

Whistleblowing Policy

Reviewed	November 2022	Leader of Policy Review	Mr S Budgen
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1. Introduction

1.1 Whistleblowing has been defined as:

‘the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’. The disclosure must be in the public interest, meaning it must affect others, for example the general public.

1.2 Statutory protection for employees who whistleblow is provided by the Employment Rights Act 1996, namely “Part IVA: protected disclosures”. Part IVA protects employees against victimisation if they make a protected disclosure 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.

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

2. Aims and Scope of Policy

2.1 The governing body is committed to high standards in all aspects of the school 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.

2.2 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
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within Part IVA

2.3 This policy covers whistleblowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues, including risks to the public as well as risks to pupils and members of staff

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- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- harassment related to the protected characteristics – age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation
- any attempt to prevent disclosure of any of the issues listed.

2.4 Part IVA: protected disclosures sets out the full statutory rights and obligations of members of staff wishing to whistleblow. Where members of staff are unclear about any of the Part IVA requirements they should seek further advice. Protect is an independent charity that provides free advice for persons who wish to express concerns about fraud or other serious malpractice (telephone 020 3117 2520 or protect-advice.org.uk). Members of staff could also approach their trade union for further advice.

3. Safeguard Against Reprisal, Harassment and Victimisation

3.1 The governing body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with Part IVA 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 governing body's staff disciplinary procedures.

3.2 Part IVA provides protection to employees in circumstances where their disclosure can be classed as a protected disclosure. Under Part IVA it would be automatically unfair to dismiss or make any employee/member of staff redundant because they had made a protected disclosure, and it would be unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action an Employment Tribunal has the power to order re-instatement, re-engagement or order the award of compensation to successful claimants.

4. Confidentiality

4.1 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.

4.2 However, 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 the investigation leads to prosecution, the whistleblower is likely to be called in to give evidence in court.

4.3 The governing body will not place members of staff under pressure to give their name and will give due consideration to proceeding with investigating the concern on the basis of an anonymous allegation.

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5. Anonymous Allegations

5.1 Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless, anonymous allegations may be considered under this whistleblowing procedure, 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
- the likelihood of confirming the allegation from attributable sources and obtaining information provided.

6. Untrue and Malicious/Vexatious Allegations

6.1 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. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain, then the governing body will consider taking disciplinary action against the member of staff who made the allegations.

7. Allegations Concerning Child Protection Issues

7.1 If a member of staff raises a concern related to a child protection issue, the headteacher or chair of governors must not undertake their own internal child protection enquiries but should urgently consult the LA Designated Officer for Child Protection (sometimes known as the LADO) responsible for providing advice and monitoring cases (or if they are not available the designated manager for child protection in the authority's social services department or the police) so that the action for the handling of such allegations under the school's disciplinary procedure for staff and the child protection procedures can be initiated.

7.2 However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the social services designated manager or the police 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.

7.3 If the concern involves a member of staff, internal decisions must not be made about whether it is a disciplinary issue or a child protection matter. Schools should be mindful that the police have statutory powers and responsibility for determining whether a criminal investigation is to be undertaken.

8. Procedure for Making a Whistleblowing Allegation

8.1 Concerns should be expressed in writing to the Headteacher. If the concerns involve the Headteacher, 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.

8.2 If you feel you cannot express your concerns within the school, it is open to you to raise your concern with someone outside the school setting from the list of organisations in the section of this

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policy 'Taking the Matter Further'. However, it would usually be expected that the Chief Education Officer would be the person to whom you express your concerns outside of the school.

8.3 Where the concern relates to a child protection matter, if you do not want to raise this through the school, you must consult the LEA officer designated to lead on child protection or if that person is not available, the local authority's designated social services manager for child protection. 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.

8.4 Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

9 Response to Whistleblowing

9.1 The matter raised may:

- need inquiry 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 LEA who deals with complaints about financial management or financial propriety in schools.
- need to be referred to the LEA officer designated to lead on child protection if there is a concern relating to child protection, or if that person is not available the local authority's designated social services manager for child protection.

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

10. Timescale for Response

10.1 You will normally receive a written response within 5 working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing you of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

11. The Inquiry Process

11.1 The investigation officer will:

- look into the allegation - seeking evidence and interviewing witnesses as necessary.
- maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain anonymous.

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- if appropriate, bring the matter to the attention of the LEA person dealing with complaints about financial management of schools.
 - if appropriate, for concerns of criminal behaviour refer the matter to the Police.
 - if appropriate, for concerns of child protection, refer the matter to the LEA officer designated to lead on child protection/local authority social services designated manager for child protection. 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.
- 11.2 If the investigating officer needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.
- 11.3 The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

12. The Inquiry Report

- 12.1 Following completion of the inquiry process the person appointed [name/status] will make a written report and submit to the chair of the governing body normally within 5 working days. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.
- 12.2 Following receipt of the inquiry report, the chair of governors will convene a committee with at least one other governor and an independent person from outside the governing body, for example, the LA or a governor of another school to consider the inquiry report and decide on the action to be taken. This should normally take place within 5 - 10 working days following receipt of the inquiry report.
- 12.3 Following notification of the committee's decision, the chair of governors will notify you of the outcome normally within 5 working days (except in relation to anonymous allegations), setting out the action to be taken or that no further action is to be taken and the reasons why.

13. TAKING THE MATTER FURTHER

- 13.1 If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the governing body's complaints procedure or raise your concerns with other organisations as listed below:
- the local authority
 - a relevant professional body or regulatory organisation (eg EWC)
 - the Children's Commissioner for Wales
 - the Public Services Ombudsman for Wales
 - the Care Inspectorate for Wales
 - a solicitor
 - the Police - for concerns of criminal behaviour
 - a trade union or professional association
 - Protect (The UK's whistleblowing charity that provides free advice. Telephone 020 3117 2520 protect-advice.org.uk).
 - or such other appropriate person as the circumstances may require

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Administration Use	
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