

Schools HR

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Whistleblowing Policy For Southlands Schools

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1. Introduction

101 The governing body is committed to maintaining a culture of openness, accountability and integrity. We seek to ensure that employees and workers at the school feel secure in raising concerns about any activity which may harm individuals or undermine the school. The school has adopted this Whistle Blowing policy to provide clear guidance to those who may need to raise concerns. This policy and procedure has been prepared in accordance with the Public Interest Disclosure Act 1998 and DfE guidance for schools.

2. Purpose

201 The Governing Body expects its employees, and others involved in the work of the school, who have serious concerns about any aspect of the school's work to come forward and raise those concerns.

202 An employee may be the first person to realise that there could be something seriously wrong within the school. However, they may feel that speaking up would be disloyal to colleagues or to the school. They may also fear harassment or victimisation.

203 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised any concern in good faith.

3 Application of policy

301 All employees and workers at the school have a responsibility for whistleblowing. The purpose of this policy and procedure is to make it clear that employees can raise concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. Employees are encouraged to raise serious concerns in the first instance **within** the school rather than overlooking a problem or 'blowing the whistle' outside, and it is preferred that the matter is raised when it is just a concern rather than waiting for proof.

302 This policy and procedure applies to all employees and those working for the school, for example, agency staff. It also covers those providing services under a contract with the school and organisations working in partnership with the school.

303 The school recognises that employees may wish to seek advice and be supported by their trade union representative when raising a concern and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the policy and procedure will not suffer detriment in their employment with the school.

4 **Scope**

401 This policy and procedure is intended to cover concerns that fall outside the scope of other procedures, including the school's complaints procedure and grievance policy.

This policy should be used for concerns about:-

- any unlawful act, whether criminal or a breach of civil law;
- maladministration, as defined by the Local Government Ombudsman
- breach of any statutory code of practice
- breach of, or failure to implement or comply with, Financial Regulations or Standing Orders
- any failure to comply with appropriate professional standards
- fraud, corruption or dishonesty
- actions which are likely to cause physical/mental/psychological danger to any person, or to give rise to a risk of significant damage to property
- loss of income to the school
- abuse of power, or the use of the school's powers and authority for any unauthorised or ulterior purpose
- discrimination in the provision of education
- any other matter that staff consider they cannot raise by any other procedure

402 It should be emphasised that this policy and procedure is intended to assist employees or workers who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the school nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

5 **Protection**

501 It can be difficult for an employee or worker to make the decision to report a concern. If a concern is raised in good faith and based on reasonable belief, there should be nothing to fear.

502 The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an individual when they raise a concern even if they are genuinely mistaken in their concerns. Any harassment or victimisation of a whistle blower would result in disciplinary action against the person responsible.

503 Under The Public Interest Disclosure Act 1998, workers are protected from dismissal or other detriment as long as they follow their employers whistleblowing procedure.

504 Any investigations arising from whistleblowing will not influence or be influenced by any other procedures to which an employee may be subject.

505 If an employee's concern is not confirmed by the investigation, no action will be taken against them. If, however it is determined through an investigation that an employee made an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

6 **How to raise a concern**

601 It is hoped that in most cases an employee/worker will feel able to raise any concerns internally with the Head teacher, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively.

602 Where the concern relates to the Head teacher the employee/worker should raise the concern with the Chair of Governors.

603 The Head teacher (or Chair of Governors) will meet with the employee/worker as soon as practicable to discuss their concern. Recording sufficient details to enable the matter to be thoroughly investigated. As a minimum, they will record the name of the employee/worker but also indicate whether the individual wishes his or her identity to remain confidential and the nature of the concern

604 It may not always be possible to maintain confidentiality and the Head teacher (or Chair of Governors) should explain this to the employee/worker. In such instances, the employee/worker will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

605 The employee may bring a colleague or trade union representative to any meetings under this policy. The confidentiality of the disclosure and any subsequent investigation must be respected.

606 The Head teacher (or Chair of Governors) will take notes and produce a written summary of the concern raised and provide the employee/worker with a copy as soon as practicable after the meeting, along with an indication of how they propose to deal with the matter, where possible.

7 **Concerns relating to Governors**

701 If a concern against a Governor is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. Such a concern would normally be raised with the Chair of Governors. Where the concern relates to the Chair of Governors, it should be taken via the Local Authority.

8. **Investigating a disclosure**

801 Once an employee/worker has raised a concern, the Head teacher (or Chair of Governors) will carry out, within 10 working days, an initial assessment to determine the scope of any investigation. The employee/worker will be informed of the outcome of this assessment. The employee/worker raising the concern may be required to attend additional meetings in order to provide further information.

- 802 The Head teacher (or Chair of Governors) may consider it appropriate to refer the concern to an external agency for consideration in advance of any internal investigation. This may be appropriate where concerns about child safeguarding, potential criminal activity or unsafe working practices are raised. Where this is deemed appropriate, no further internal investigation should be undertaken until clearance is given.
- 803 Where necessary, the school may appoint an investigator or team of investigators, including those with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the school to minimise the risk of future wrongdoing.
- 804 The Head teacher (or Chair of Governors) will aim to keep the employee/worker informed of the progress of the investigation and likely timescale. Sometimes the need for confidentiality may mean that the employee/worker cannot be given specific details of the investigation or any disciplinary action taken as a result. The employee/worker is required to treat any information about the investigation as strictly confidential.
- 805 If it is concluded that an employee/worker has made false allegations maliciously, in bad faith or with a view to personal gain, they will be subject to disciplinary action under the school's disciplinary policy and procedure.
- 806 Whilst it cannot always be guaranteed that the outcome will be in line with the employee's/worker's expectation, concerns will be dealt with fairly and in an appropriate way.
- 807 There is no right of appeal against any decisions taken under this policy and procedure.

9 External disclosure

901 Employees or workers who believe that the matter has not been taken seriously or is being covered up may choose to report the concern externally to an appropriate body details of which are shown below:

- the Local Authority
- a Prescribed Person or Body (eg. Ofsted, Education Funding Agency, Children Commissioner or NSPCC - <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>)

10. Confidentiality

1001 The Governing Body view confidentiality as a two way process and will endeavour to maintain this approach, though they recognise this cannot always be guaranteed. In return we would expect concerns the employee/worker has raised through this policy will remain equally confidential until there has been an opportunity for their assessment.

1002 All concerns will be treated in confidence and every effort will be made not to

reveal the identity of the employee/worker raising the concern if that is their wish. If the school are not able to resolve the employee's/worker's concern without revealing their identity, it will be discussed with them beforehand.

1003 The Governing Body also wishes to state that although a concern may also be raised anonymously, it may impede the designated managers ability to undertake a thorough assessment if the employee/worker chooses to do so. The Governing Body would hope that the protection provided by this policy would negate the need for such actions. Concerns expressed anonymously are much less powerful but may be considered by the school taking into account:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

The Head teacher or Chair of Governors will decide in each case whether a complaint made anonymously should be investigated

11. **Support and Advice**

1101 If the employee/worker is unsure and wishes to seek support they may wish to speak to their trade union.

If the employee/worker wishes to access advice then they may wish to speak to the Public Concern at Work charity via e-mail whistle@pcaw.org.uk or telephone (020 7404 6609).

12. **Report to Governing Body**

1201 The Head teacher will report to governors the outcome of whistle blowing investigations, anonymising the detail but confirming the outcome and any school actions arising from the investigation.