Suckley School

Whistleblowing Policy

(Adopted from School HR Consultancy Service Worcestershire County Council)

Responsible Person: H Field
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1. Introduction

1.1 The school is committed to the highest standards of openness, probity and accountability. The aim of this policy is to encourage employees and others who have serious concerns about any aspect of the School's work to come forward and voice those concerns. Any victimisation for using the procedure will not be tolerated.

1.2 Whistleblowing is 'making a disclosure in the public interest' and occurs when a concern is raised (i.e. someone 'blows the whistle'), about a certain type of wrongdoing, danger or illegality that affects others, for example members of the public. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client, or any third party. Typically, the whistleblower is not directly, personally affected by the danger or illegality, although they may be.

1.3 **Complaints including personal complaints such as harassment or discrimination are not usually treated as whistleblowing, unless it is in the public interest, and should be raised under the Grievance policy or any other relevant procedure according to the particular circumstance**.

2. Scope

2.1 This policy applies to all school employees including teaching and non-teaching staff.

3. Equality and Diversity

3.1 Equality and diversity underpin all of the school's employment policies, procedures and practices. The school actively promotes equality of opportunity and values diversity among its employees.

4. Principles

4.1 All school employees will be made 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.

4.2 Disclosures should be made in the public interest.

4.3 Headteachers/Governing Body should:

- ensure that any concerns raised are taken seriously
- investigate thoroughly and make an objective assessment of the concern
- keep the individual advised of progress
- ensure action is taken to resolve a concern.

4.4 The Governing Body will specify alternative means for an individual to register concerns with the organisation where they do not wish to approach their Line Manager/Headteacher.

4.5 Any school employee should feel they are able to raise an allegation in good faith and without recourse or being victimised. This means that the continued employment and opportunities for future career progression or training of the employee will not be prejudiced because they have raised a legitimate concern.

4.6 The school recognise 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'.

4.7 If the concern relates to a significant safeguarding issue you should inform the Headteacher or Chair of Governors, if the Headteacher is involved. They should then immediately contact the Local Authority Designated Officer (LADO).

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

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of obtaining the necessary information in order to confirm the allegation.

4.9 Any school employee later found to be maliciously making a false allegation will be referred for action under the Disciplinary Policy as this will be considered a Disciplinary matter. If the individual is a contractor, supplier or is employed by another organisation but working on behalf of the school and they make an allegation maliciously or for personal gain, this may result in them being removed from the approved list of contractors or the school may discontinue using their services.

4.10 An instruction to cover up wrongdoing is in itself a conduct matter. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter in accordance with this policy.

4.11 If misconduct is discovered as part of any investigation under this procedure, the School's Managing Unsatisfactory Performance/Capability policies and Disciplinary policies may be invoked (in addition to any appropriate external measures).

4.12 If an employee is concerned that their own contract has been, or is likely to be, breached, they should use the School's Grievance Policy.

5. Qualifying Disclosures

5.1 Qualifying disclosures are disclosures of information where the employee or worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

6. Protection

6.1 The Employment Rights Acts 1996 and the Public Interest Disclosure Act 1998 gives legal protection to staff (including employment agency supplied workers and those on work experience) against being dismissed or penalised by employers as a result of disclosing information on malpractice, wrongdoing or dangers (a 'qualifying disclosure'). Protection is given to a 'protected disclosure' which is a 'qualifying disclosure' given to particular persons as defined by the legislation, for example the school as employer.

6.2 A disclosure is not protected unless the whistleblower reasonably believes that the disclosure is made in the public interest.

6.3 An employee can make a disclosure, and still retain protection, under the Employment Rights Act 1996, to a non-prescribed person if certain conditions are met, namely:

- the employee reasonably believes the information is substantially true, the employee is not making the disclosure for personal gain, and, in all the circumstances, it is reasonable for the employee to make the disclosure.
- The employee must also reasonably believe that they would be subject to a detriment by the employer if they made the disclosure directly to the employer or a prescribed person and/or the employee reasonably believes 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.

