

Whistleblowing Policy

Approved by: Board of Trustees on: 5th July 2018

Policy in effect from: 1st September 2018

Date of next scheduled review: July 2019

1. Introduction

Whistleblowing is the act of telling the authorities or the public that the organisation you are working for is doing something immoral or illegal.

You're a whistleblower if you're a worker and you report certain types of wrongdoing. The wrongdoing you disclose must be in the public interest. This means it must affect others, eg the general public.

The principles of whistleblowing and the protections offered to individuals that report such concerns are set out in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998.

This policy sets out what workers should do if they have a concern relating to the school which they wish to report and how leaders and local governors/trustees will respond.

This policy applies to all staff and provides a framework for reporting concerns in a professional manner with due protection from any reprisals or victimisation. As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

When individuals report issues, they are contributing to the overall effectiveness of the school, the quality of education provided and the safety of the children in the school. Reporting issues allows for reflection and action to facilitate ongoing school improvement.

2. The kinds of concerns covered by this policy

2.1 The alleged wrongdoing must be something in the **public interest** - this means it must affect others, e.g. the general public.

2.2 Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, e.g. fraud
- there is a health and safety risk to the public as well as other employees
- risk or actual damage to the environment
- a miscarriage of justice
- the school is breaking the law, e.g. it doesn't have the right insurance
- you believe someone is covering up wrongdoing.

2.3 This policy does not cover personal workplace grievances which are not in the public interest. Personal grievances (e.g. bullying, harassment, discrimination) aren't usually covered by whistleblowing law. These should be resolved in accordance with the school's grievance procedure. Concerns about health and safety which do not affect the public should be reported in accordance with the school Health and Safety Policy.

3. Reporting a concern

3.1 **Who should report:** All staff have a duty to report any concerns they may have about activities or incidents within the school. Everyone working in school is in a position to identify unsafe or inappropriate practice, to spot where things could be improved and identify if mistakes have been made.

3.2 **When to report it:** You can raise a concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future. Ideally you should act as soon as possible after the concern arises. The earlier you report your concern, the easier it will be for the school to take action.

- 3.3 **Who to report it to:** We encourage staff to raise concerns within the school in order for those in leadership and governance positions to respond. The leadership team and governors/trustees cannot take action if they are not made aware of things that may be going wrong.
- The first point of contact for any concern is your line manager.
 - If your concerns relate to your line manager, then you may instead wish to report these to a more senior manager or the headteacher.
 - Concerns about the headteacher should be reported to the chair of the local governing body.
 - Concerns about the local governing body may be raised with the chair of trustees.
 - Concerns about the trustees may be raised with the Regional Schools Commissioner.
- Note: If you choose to report your concerns to the media, then in most cases you will lose your rights under whistleblowing legislation.
- 3.4 **What to report:** You should make a note of your concerns with as much detail as possible. You are not expected to prove the truth of any allegations but you will need to demonstrate to the person you report to that there are sufficient grounds for your concern.
- 3.5 **How to report it:** Concerns may be raised verbally or in writing. It is easier for the school to investigate concerns if you raise these directly, as they can then ask you questions to clarify the issues raised. You can raise concerns anonymously but the school may not be able to investigate properly if you have not provided all the information needed and will also not be able to tell you the outcome. If you do decide to raise your concern anonymously, you may do this in writing to the head or chair of the local governing body, marked 'in confidence for the addressee only'.
- 3.6 **Confidentiality:** As a whistleblower you're protected by law, however it is recognised that in some circumstances staff may wish to report issues confidentially. You can ask for confidentiality when raising your concern and if so the school will make every effort to protect your identity. Depending on the nature of your concern, and the action required in response, this may not always be possible. For example, an investigation process may reveal the source of the information and a statement by you may be required as evidence.
- 3.7 Do not try to investigate your concerns personally and do not approach or accuse individuals directly. It is essential that appropriate reporting procedures are followed to maintain the integrity and confidentiality of any future investigation or proceedings.

4. How the school will respond

- 4.1 The school will identify an appropriate individual or committee to discuss your concerns with you and identify what action, if any, is needed in response. Remember that discussing your concerns is not the same as accepting or rejecting them. You may be asked to provide further information.
- 4.2 The allocated individual will write to you within **10 working days of receipt of your complaint** to acknowledge receipt, indicate how they propose to deal with the matter, provide an estimate of how long it may take to provide a final response, tell you whether initial enquiries have been made and tell you whether further investigations are needed or if not why not.
- 4.3 Any meetings with you can be held off the school site if you wish. You have the right to be accompanied at such meetings by your trade union representative or a work colleague (who is not involved in the area of concern) if you so wish.
- 4.4 The allocated individual will decide the most appropriate way to deal with your concern and will keep you informed of the action they take but may not be able to provide you with detail if there is a need to keep the confidence of other people and/or proceedings. Action could include:
- An investigation under the school's internal procedures
 - A referral to the police

- A referral to the child protection officer
- A referral to internal or external audit
- An independent inquiry

4.5 The school will take steps to minimise any difficulty you may experience as a result of raising a concern. For example, if you are required to give evidence in formal proceedings, the school will advise you on procedure beforehand.

5. Escalating your concern

5.1 If you are unsatisfied with the way the school has responded to your concern, or if you believe the wrongdoing is still ongoing, you may wish to escalate your concern to a more senior member of staff, the governors or a prescribed person or body.

5.2 The local governors and trustees will not tolerate harassment or victimisation in response to whistleblowing and will take action to protect staff that have raised concerns in good faith. This does not mean that if you are already the subject of a disciplinary, redundancy or other procedure that those procedures will be halted as a result of your whistleblowing.

5.3 This policy is intended to provide you with a clear route to raise your concerns and for the school to respond to these concerns appropriately. If you feel this has not happened and you feel that it is appropriate to take the matter outside of the school then you may contact either the national audit office: enquiries@nao.gsi.gov.uk or 020 7798 7999, or the police (if the concern relates to a potential criminal matter). Complaints to other bodies may hamper a speedy investigation into your concern.

6. Unfounded, unsubstantiated or malicious allegations

6.1 If you make an allegation in good faith, but it is not upheld or confirmed by subsequent investigation, no action will be taken against you.

6.2 If it appears that you have acted frivolously, maliciously or in a vexatious manner, or for personal gain, then a disciplinary investigation will be undertaken into your conduct.

6.3 Information which is provided to you on a confidential basis must be treated as such and this may only be overridden where there is a clear public interest in disclosing it and you act in good faith and reasonably. You would need to ensure that you could justify your disclosure because it would be a serious betrayal of trust to use confidential information for any personal advantage, or for malicious or other improper reasons.

7. Record keeping

The Trust Board have responsibility for the maintenance and operation of this policy. They will maintain a confidential record of any concerns raised and the outcomes (so as not to endanger your confidentiality).

8. Advice and guidance

Further advice and guidance on how a matter may be pursued under this policy is available from the Quality First Education Trust's Human Resources officer.

If you need any general support or advice on whistleblowing, you can contact [Public Concern at Work](#). You may also wish to ask your trade union representative for advice on how to best raise your concern.