



## **Whistleblowing Policy (7b)**

### **Purpose**

All employees have a duty to report any fraud, misconduct, safeguarding issue or wrongdoing within the School.

The School therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. The School will ensure such matters are investigated appropriately and that no employee or individual who raises such a concern will be discriminated against, victimised or treated less favourably for doing so, in line with the Public Interest Disclosure Act 1998

All information relating to any disclosures will be retained in line with the General Data Protection Regulations 2018.

### **Scope**

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with. The policy also includes how individuals may raise concerns about any offences being committed under the Bribery Act 2010.

This policy applies to all employees of the School and individuals who work with the School.

### **What is Whistleblowing?**

Whistleblowing is when an employee is protected for making a 'qualifying disclosure' of believed potential wrongdoing.

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in good faith by an employee who has a reasonable belief that the following is being, has been, or is likely to be, committed:

- a criminal offence
- inappropriate behaviour by another member of staff towards a pupil (especially in EYFS)
- a safeguarding concern about a pupil that has been raised with the DSL/ Head Teacher or Chair of Governors and has not been followed up in the correct manner with the local authority
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation
- deliberate concealment of any of the above



It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

The member of staff has no responsibility for investigating the matter - it is the School Governors' responsibility to ensure that an investigation takes place.

The member of staff who makes such a protected disclosure has the right not to be dismissed, or subjected to victimisation, because he/she has made the disclosure.

The School encourages members of staff to raise their concerns under this procedure in the first instance. If a member of staff is not sure whether to raise a concern, he/she should discuss the issue with the Deputy Head or Head Teacher.

For a qualifying disclosure to be a protected disclosure, you need to make it to the right person and in the right way. There are a number of methods by which you can make a protected disclosure but the School always encourages all employees to raise any disclosure internally in the first instance. Employees are encouraged to raise any qualifying disclosures by following the disclosure procedure set out below.

If the employee's concern relates to a breach of the contract of employment then this should be done through the School's grievance procedure.

### **Employee and Employer Responsibilities**

The following responsibilities should be taken by employees;

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature of which they become aware.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- Nobody will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.
- Any member of staff who has any concerns about the behaviour of another member of staff (or volunteer) should raise them with the Head Teacher. The NSPCC is available for staff who feel unable to raise an issue with either the Head Teacher or a school Governor. This line is available Monday- Friday, 8:00am to 8:00pm. (0800 028 0285, [help@nspcc.org.uk](mailto:help@nspcc.org.uk))
- If misconduct is discovered as a result of any investigation under this procedure the School's disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence. If it should become clear that the procedure has not been invoked in good faith, for example for malicious



reasons or to pursue a personal grudge against another employee, this will constitute misconduct and will be dealt with in accordance with the terms of the School's disciplinary procedure.

- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as Senior Management, employees should not agree to remain silent. They should report the matter to a School Governor.
- If an Employee believes there has been a breach of their own contract of employment, or believes there has been or will be a breach, they should refer to the School's Grievance Policy accordingly.
- The School recognises there may be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary the School reserves the right to make such a referral without the employee's consent.

### **Procedure to make a disclosure**

The procedure applies to all permanent and temporary employees along with third parties such as agency workers, consultants, and contractors and anyone else who performs a function in relation to the School.

1. If you wish to make a qualifying disclosure, you should, in the first instance, report the situation in writing to the Head Teacher, setting out in details the nature of your disclosure. If you do not wish to contact the Head Teacher instead contact a School Governor.

Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.

2. All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, you will be interviewed and may be asked to provide a written statement setting out the nature and details of your qualifying disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the School must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The School reserves the right to arrange for another SLT member to conduct the investigation other than the person with whom the employee raised the matter.
3. Once the investigation has been completed, you will be informed in writing of the outcome and the School's conclusions and decision as soon as possible. The School is committed to taking appropriate action with respect of all qualifying disclosures which are upheld.
4. The employee will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made in bad faith.



5. Once the School's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained.
6. If, on conclusion of the above, the employee believes that appropriate action has not been taken, the matter should be reported externally such as LADO, ISI, health and safety executive, DfE etc. in good faith in accordance with the provision of the Act. The Act sets out a number of prescribed external bodies or persons to which qualifying disclosures may be made. It is not acceptable for staff members to report matters to the media. However, the School always encourages all employees to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

### **Communication and Implementation**

This Policy will be made available to all Employees. All members of the School have a responsibility to raise such concerns and to ensure they are acting in good faith to protect the interests of School and its valued employees, at all times.

### **Staff Training**

Whistleblowing training is conducted at staff induction when a new member of staff joins the school. The staff are regularly reminded at meetings or at least at the start of each school year that as a school we have an open and honest procedure for whistleblowing which must be adhered to.

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