6.4 Notwithstanding legal protection for a whistleblower, any victimisation of an employee for raising a protected disclosure will be considered a conduct matter by the school and dealt with accordingly under the Disciplinary Policy.

7. Raising a Concern

7.1 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).

7.2 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.

7.3 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.

7.4 Concerns can be raised by telephone, in person or in writing, but preferably in writing with the employees' line manager. The earlier the concern is expressed, the easier it is to take action. There will be a need to provide the following information:

- The nature of the concern and it is believed it to be true,
- The background and history of the concern (giving relevant dates).

Also, that they:

- 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.

7.5 Although the employee is not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that they have a genuine concern relating to suspected wrongdoing or malpractice within the school and there are reasonable grounds for the concern.

7.6 If personally involved in the matter, the employee should make this clear from the outset.

7.7 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.

8. How will the school respond?

8.1 The school will respond to concerns as quickly as possible. The overriding principle will be the public interest. To be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made by the Headteacher / Chair of Governors to decide whether an investigation is appropriate and, if so, what form it should take and who will carry out the investigation.

8.2 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 Local Authority Designated Officer (LADO).

8.3 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.

8.4 Once the investigating officer has considered the issue they will write to the whistleblower in a timely manner:

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

8.5 The amount of contact between with the whistleblower and the investigating officer will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information. It is likely that the whistleblower will be interviewed to ensure that their disclosure is fully understood. Any meeting can be arranged away from the workplace, if wished, and a union representative or a colleague may accompany the whistleblower. The investigating officer may also feel it is necessary to collect further evidence and interview witnesses as part of the investigation process.

8.6 The school undertakes to protect the whistleblower's identity and will not disclose it without consent. If the situation arises where it is not possible to pursue the concern without revealing their identity (e.g. where there is a need to give evidence in court or at a conduct hearing), the investigating officer will consider how and if it can proceed.

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

- The CEO of the Trust (if applicable)
- The Police due to concerns of a criminal nature;
- Local Authority Designated Officer (LADO)
- Assistant Director Education, Early Years, Inclusion and Pupil Place Planning of Worcestershire County Council (if the school is in Worcestershire)

8.8 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.

8.9 The investigating officer will write up their findings and recommendations and present them, in the form of a report, to the Headteacher and the Chair of Governors if the Headteacher of Chair of Governors has not completed the investigation so that they can determine what further action (if any) is required.

8.10 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.

8.11 The investigating officer will determine that either:

- there is no evidence to support the matters raised and no further action is required, **or**
- allegations have been proven and that it is appropriate to take action in accordance with the disciplinary procedure or other relevant action, **or**
- 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 TRA (Teachers Regulation Agency), **or**
- the allegation is found to be malicious and will be investigated as a conduct issue under the disciplinary procedure.

8.12 The school will do what it can to minimise any difficulties that the employee may experience as a result of raising a concern. For instance, where asked to give evidence in criminal or disciplinary proceedings, the school will arrange for the employee to receive appropriate advice and support.

8.13 Unless there are any legal reasons preventing the school from doing so, the employee will be kept informed of the progress and outcome of any investigation.

9. How can matters be pursued further?

9.1 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.

9.2 However, if you feel that you are unable to discuss matters with the Headteacher or Chair of Governors or you feel that they have not investigated your concerns sufficiently, then you may wish to raise the matter with the Local Authority (Assistant Director Education, Early Years, Inclusion and Pupil Place Planning of WCC if a Worcestershire school) and/or the Secretary of State for Education.

10. External Bodies

10.1 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 020 3117 2520 or Advice Line | Protect - Speak up stop harm (protect-advice.org.uk))

10.2 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.

10.3 For the full list of see "Whistleblowing: list of prescribed people and bodies" at Whistleblowing: list of prescribed people and bodies - GOV.UK

10.4 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, please feel free to seek informal advice from The Schools HR Consultancy.

11. Further Advice

For further advice, please contact the Schools HR Consultancy Team on 01905 844560 or via SchoolsHRconsultancy@worcestershire.gov.uk

12. Monitoring Arrangements

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