## 7. Confidentiality

All concerns will be treated in confidence and the Designated Officer will make every reasonable effort not to reveal the employee's identity. The employees identity will not be disclosed without their consent or unless this is required of the school by a Court Order or other lawful authority. We may be obliged to provide information that identifies them either directly or indirectly and so employees should be aware that whilst they may make a disclosure anonymously, this may not be guaranteed at a later stage.

Anybody involved in an investigation under the scope of this policy must maintain confidentiality regarding the complaint and information provided. Failure to do so will be treated as a disciplinary offence. At the appropriate time, either during the investigation or

at the conclusion, an employee may need to come forward as a witness and will be given assistance and support to help them.

Employees should also note that anyone disclosing confidential information outside the school that is not covered by the Public Interest Disclosure Act could be subject to disciplinary action for a potential breach of the Data Protection Act 1998.

Any discussions with a person against whom an allegation of malpractice has been made, must be approved by the Designated Officer. It is a disciplinary offence for other discussions to take place with that person in respect of issues raised under the scope of this policy.

## **8. Anonymous Allegations**

Concerns expressed anonymously are much less powerful and are often more difficult to investigate. This policy encourages employees to put their name to an allegation whenever possible and the school will do their best to protect their identity. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- The likelihood of being able to confirm the allegation from attributable sources.

## **9. Protection when Raising a Complaint**

The Governing Body recognises that the decision to report a concern can be a difficult one to make and will take appropriate action to protect employees who raise concerns. The Governing Body will not tolerate any harassment, bullying or victimisation. This policy does not replace the school's Dignity at Work procedure whereby an employee can seek redress to deal with harassment and bullying cases.

Should an employee believe that they have suffered a detriment or been victimised, harassed, bullied or dismissed in breach of the protections of the Public Interest Disclosure Act 1998, in response to your disclosure, employees should raise this matter immediately as a grievance to be investigated.

Any investigation into allegations of potential malpractice will not influence (or be influenced by) any employment procedures that may already be underway. It is not the Governing Body's intention to hold in abeyance action taken under the disciplinary or other policies, pending the completion of investigations taken in accordance with the Whistleblowing Policy, unless the Governing Body considers that the merits of a particular case warrant this.

If employees raise a concern under this policy, employees will not be at risk of suffering any form of retribution/detriment as a result, provided that:

- the disclosure is made to the appropriate person or Bodies;
- employees reasonably believe that the disclosure is in the public interest;
- And/or employees are not acting for personal gain.

## **10. Response to a Complainant**

The Designated Officer will generally have a coordinating role, dealing with concerns and allegations and ensuring that these are investigated thoroughly. The Designated Officer would not normally investigate the concern personally. Where appropriate, the matters raised may:

- be dismissed without further action;
- be investigated internally by an independent person;
- be investigated by management, internal audit or other appropriate procedures for example - through Child Protection/Safeguarding procedures or the Disciplinary Policy;
- be referred to the police;
- be referred to the external auditor;
- Form the subject of an independent inquiry.

## **11. Investigating Procedure**

Within seven working days of a concern being received, the Designated Officer will endeavour to write to the employee to:

- acknowledge that the concern has been received;
- advise if more information is required or arrange a confidential meeting;
- indicate how they propose to deal with the matter;
- give an estimate of how long it is anticipated it will take to provide a final response if this is possible to determine at the outset;
- advise whether further investigations will take place and if not, why not.

The Designated Officer will inform the individual affected to explain that a whistleblowing complaint has been made.

Where the complaint involves partnership organisations and their employees, the Designated Officer will seek full co-operation with the partner and will encourage partner organisations to deal with the matter in accordance with the general principles of this policy, as this complies with the spirit of the Public Interest Disclosure Act. However, where the partner does not co-operate, the investigation will be carried out and the partner will be advised of any action that the Designated Officer intends to take.

In order to protect all individuals (including those accused of possible malpractice), brief initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. However, if immediate or urgent action is required, this will be taken before any investigation is concluded.

