Littledean Church of England Primary School

Whistleblowing Policy

At Littledean C of E Primary School we are committed to open and honest communication and ensuring the highest possible standards in integrity- we will always treat whistleblowing as a serious matter.

In line with the school's commitment to opens, probity and accountability, members of staff ae encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects something is wrong, they will raise this with the school. This is known as 'blowing the whistle' – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns what procedures are in place to deal with the concern.

Legal Framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

This policy has been created with regard to the following guidance documents:

- 'Whistleblowing for employees' DfE (2014)
- 'Freedom to speak up report' Sir Robert Francis (2015)

The Public Interest Disclosure Act 1998 (PIDA) protects employees who 'blow the whistle' where the employee reasonably believes that the disclosure falls within the remit of the prescribes person or body and that the information and any allegations are substantially true.

Disclosures made under this procedure will be monitored for statistical purposes are required under the PIDA. The details of any disclosure will remain confidential.

Any member of the school community or the general public is able to 'blow the whistle'; however, the PIDA only protects employees.

Definitions

Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

Qualifying disclosures pertain to when any of the following take place:

- A criminal offence has been committed, it is likely to be committed or is being committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health and safety of an individual has been, is being or is likely to be endangered.
- The environment has been, is being, or is likely to be damaged.
- Information tending to show any mater falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public.

The following considerations are often used as a test to stablish whether something is within the scope of public interest:

- The number of people in the group whose interested the disclosure served.
- The nature of the interests and the extent by which individuals area affected by the wrongdoing disclosed.
- The nature of the wrongdoing disclosed.
- The identity of the alleged wrongdoer.

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

Scope of the Policy

This policy will:

- Give confidence to members of the school community when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of the school community with avenues to raise concerns.
- Ensure that members of the school community receive a response to the concerns that they raise and feedback on any actions taken as a result.
- Offer assurances that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Employees of the school
- Employees of contractors working for the school, for example agency staff, builders etc…
- Employees of suppliers
- Voluntary workers
- Trainees, such as student teachers
- Pupils
- The wider community
- Governors

Harassment and Victimisation of Staff

The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate actions to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Procedure and Policy.

Non-Employees
The PIDA and the Employment Rights Act 1996 **do not** protect non-employees as far as whistleblowing is concerned. However, regardless of this fact, the school will not allow harassment, dismissal or exclusion of any non-employee who raises a genuine concern. Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedure and Policy.
Governors are not employees and, while they are responsible for ensuring there is whistleblowing policy in place, they are not protected under the PIDA.

Good Practice Principles
The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a **culture of change** by ensuring the following principles are reflected in our practice – there will be a culture:

- Of safety in the school
- Where people feel confident with raising concerns
- Free from bullying
- Of visible leadership
- Of valuing staff
- Of reflective practice

The school will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support for staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

Procedure
When raising concerns, individuals will express them in writing to the Head Teacher. If an individual is raising a concern about the Head Teacher, they should express their concerns in writing to the Chair of Governors. Where this is the case the Chair of Governors will take on the duties regarding investigation that would normally be carried out by the Head Teacher.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries, www.protect-advice.org.uk or 020 31172520.

Once a concern has been raised, the school will be responsible for investigating it.

In certain instances in might be appropriate for an individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

Next Steps

The Head Teacher will write to the individual within 10 working days of the initial communication to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Head Teacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

The Head Teacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any disciplinary action taken as a result of the concern.
- That the complainant's identify will be kept confidential from the alleged wrongdoer.
- That the Governing Body will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.
- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the final outcome. A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Retention and Destruction Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent enquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff who is not involved in the areas of work the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

What the School Asks of You

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal, therefore, it is imperative that whistleblowers:

- Do not take the concern outside of the school e.g. sharing information on social media or talking about it with friends.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

Appeal Process
If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Procedure and Policy.

Unfair Treatment
An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

Any claims of unfair dismissal need to be made within three months of the investigation ending.

This policy should be read in conjunction with the following policies:

- Child Protection/Safeguarding
- Complaints Procedure and Policy
- Confidentiality
- Data Protection

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