

## Whistleblowing Policy

*Last review: January 2019*

### Introduction

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or malpractice within the school which has affected/is affecting any of the school's activities.

Malpractice is not easily defined. It will include, but is not limited to, for example, allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of ethics, criminal activities, failing to comply with a legal obligation, a miscarriage of justice, creating or ignoring a serious risk to health, safety or the environment.

Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 ("PIDA")**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

This policy applies to all school staff including full and part time employees, casual workers, temporary and substitute staff, volunteers and to individuals undertaking work experience in the school.

### Aims and Scope of Policy

The Governing Body is committed to high standards in all aspects of the Academy and will treat whistleblowing as a serious matter. In line with the Governing Body's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns;
- provide members of staff with avenues to raise concerns outside of the normal line management structure, where this is appropriate;
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken, if appropriate; and
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

This procedure is in place to enable members of staff to express a legitimate concern regarding suspected malpractice within the school. It is separate from the school's adopted procedures regarding grievances. Members of staff should not use the whistleblowing procedure to raise grievances about their personal employment situation. If an individual is unsure whether something is within the scope of this procedure, they should seek advice from the Headteacher or the Chair of Governors.

### Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this Procedure. However, the Governing Body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However, confidentiality cannot be guaranteed.

Investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If it is necessary for anyone investigating the concern to know an individual's identity, this will be discussed with them.

If there is evidence of criminal activity, the Police will be informed in all cases and if the investigation leads to prosecution, it is possible that the whistleblower will be called to give evidence in court.

### **Anonymous Allegations**

We do not encourage staff to make disclosures anonymously and ask staff to put their name to allegations whenever possible – anonymous concerns are much less powerful. Proper investigation may be more difficult, or impossible, if the Governing Body cannot obtain further information from the whistleblower. It is also difficult to assess the credibility of the allegations.

Nonetheless, anonymous allegations may be considered under this Whistleblowing Policy, especially concerns raised relating to the welfare of children.

In relation to determining whether an anonymous allegation will be taken forward the Governing Body will take the following factors into account:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the Headteacher or Chair of Governors and appropriate measures can then be taken to preserve confidentiality as far as possible. If members of staff are in any doubt, they can seek advice from Protect, the independent whistleblowing charity, who operate a confidential helpline. Their contact details are set out below.

### **Safeguard Against Reprisal, Harassment and Victimisation**

The Governing Body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the Whistleblowing Policy will be dealt with under the school's Disciplinary Procedure.

### **Untrue and Malicious/Vexatious Allegations**

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action taken. No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, provided they do so in good faith and following the procedures outlined in this Policy. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain, the matter will be dealt with in accordance with the school's Disciplinary Procedure.

### **Allegations Concerning Child Protection Issues**

If a member of staff raises a concern related to a child protection issue, the Headteacher or Chair of Governors (if the concern is about the Headteacher) should urgently consult the LA Officer designated to lead on child protection (Local Authority Designated Officer (LADO) - 01452 4269944). However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the Child Protection Officer either before raising their concern with the Governing Body or where the Headteacher or Chair of Governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

### **Procedure for Making a Whistleblowing Allegation Internally**

Concerns should be expressed in writing to the Headteacher. If the concern involves the Headteacher, or if the person expressing the concern feels unable to approach the Headteacher directly, then the Chair of Governors should be the first point of contact. It is expected that the person receiving the allegation will become the investigating officer. However it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

Where the concern relates to a Child Protection matter, if an individual does not want to raise it through the Academy, they must consult the LA officer designated to lead on safeguarding (LADO). If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

Where possible, the concern should be in writing and set out the background and history of the concern; giving names, dates and places, and explaining the reason for the concerns. If an individual feels unable to put the matter in writing, they can still raise the concern verbally and should telephone or arrange to meet the appropriate person. They can also ask their trade union or professional association to raise the matter on their behalf or to support them in raising the concern.

If the first point of contact is the Headteacher, they will inform the Chair of Governors without delay that a whistleblowing issue has been received irrespective of any further action is taken or not. If the first point of contact is the Chair of Governors, they will inform the Vice-Chair of Governors as above.

A meeting will be arranged with the member of staff as soon as possible to discuss their concern. Staff may bring a colleague or trade union representative to any meetings under this procedure. Any companion must respect the confidentiality of the disclosure and any subsequent investigation. The individual may be required to attend additional meetings in order to provide further information as the concerns are investigated.

Any concern raised will be investigated in a timely manner and the individual will be kept updated, where possible and appropriate. Any information provided should be treated as confidential.

### **Raising a Whistleblowing Allegation Externally**

Under the PIDA, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the individual reasonably believes:

- that exceptionally serious circumstances justify it;
- that the school would conceal or destroy the relevant evidence;
- they would be victimised by the school; or
- where the Secretary of State has ordered it.

In these circumstances staff may report their concerns to other whistleblowing channels, such as:

- Protect, an independent whistleblowing charity, previously known as Public Concern at Work (helpline: 020 3117 2502, email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk), website: [www.pcaw.co.uk](http://www.pcaw.co.uk)).
- The NSPCC whistleblowing helpline (telephone: 0800 028 0285 or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)).

### **Response to Whistleblowing**

The matter raised may:

- need investigation internally in the school;
- need to be passed to the Police if it relates to alleged criminal activity;
- need to be passed to the person in the LA who deals with complaints about financial management or financial propriety in schools; or
- need to be referred to the LA Officer designated to lead on safeguarding (LADO) if there is a concern relating to child protection.

At this stage concerns/allegations are neither accepted nor rejected.

### **The Investigation Report**

Following completion of the investigation, the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. Where possible, the whistleblower will be notified of the outcome.

## **Unsatisfactory Investigation and/or Outcome**

Where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue).

*Associated policies:      Safeguarding  
   Child Protection*

*Reviewed by Harrison Clark Rickerbys and approved by Finance and Staffing Committee: January 2019*

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