Suckley School

Whistleblowing Policy

Responsible Person: H Field
Date Written: January 2019
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Review Schedule: Annually

INTRODUCTION

This policy applies to all employees of the school regardless of whether they are on a permanent, fixed/temporary or casual contract and is closely based on the Liberata's Policy suggested for academies.

People working within organisations are often the first to realise that there may be something seriously wrong in the place where they work. They may fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report a suspicion of malpractice.

Suckley School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees who have serious concerns about the academy to come forward and voice those concerns about specified matters. The aims of the policy are designed to encourage and enable you to be able to raise concerns you might have about the way the academy conducts its business.

Some examples of serious malpractice include conduct which:

- is an offence or a failure to comply with a legal obligation;
- allows miscarriages of justice;
- endangers the health and safety of pupils, members of the public or other employees;
- damages the environment;
- involves the unauthorised use of public funds;
- could be possible fraud and corruption;
- involves sexual or physical abuse or harassment of students or other workers;
- raises any concern over the welfare of pupils or other workers;
- is deliberate concealment of malpractice.

It is not necessary for an employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the school's responsibility to ensure that an investigation takes place.

GUIDING PRINCIPLES

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

An instruction to cover up wrongdoing is in itself a disciplinary matter. If you are told not to raise or pursue any concern, even by a person in authority, you should not agree to remain silent. You should report the matter in accordance with section 3 of this policy.

Harassment or victimisation
Suckley School recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school. The school will not tolerate any such harassment or victimisation

and will take appropriate action to protect those that raise a concern in good faith. In addition the Public Disclosure Act offers protection to employees from suffering a detriment and dismissal when they have 'blown the whistle'. Support is available from the following charity: https://protect-advice.org.uk/

Confidentiality
The school undertakes to protect your identity and won't disclose it without your consent. If the situation arises where it is not possible to pursue your concern without revealing your identity (e.g. the need to give evidence in court or at a disciplinary hearing), the Investigating Officer will discuss this with you and whether it is possible to proceed.

Safeguarding issues
If the concern relates to a safeguarding issue you should inform the Headteacher or Chair of Governors and Vice Chair of Governors, if the Headteacher is involved. They should then immediately contact the Senior Advisor, Safeguarding Children in Education at Worcestershire Children First on **01905 844436**.

Anonymous allegations
Concerns expressed anonymously, may be considered under this whistleblowing procedure, especially those relating to the welfare of children. Suckley School, when determining whether an anonymous allegation will be investigated further, will take the following factors into account:

(i) The seriousness of the issue raised
(ii) The credibility of the concern
(iii) The likelihood of obtaining the necessary information in order to confirm the allegation.

Deliberately false or malicious allegations
The school will consider any deliberately false or malicious allegations it receives as a disciplinary matter.

The role of the Trade Unions
If you are considering raising concerns using this procedure you may wish to seek advice from your trade union representative (if applicable) before doing so.

HOW IS A CONCERN RAISED?

If wrongdoing in the workplace is suspected:

- **Do not** approach or accuse the individual directly;
- **Do not** try to investigate the matter;
- **Do not** convey such suspicions to anyone else other than those with the proper authority but do raise your concern (see below).

As a first step raise the issue with the Headteacher or in the absence of the Headteacher, the person responsible for the school at that time. However, if you believe that the Headteacher is involved in the matter of concern you should contact the Chair of Governors and Vice Chair of Governors. It is expected that the investigating officer will

either be the Headteacher or the Chair of Governors, however they do have the discretion to delegate the investigation to another person if they feel this is appropriate.

Concerns may be raised verbally and/or in writing. When setting out your concern in writing it should include as much detail as possible, for example, set out the background and history of the concern; giving names, dates and places and explaining the reasons for your concerns. If you feel unable to raise the issue directly with the Headteacher or Chair of Governors, you can also ask your trade union or professional association to raise the matter on your behalf or support you in raising the concern.

HOW THE SCHOOL WILL RESPOND

Initially the investigating officer will consider the matter raised and decide whether an investigation is appropriate and if so, what form it should take. It may be appropriate for the investigating officer to initially consider other procedures such as the Allegations of Abuse against Teachers and other Staff (in cases of safeguarding) and immediately contact the Senior Advisor, Safeguarding Children in Education for advice. If the concern is unrelated to a qualifying disclosure then the investigating officer should halt the use of this procedure and instead refer the employee to the grievance and harassment or other relevant procedure.