After initial enquiries, it may be possible to resolve some or all of your concerns with an explanation and/or agreed course of action. The amount of contact between the Designated Officer and the employee will depend on the nature of the matters raised, and the clarity of the information provided. If necessary, the Designated Officer will seek further information.

Employees will have the opportunity to have a Trade Union Representative or work colleague present at any meeting with the Investigating Officer. Any representative attending a meeting will be bound by the confidentiality clauses within this policy, unless there is an obligation covered by external legislation that binds or requires the representative to make a qualified disclosure to a relevant body.

The Designated Officer will take reasonable steps to minimise any issues, which may result from your concern. If it is necessary to give evidence in criminal or disciplinary proceedings, the Governing Body, through the LA's Head of Legal and Governance Services (or their representative), will arrange for the employee to receive advice about the procedure.

## **12. Following the Investigation**

Following the investigation, the Designated Officer will (subject to legal constraints) inform the Headteacher (or Chair of Governors), and the employee of the result of the investigation. This will not include details of any disciplinary action, which will remain confidential to the individual concerned. The Designated Officer will also inform the individual at the centre of the investigation of the outcome.

If the investigation shows there is a case to be answered, the relevant procedure may be used, for example Disciplinary or Capability Procedure.

If there is no case to answer, the Designated Officer or the line manager will inform the Headteacher (or Chair of Governors) of this fact.

The Governing Body accepts that employees need to be assured that the matter has been properly addressed. Employees will therefore be informed of the outcome of any investigations providing there are no legal or other restraints.

### **13. Maintaining Records**

Any records of the concerns raised and associated with the investigation will be stored confidentially as detailed in the School's Retention and Disposal Policy.

The Designated Officer has overall responsibility for the maintenance and operation of this policy. The Designated Officer will confidentially maintain records of concerns raised, and the outcomes and shall report as necessary to the Governing Body. Confidential information will be kept by the Designated Officer at the School.

### **14. Raising Concerns Outside of the School**

In accordance with the Act, this policy is intended to provide an avenue within the school to raise concerns. If, however, the employee remains concerned, having exhausted all internal procedures and believe it is right to take the matter outside the Governing Body, they may wish to raise the matter with the appropriate external Public Body, for example:

- Local Authority (diocesan authority for Church schools)
- a trade union or professional association
- a relevant professional body or regulatory organisation
- the Children's Commissioner for England
- the Public Services Ombudsman
- the Police - for concerns of criminal behaviour
- Public Concern at Work Telephone 0207 404 6609

Public Concern at Work is an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. They also provide a confidential helpline for advice as well as guidance regarding relevant external bodies to contact. Their telephone number is 0207 404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk).

### **15. Unreported Suspicions or Malicious Allegations**

Where suspicions go unreported it could be seen that the employee has abdicated their responsibilities and there may be the potential that you are implicated in the wrongdoing. Such a situation may have to be treated seriously and may, depending on the circumstances lead to disciplinary action and/or court action being taken.

If employees make an allegation in what they believe to be the public interest and without any motive of personal gain, whether the allegation is confirmed or not at the conclusion of the investigation, no action will be taken against that employee.

If, however, an allegation is made which is considered not to be in line with the Public Interest Disclosure Act i.e. for personal gain or malicious, disciplinary or legal action may be taken depending on the circumstances of the case.

### **16. Monitoring the Policy**

Employees who have any comments on the operation of this policy are encouraged to raise them with the Headteacher, Designated Officer, or Trade Union.

The Governing Body and Headteacher will monitor the operation and effectiveness of the Whistleblowing Policy on a regular basis and if necessary review and revise the Policy to ensure that it remains up to date and fit for purpose in line with legislation and best practice.

### **17. Further Guidance**

Further advice and guidance regarding the application of this policy is available from the Headteacher or the school's HR provider.

### **18. Approving Body & Date**

LJNCC (Schools) – 16 June 2021