



# Whistleblowing Policy

## 1. Introduction

1.1 The 1998 Public Interest Disclosure Act inserted provisions into the Employment Rights Act 1996 to give protection to 'whistleblowers' who raise concerns, by making a protected disclosure, about serious fraud or malpractice at their place of work against victimisation or dismissal, provided they have acted in a responsible way in dealing with their concerns.

1.2 For the disclosure to be protected by the law it must be made to the right person and in the right way. Staff must have a reasonable belief that:

- any disclosure of information is in the public interest
- any disclosure of information is being made to the correct "prescribed person"
- any information disclosed is substantially true

## 2. Purpose and scope

2.1 This policy may be used by all workers/staff members at the school to raise concerns where the wellbeing of others or that of the school itself is at risk, for instance with regard to the commission of criminal offences or employment of practices endangering health and safety.

2.2 The term 'staff/staff member' in this policy broadly includes: employees, contractors, agency workers, trainees, and a person who is or was subject to a contract to undertake work or services for the school.

2.3 It encourages staff to feel confident in raising serious concerns and to question and act upon concerns about practices within the school. It aims to establish a fair and impartial investigative procedure and ensure that staff receive a response to concerns and are aware of how to pursue them if they are not satisfied.

2.4 It helps the school comply with the Public Interest Disclosure Act 1998 and the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2010. The whistleblowing procedure is intended to cover major concerns that fall outside the scope of the school's other procedures (eg health and safety). These include (this list is not exhaustive):

- possible fraud and corruption
- unauthorised use of school funds
- failure to comply with school financial regulatory and compliance matters
- failure to comply with Codes of Practice
- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice

- health and safety risks including risks to children, public and colleagues
- damage to the environment
- other unethical conduct

### **3. Employer responsibility**

3.1 As the employer of staff in the school the local authority has overall legal responsibility for ensuring that the school has a whistleblowing policy. The governing body is responsible for the running of the school and through school management will maintain a record of concerns raised and outcomes (in a format that will not compromise confidentiality).

3.2 The school recognises that the decision to report a concern can be a difficult one not least because of fear of reprisals from those responsible for the alleged failure or malpractice. The school does not tolerate harassment or victimisation and will take all necessary action to protect staff members when a concern is raised, being conscious of its vicarious liability for any employee's conduct should this amount to victimisation of a whistleblower.

### **4. How to raise a concern**

4.1 Concerns are best raised in writing, setting out the background and history of the problem, giving names, dates and places where possible and the reason why there are felt is particular concern about the situation with sufficient grounds. It is advised that the earlier a concern is raised the easier it is to take action.

4.2 Staff are encouraged to involve their trade union or professional association and may be accompanied by a recognised trade union representative or work colleague during any meetings, reasonable time off from work being permitted for this purpose.

4.3 A form for recording the concern is available for use at Appendix 1.

4.4 It should be noted that should any staff member making a disclosure under the terms of the whistleblowing policy already be subject to disciplinary, grievance or redundancy procedures, these procedures will not be halted as a result of any disclosure.

### **5. Untrue or malicious allegations**

5.1 If an allegation is made in the public interest but it is not confirmed by the investigation, no action will be taken against the staff member making the disclosure. However, malicious or vexatious allegations could lead to disciplinary action including proceedings for gross misconduct.

### **6. Confidentiality**

6.1 Anyone bringing a whistleblowing concern will be protected. The investigation process, may, however, reveal the source of the information and a statement may be required as part of the evidence. If however, the staff member does not wish to disclose their identity it could make it difficult to proceed with the matter.

6.2 Anonymous allegations are much less powerful and less likely to be effective although they may be considered by the school.

6.3 Following discussions staff may consider raising the matter if there are two or more who have had the same experience or have the same concerns, however, care and judgement must be exercised. You must still consider that there are reasonable grounds for your concern.

## **7. Raising a concern – internal procedure**

7.1 A concern can be raised in writing or orally if preferred.

7.2 The staff member should raise their concern with the headteacher or line manager (as appropriate) or if the complaint is about the headteacher, with the chair of governors. If the complaint is about the governing body, it should be raised with the appropriate officer of the local authority.

7.3 The action taken by the headteacher or chair of governors will depend on the nature of the concern. The matters may be subject to:

- internal investigation
- referral to the police
- referral to other external enforcement agencies
- consideration of the school's disciplinary procedure should it relate to an employee (or employees).

7.4 Initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take. Concerns or allegations that fall within the scope of other specific procedures (such as child protection) will normally be referred for consideration under those procedures.

7.5 Some concerns may be resolved by agreed action without any requirement for an investigation. Within 10 working days of a concern being received, the headteacher or chair of governors will write to the staff member:

- acknowledging receipt of the concern
- indicating how it proposes to deal with the matter
- giving an estimate of length of time to provide a response
- indicating whether an initial enquiry has been made
- indicating whether further investigations will take place.

7.6 The amount of contact between the person who considers the above issues and the staff member bringing the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

7.7 Subject to legal and confidentiality restraints, the staff member will receive information about the outcomes of any investigations.

## **8. Raising a concern – external procedure**

8.1 Whistleblowing to an external body without initially going through the internal procedure is inadvisable without compelling reason. Compelling reasons could be the involvement of senior management or serious health and safety issues.

8.2 The following are external bodies to contact if a staff member feels that it is right to take the matter outside of the school (the list is not exhaustive):

- OFSTED
- Internal Audit Investigations - Education Funding Agency
- Department for Education
- National Audit Office
- Local Councillor
- Health and Safety Executive
- Environment Agency
- Food Standards Agency
- General Social Care Council
- Information Commissioner
- Police
- Fire Brigade

8.3 Further information may be found at:

[www.legislation.gov.uk/ukxi/1999/1549/contents/made](http://www.legislation.gov.uk/ukxi/1999/1549/contents/made)

8.4 If a member of staff does not feel able to raise concerns in the ways outlined above, they should consult the Public Disclosure Act for information about other routes by which a disclosure may be made.

**Written/amended: September 2016**

**Next review date: September 2019**

## Appendix 1: Report Form to Be Used For Public Interest Disclosures

Name of School:

<b>Name</b> (staff member making report – not compulsory but you are encouraged to insert your name)	
<b>Persons reported</b>	
<b>Concerns reported</b> (give full details of the background to the concern including names, dates and places; reasons why you are concerned – attach separate sheet if necessary)	
<b>Date</b>	
<b>Signed</b> (if name appears above)	