

Whistleblowing Policy and Procedure

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P658 Whistleblowing Policy

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This model has been subject to consultation with the recognised trade unions at County level. Any school or academy looking to adopt, or adapt and adopt, as their own should consult recognised trade unions at local level.

Introduction

This school is committed to providing a safe, supportive, open and honest working environment. If you work for (or with) the school, it is important to us that you feel confident and able to raise any concerns that you may have.

You may be concerned about what has happened to you and your colleagues, something you have seen, heard or been asked to do or something that is not happening when it should. It is our aim to continue improving the way we operate and the safety and wellbeing of all those within the workplace. We therefore consider the open and honest raising of concerns to be essential in uncovering or preventing wrongdoing and how we function.

It is natural to feel uncomfortable about raising concerns at work. You may be worried about negativity from peers, your concerns not being taken seriously, or suffering recriminations such as bullying, harassment or even losing your job. The purpose of this policy is to address those concerns and assure you that the school will act upon these with the intention of reaching a resolution. We will listen to and consider any concerns raised under this Policy (or any other) and where appropriate, investigate those concerns without delay and you will always have access to the support you need.

We believe that anyone who raises any type of concern about work that they believe to be

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true, should be treated with respect, and should not suffer as a result.

Through visible leadership at all levels we will actively promote this policy to staff to welcome disclosures, provide training and will act against those who may seek to obstruct or ignore this policy or who harass or victimise anyone raising genuine concerns.

The Headteacher will:

- Lead and re-enforce a culture which promotes openness and transparency
- Lead a co-ordinated, efficient response, ensuring that concerns are fully investigated
- Ensure that action is taken on any findings and any lessons are shared and learned; and
- Provide assurance that those who raise concerns are reassured and that the policy has been followed

1. What is Whistleblowing and what is covered

Whistleblowing is the term used to describe the disclosure of information about suspected wrongdoing or dangers identified at work.

This school believes that anyone who raises any type of concern about work that they believe to be true, should be treated with respect, and should not suffer as a result. Certain types of wrongdoing or dangers that are reported are regarded as being in the public interest. These are specified with The Public Interest Disclosure Act 1998 and Employment Rights Act 1996 and concern the following matters:

- Any criminal offence (such as fraud or theft)
- Any breach of a legal obligation or duty
- A miscarriage of justice
- A danger to the health and safety of any individual
- Dangers to the environment
- Deliberate concealment of information tending to show any of the above five matters

A worker who reasonably believes that one of the above concerns is either happening now, took place in the past, or is likely to happen in the future is making a 'qualifying disclosure' (and discloses information regarding the matter to the appropriate person or body), will be 'protected' from detrimental treatment or victimisation from their employer. These are called "protected disclosures", further information on the protection for workers can be found in section 4 of this policy.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

In some cases, a protected disclosure may be investigated under a separate policy of the school where appropriate, for example, an allegation of sexual harassment is likely to qualify for protection as it will be with reference to an unlawful or potentially criminal act. In these cases, the school's Bullying and Harassment Policy and Grievance policy and procedure will be used as the internal mechanism for dealing with the concern in the first

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instance. The school's Staff Code of Conduct will be considered in all cases.

Other concerns, that may not be qualifying, which however may meet the public interest criteria, could relate to value for money concerns, poor contract management, employment issues or poor standards of behaviour of staff. While these may not have the same legal protection, the school takes these seriously and will investigate with a view to resolving those concerns.

Personal grievances and complaints are not usually covered by whistleblowing law. If you are a member of a professional body, you may have a professional duty to report a concern. If in doubt, please raise it.

2. Raising a concern – who can raise whistleblowing concerns

This policy assists those who work for and/or with the school (workers) to feel confident and secure with reporting any concerns that relate to section 2 above. A worker is regarded as an employee of the school, contractor, consultant, student on work placement, volunteer, casual or agency worker. It also applies to suppliers to the school and to those providing services under a contract with the school in the premises of another contractor. A worker could also be someone working for an organisation working in partnership with the school.

Whistleblowing concerns can be reported to someone within the school, or an external prescribed person or body (see Appendix 1). In addition, you can also blow the whistle to your legal adviser, Trade Union or to your MP.

It is expected that individuals working in the school will raise their concerns with the Headteacher or Chair of Governors but if the worker however, has a concern which they feel they cannot discuss with the management of the school or have good reason to consider that their complaint or disclosure will not be properly handled, then they may report their concerns direct to the County Council or the appropriate prescribed person or body (see Appendix 1).

If the concern relates to a child protection issue this should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in the school's safeguarding policy.

If the school receives any disclosures relating to other organisations/institutions, we will acknowledge these and seek advice on an appropriate course of action on the matters raised.

Any so called 'gagging clauses' in settlement agreements do not prevent workers from making disclosures in the public interest.

Note:- If you are a member of the public and you wish to raise a concern, please speak with the Headteacher (or Chair of Governors if the Headteacher is the subject of the complaint) in the first instance.

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3. Protection for Whistleblowers

(The Public Interest Disclosure Act 1998 (PIDA) governs whistleblowing. PIDA came into force on 2 July 1999. It amends the Employment Rights Act 1996 and protects workers against dismissal or other penalties as a result of making a 'protected disclosure'.)

If a concern (by a worker) is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the discloser raising the concern will be protected by the terms of this policy and, where applicable, by whistleblowing legislation.

Where a discloser has been victimised for raising a concern, the school will take appropriate action against those responsible, in line with the school's disciplinary policy and procedures.

Any disclosure of information received from a worker in relation to section two of this policy is likely to be considered a "Protected Disclosure". This means that workers who disclose information to the school or a prescribed person or body in relation to the types of wrongdoing in section two above are protected by law and; will not be at risk of losing their job or suffering any form of reprisal as a result, so long as:

- The worker making the disclosure has reason to believe the information provided is true.
- The worker does not do so for personal gain.

It does not matter if you are mistaken or if there is an innocent explanation for your concerns.

The school does not require workers to obtain proof of wrongdoing or investigate the matter themselves prior to reporting a concern. We want workers to raise any concerns they have at the earliest opportunity so that they can be considered, and hopefully resolved quickly. The school is committed to dealing with any disclosure appropriately, consistently, fairly and professionally and no-one should feel that any issue or concern is not important enough to be raised.

The school does not tolerate bullying, harassment or victimisation in any form, including to those who raise a concern in connection with the provisions of this policy. Furthermore, we will not tolerate any attempt to bully a worker into not raising any such concern. The school has specific policies in place to deal with this type of behaviour. We consider behaviour of this nature to be a breach of our values and will take the appropriate action against those who fail to meet our behavioural requirements.

Whistleblowing laws provide the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

If you believe you have suffered a detriment for raising a concern under this policy, you should report this to the Headteacher or if the concern is against the Headteacher or a Governor, the matter may be referred to the Governing Board via

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the Chair of Governors or a nominated Governor [school to insert name of governor] who has responsibility for whistleblowing.