



## Whistleblowing Policy.

Headteacher signature	L Harvey
School Governance Signature (Chair of Management Team)	M Crouch
Date of latest review	May 2019
Regularity of review	Every 2 years

## **Statement of intent**

It is our intention that staff working for Dame Catherine Harpur's School and Nursery feel confident about coming forward and reporting any issues/concerns that they may have regarding the areas below, whilst remaining protected from any subsequent discrimination.

The School is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the School's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

## **Aims**

Ensure staff understand their responsibilities and feel confident in raising and reporting a serious concern at the earliest opportunity

Provide avenues for staff to raise concerns and receive feedback on any action taken

Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied

Reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosures in good faith

Any concerns can be reported without this leading to any harassment or victimisation, and every effort will be made to keep both the concern and the member of staff's identity confidential

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Governors, Headteacher, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

### **What is whistleblowing? What should be reported?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- The inappropriate treatment or care of a child – If it is a Safeguarding Concern the Allegations Against Staff section of our Safeguarding Procedure will be used.
- Any breach in the behaviour of the Headteacher, staff, students or volunteers
- Discrimination of any kind
- Concerns that could impact on the health and safety of the children or adults
- Inappropriate use of settings assets
- Decision making for personal gain
- Abuse of position
- Inappropriate use of budget
- Deceit
- Tampering with documents

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

If Staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher and if the matter is in relation to an alleged wrongdoing by the Headteacher or Headteacher then Staff should seek the advice of the Designated Governor.

### **Methods of reporting**

A concern can be initially raised by any staff member to the Headteacher. In the event the concern is about the Headteacher, the Chair of the School Management Team should be contacted

The School hopes that in many cases Staff will be able to raise any concerns with the Headteacher, 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.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the

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The Headteacher / Chair will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Headteacher will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases it will not be possible to maintain confidentiality and the Headteacher should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

There is no expectation that staff prove beyond a doubt the truth of their suspicion, however they will need to demonstrate that they are acting in good faith and there are reasonable grounds for their concern

All employees will be treated fairly

### **Concerns against Governors**

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. The concern will be raised by the Headteacher with the Chair who will decide how it should be dealt with.

If the concern is against the Chair then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Headteacher who will decide in consultation with the Headteacher and the Governor with responsibility for Whistleblowing matters how it should be dealt with. In normal circumstances such a concern would be referred to the Department for Education for action.

## **External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases Staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows Staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, Staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

## **Dealing with concerns.**

Once a member of Staff has raised a concern, the School will carry out an initial inquiries to determine whether an investigation is appropriate and if so what form it should take.

Within ten working days of the concern being raised, the member of staff will receive in writing:

- a. Acknowledgement that the concern has been received and indication as to how the setting will proceed to deal with the matter
- b. Information on staff support mechanisms
- c. Information as to whether any further investigation will take place and if not, why not.

It may be necessary for the school to interview staff to ensure that their disclosure is fully understood. Any meeting can be arranged away from the workplace, if so wished, and a representative or a friend may accompany the involved member of staff for support.

If there are any difficulties experienced as a result of raising a concern, support will be offered.

Should an investigation be necessary, the incident could be investigated by the Headteacher/ Chair or panel of Governors (School Management Team) as recommended as part of the initial enquiries.

If it is a Safeguarding concern, Safeguarding procedures will be followed including those already mentioned that relate to allegations against staff and may form the subject of an independent inquiry

In rare cases the School may appoint an investigator or team of investigators including Staff 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.

The School will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the School concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the School will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

### **Confidentiality**

The School hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's identity, the School will discuss this with the member of staff first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'whistleblower's who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Headteacher knows or has a suspicion that an employee comes into this category then s/he will take advice from the Designated Governor who will help to determine what action should be taken. If a member of staff makes an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action may be taken. The public Interest Disclosure Act 1998 seeks to protect employees from discrimination as a result of "blowing the whistle" on their organisation, or individuals within it, through amendments to employment law.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work (Independent whistle blowing charity)

Helpline: 020 7404 6609    E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)    Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

### **Appeal**

An employee or the Headteacher will have the right to refer any particular case to the Designated Governor for review.

Where, at the end of the process, the whistleblower (or any other person covered by the Act) is not satisfied with how the disclosure has been handled, they may refer the matter to the most appropriate person/body listed on the gov.uk website:

<http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribedpeople-and-bodies>

As with internal disclosure, before referring the matter on to one of these bodies, colleagues should consider carefully whether, or not, they honestly and reasonably believe that the concerns are well founded and that the allegations they are about to make are substantially true.