The Governing Body will be made aware that a concern has been raised.

Written acknowledgement
Once the investigating officer has considered the issue(s) they will write to you within 10 working days of the concern being raised:

(a) acknowledging that the concern has been received;
(b) indicating how they propose to deal with the matter;
(c) giving an estimate (so far is reasonably practical) of how long it will take to provide a final response;
(d) advising whether any initial enquiries have been made;
(e) advising whether further enquiries will take place;
(f) informing you of any support available whilst matters are investigated;
(g) maintaining confidentiality where possible, but explaining that it may not be possible that you remain anonymous.

The investigation process
The investigating officer may decide it is necessary to meet with you to seek further information or for clarification purposes. Where a meeting is arranged you have the right to be accompanied by a trade union representative or a colleague who is not involved in the matter(s) of concern. The investigating officer may also feel it is necessary to collect further evidence and interview witnesses as part of the investigation process.

During the investigation process the investigating officer may feel it is appropriate to refer matters to:

- the EFA (Education Funding Agency), due to concerns about financial loss or irregularity;
- the Police, due to concerns of a criminal nature;

- the Senior Adviser, Safeguarding Children in Education in relation to child safeguarding concerns.

The investigation process would aim to be completed within 20 working days of the matter being raised with the investigating officer, however enquiries may extend beyond this timescale in some more complex cases.

Possible outcomes
Following the investigation process the investigating officer will write up their findings and recommendations and present them, in the form of a report, to the Headteacher, the Chair of Governors and Vice Chair if the Headteacher, Chair of Governors or Vice Chair has not completed the investigation so that they can determine what further action (if any) is required. It may be necessary to refer the matter to other nominated governors to agree actions if the Headteacher and the Chair of Governors are already involved in the issue(s) or investigation.

The investigating officer will determine that either:

(i) there is no evidence to support the matters raised and no further action is required, or
(ii) allegations have been proven and that it is appropriate to take action in accordance with the disciplinary procedure or other relevant action, or
(iii) the outcome is currently unknown because matters have been referred to other parties for further investigation e.g. police, audit, social services, legal, DBS or NCTL (National College for Teaching and Leadership), or
(iv) the allegation is found to be malicious and will be investigated as a conduct issue under the disciplinary procedure.

The school will take appropriate steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the school will arrange for you to receive advice about the procedure.

The school recognises that you need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, you will receive a copy of the report.

HOW CAN THE MATTER BE PURSUED FURTHER?

This policy is intended to provide employees of the school an avenue in which to raise concerns within the school and it is hoped that this will be the option in the first instance.

External Bodies
You are strongly advised to seek independent advice before you raise any issue outside of the school. Advice is available from your trade union (if applicable) or 'Public concern at Work' which is an independent charity who provide confidential advice to workers who are unsure whether or how to raise a public interest concern (telephone 0207 404 6609 or www.pcaw.co.uk)

You can also raise your concern with the proper external regulator. The legislation sets out a number of bodies to which qualifying disclosures may be made. The Department for Business, Innovation and Skills has published guidance detailing the list of the

prescribed persons and bodies to whom employees can make a disclosure. This includes, amongst other bodies:

- The Secretary of State for Education (since 2015)
- The Audit Commission
- The Health and Safety Executive.

For the full list of see *"Whistleblowing: list of prescribed people and bodies"* at www.gov.uk.

An employee can make a disclosure (and still retain protection under the Employment Rights Act 1996) to a non-prescribed person (for example, the police or Ofsted) if certain conditions are met, namely: the worker reasonably believes the information is substantially true; the worker is not making the disclosure for personal gain; and, in all the circumstances, it is reasonable for the worker to make the disclosure. The worker must also: reasonably believe that he or she would be subject to a detriment by the employer if he or she made the disclosure directly to the employer or a prescribed person; reasonably believe that the employer would conceal or destroy evidence if the disclosure were put directly; or have previously made the same disclosure to the employer or a prescribed person to no avail.

The school encourages employees to raise their concerns in accordance with this procedure in the first instance. If, having read this policy, you are uncertain about whether it is the appropriate policy or how to proceed, staff should seek informal advice from Human Resources.

MONITORING ARRANGEMENTS

This policy will be reviewed by the headteacher annually. At every review, the policy will be approved by the governing body.