



## Whistleblowing Procedure

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### 1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff know how to raise concerns about potential wrongdoing
- Set clear procedures for how the school will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This procedure does not form part of any employee's contract of employment and may be amended at any time. The procedure applies to all employees or other workers who provide services to the school in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out by the [Department for Education](#) and [Keeping Children Safe in Education](#) says that all schools **should** have appropriate whistle-blowing procedures (paragraph 76). We also take into account the [Public Interest Disclosure Act 1998](#).

## 3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils’ or staffs’ health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the school count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

The procedures for allegations of abuse made against school staff in relation to their work with children is set out in appendix 3 of the schools Child Protection and Safeguarding Policy.

## 4. Procedure for staff to raise a whistle-blowing concern

### 4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

Concerns may be raised in order to:

- Protect or reduce risk to others.
- Prevent the problem worsening or widening.

- Prevent become implicated yourself.

## **4.2 Who to report to**

As a first step, staff should raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if staff believe that their immediate manager or their manager's superior is involved, they should approach the Head Teacher or Chair of Governors.

Staff can by-pass the direct management line and the Governing Body if they feel that the overall management and Governing Body of a school is engaged in an improper course of action. In this case please refer to part 7.

In some instances, it may be appropriate for staff to ask their trade union to raise a matter on their behalf.

## **4.3 How to raise the concern**

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter. If staff do not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, staff make it clear that they are raising the issue via the whistle-blowing procedure.

# **5. Responding to a whistle-blowing concern**

## **5.1 Investigating the concern**

When a concern is received by a manager or leader- referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information in writing, including:
  - the background and history of the concerns;
  - names, dates and places (where possible);
  - the reasons why the employee is particularly concerned about the situation.
- Ensure that the concern is of a whistle-blowing nature, otherwise the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation.

If there is, the recipient will explain to person raising the concern:

- what steps they intends to take to address the concern;
- how they will communicate with them during and at the end of the process; and that a written response will be sent out within ten working days.

- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.
- that the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and they will be expected not to raise the concern again, unless new evidence becomes available.

If there is, the recipient will arrange a further investigation into the matter, involving the Head Teacher and Chair of Governors. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police. The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

## **5.2 Outcome of the investigation**

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the head teacher, governors and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

## **6. Malicious or vexatious allegations**

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the person making the allegation.

## 7. Escalating concerns beyond the trust

The school encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with are:

- ‘Public Concern at Work\*’ <http://www.pcaaw.co.uk>
- recognised trade union;
- LADO 03003008142
- relevant professional bodies or regulatory organisations;
- a solicitor;

Staff must be aware that if they choose to take a concern outside the school, it is their responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

*\*Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

## 8. Links with policies

This procedure links with our policies on:

- Child protection and safeguarding policy
- Staff grievance policy
- Complaints procedure