



## WHISTLEBLOWING POLICY - SCHOOLS

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### 1. Policy Statement

The Governing Body of Newfield School is committed to achieving the highest possible standards of openness, integrity and accountability. In line with that commitment, the Governing Body expects you 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 Governing Body genuinely seeks a culture of accountability and openness and this policy sets out the ways in which you may raise any concerns that you have, and how those concerns will be dealt with. It gives protection to you from harassment, victimisation or bullying where you raise concerns within these procedures.

The Whistleblowing Policy is for concerns where the interests of others or the organisation itself are at risk. It has been devised to enable you to raise your concerns at an early stage and in the right way. The school would rather that you raised the matter when it is just a concern rather than wait for concrete proof. A reasonable belief is sufficient and under no circumstances should you try to obtain proof yourself.

If something is troubling you about which you think the school/Governing Body should know about or ought to look into, please use this policy.

If, however, your concerns are in respect of an employment related matter, there are other policies which may apply, for example the Grievance Policy or Complaints Procedure.

## **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 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 you that if you raise any concerns, you 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.

Finally, it is hoped the introduction of this policy will increase the likelihood that the Governing Body will hear of any wrongdoing in time to prevent any serious incidents or damage.

#### **4. Why do we need a 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 Governing Body encourages anyone who has serious concerns about malpractice to speak out. Employees and other workers, for example, agency workers or consultants are often the first to realise that there may be something seriously wrong. You may be reluctant to, or you may not, express your concerns because you feel speaking out would be disloyal to colleagues or the school. You may also fear harassment or victimisation and this could lead you to ignore the problem rather than report it, particularly if this is just a suspicion. However it is important that there is a culture of accountability and openness and you have a responsibility to report your concerns accordingly.

In introducing this policy, the Governing Body hopes to avoid such situations and to encourage you to speak out. We all have a vital role to play in implementing and supporting the policy and the Governing Body expects that you will co-operate with this policy and any investigation.

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 you 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 you 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).

#### **5. Who will be the point of contact for the policy?**

This will depend on the nature of the issue but in school there will be a Designated Officer who is the point of contact for concerns raised under the Whistleblowing Policy. He/She should normally be the Headteacher or Chair of Governors.

Geoff Fitzpatrick (Head Teacher) who will be the Designated Officer in this school for the purposes of this policy.

It is recognised, however, that you may wish to raise a concern independently of school and therefore the Local Authority (LA) can be contacted should this be necessary, the contact in the LA is the Governor Services Support Manager

#### **6. Safeguarding of children and young people**

You 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 Geoff Fitzpatrick (Head Teacher)

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.

### **7. How can a concern be raised within School?**

- In the first instance, you should raise your concern with your immediate line manager. Your 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 you should raise the concerns with the Designated Officer in school or at 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 Director, Schools and Education and, in the case of Voluntary Aided Schools, with the Diocesan Education Officer.

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

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

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

If you are unsure you may wish to consider discussing your concern with a colleague or Trade Union/Professional Association Representative first and you may find it easier to raise the matter if there are two (or more) who have had the same experience or concerns.

You may invite a trade union, professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

## **8. Confidentiality**

All concerns will be treated in confidence and the Designated Officer will make every reasonable effort not to reveal your identity. Your identity will not be disclosed without your 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 you either directly or indirectly and so you should be aware that whilst you 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, you may need to come forward as a witness and will be given assistance and support to help you. You 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 discussion 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.

## **9. Anonymous Allegations**

Concerns expressed anonymously are much less powerful and are often more difficult to investigate. This policy encourages you to put your name to an allegation whenever possible and we will do our best to protect your 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.

## **10. What protection are you entitled to when raising a complaint?**

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

Should you believe that you 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, you 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 you raise a concern under this policy, you 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;
- you reasonably believe that the disclosure is in the public interest;
- And/or you are not acting for personal gain.

#### **11. How will the designated officer respond 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 but would have a coordinating and liaison role. 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.

#### **12. When will the designated officer respond to a complainant?**

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

- acknowledge that the concern has been received;
- advise you 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 you 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 from you.

You will have the opportunity to have a Trade Union Representative or work colleague present with you at any meeting with the Investigating Officer. Any representative attending any 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 Director of HR & Legal Services (or their representative), will arrange for you to receive advice about the procedure.

### **13. What will happen following the investigation?**

Following the investigation, the Designated Officer will (subject to legal constraints) inform the Headteacher (or Chair of Governors), and you 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 Disciplinary or Capability Procedure may be used.

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 you need to be assured that the matter has been properly addressed. You will therefore be informed of the outcome of any investigations providing there are no legal or other restraints.

#### **14. What records will be maintained in connection with the policy?**

A note of the concern raised how it was resolved and copies of any records associated with the investigation will be stored confidentially for 36 months following resolution. The information will then be disposed of in an appropriate and confidential manner.

The Designated Officer has overall responsibility for the maintenance and operation of this policy. The Designated Officer will maintain a record of concerns raised, and the outcomes (in a way which does not endanger confidentiality), and shall report as necessary to the Governing Body. Confidential information will be kept by the Designated Officer on the school site, or by the Designated Officer (LA) in the Council offices.

#### **15. How can concerns be raised outside the School?**

In accordance with the Act, this policy is intended to provide you with an avenue in school to raise concerns and the Governing Body hopes you will be satisfied with any action taken. You can also obtain support by talking to your Trade Union/Professional Association. If, however, you remain concerned, having exhausted all internal procedures, and believe it is right to take the matter outside the Governing Body the following are examples of external organisations you can contact:

Local Authority (if you have not already contacted them), Ofsted, Health & Safety Executive, Audit Commission, the Environmental Agency, OFTEL, OFFER, OFWAT, OFGAS, FSA, Serious Fraud Agency, Inland Revenue, Customs and Excise, DTI, Office of Fair Trading, Trade Union Certification Officer, Charity Commissioners, Data Protection Registration Officer, or the organisation Public Concern at Work.

It will be safe to raise a concern with any of the above so long as you reasonably believe your allegations to be in the public interest and you do not make the disclosure for personal gain.

Public Concern at Work also provide a confidential helpline for advice as well as guidance regarding relevant external bodies to contact. Their telephone number is 0207 404 6609.

#### **16. What happens if suspicions go unreported or if allegations are found to have been made maliciously or with no foundation?**

Where suspicions go unreported it could be seen that you have abdicated your 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 you make an allegation in what you 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 you.

If, however, you make an allegation 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.

#### **17. 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/Professional Association.

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.

#### **18. Further Guidance**

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

#### **19. Approving Body & Date**

LJNCC (Schools) – Wednesday 11 December 2013