



Believing and Achieving Together

Signed:

Date: July 2021

Review: July 2023 [or sooner if required]

## **Whistleblowing Policy and Procedure**

### **1 Scope**

This policy and procedure apply to:

- all teaching and support staff (including full-time, part-time, permanent, fixed-term, or temporary staff);
- workers, contractors and agency workers;
- suppliers and those providing services under a contract with our school in their own premises, for example, MUGA, School Hall;
- volunteers.

Whistleblowing occurs when an employee, worker or ex-employee raises concerns ("protected disclosures") regarding a danger or illegality, usually to the employer or a regulator, which has come to their attention through work. The disclosure may be about alleged malpractice, mismanagement, wrongdoings, wrongful conduct of the employer, or of a fellow employee, client, or any third party. Usually, the whistleblower is not directly personally affected by the danger or illegality, in which case it would be more appropriate for them to use the school's grievance procedure or complaints procedure as appropriate. Whistleblowing is therefore "making a disclosure in the public interest".

### **2 Purpose**

The purpose of this policy and procedure is to set out the commitment of the governing body to the highest possible standards of openness, probity and accountability. It is intended to encourage and enable individuals to raise a genuine, serious concern about an aspect of our service provision, or the conduct of our employees, or others acting on our behalf, formally with the school, rather than overlooking a problem or "blowing the whistle" outside. The governing body is committed to ensuring that individuals are able to do this without fear of victimisation, subsequent discrimination or disadvantage.

The procedure outlines who the concern should be raised with and how we will deal with the concern.

### **3 Policy statement**

The governing body is committed to creating an environment of honesty, integrity and openness and to ensuring that all school practices are undertaken with the highest standards of integrity and conduct. In particular we encourage a free and open culture in dealings between our employees and all people with whom we engage.

We recognise that effective and honest communication is essential, if concerns about breaches or failures are to be dealt with effectively. Therefore, we are committed to

creating a climate of honesty, integrity and openness where an individual with genuine concerns regarding a protected disclosure feels able to raise their concern in the confident expectation that the issue will be dealt with confidentially, sensitively and appropriately.

This policy aims to:

- encourage all individuals to feel confident in raising serious concerns and to question and act upon concerns about practice without feeling disloyal to their colleagues or to the school;
- provide avenues for individuals to raise those concerns and receive feedback on any action taken;
- ensure that an individual receives a response to his/her concerns and is aware of how to pursue them if s/he is not satisfied;
- provide reassurance that an individual will be protected from possible reprisals, detriment, disadvantage or victimisation if s/he has a reasonable belief that s/he has made any disclosure in good faith.

Examples of potential protected disclosures which individuals may make include:

- improper conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to pupils, employees, the public and other workers;
- damage to the environment;
- the inappropriate or unauthorised use of public funds or other resources;
- possible fraud and corruption;
- abuse of pupils and/or a failure to adequately safeguard children and young adults;
- failure to comply with financial regulations and policies;
- failure to comply with statutory codes of practice and established standards of practice; and
- other unethical conduct or practices which make an individual feel uncomfortable in terms of known standards, their experience or the standards they believes our school subscribes to.

This policy has the full support of the governing body and senior managers. All employees and other parties covered by this policy will have access to this document via the school office and, where appropriate, electronically via the Northumberland Schools' Network.

#### **4 Legal considerations**

The Public Interest Disclosure Act 1998 (PIDA) protects employees and workers who make a "protected disclosure" from being treated badly or being dismissed unfairly. The law protects most categories of workers with the exception of volunteers and those who are self-employed.

The disclosure must first be raised with the employer or a prescribed person. If the worker believes evidence would be destroyed or they would be penalised the disclosure can be raised externally.

Whistleblowers do not lose statutory protection simply because they are mistaken. The whistleblower will have protection as long as they have a 'reasonable belief' that malpractice has taken place, is taking place, or is likely to take place. Importantly, it does not matter if the belief actually turns out to be inaccurate, or that the conduct

would not constitute malpractice, as long as the whistleblower's belief is objectively reasonable.

If the whistleblower commits an illegal act leading to the disclosure they may not be protected and the employer may be able to discipline or dismiss them in the usual way provided that all the requisite procedures are followed: for example, hacking into the school's computer system in order to demonstrate deficiencies in the IT security would be regarded as having committed a criminal offence.

The disclosure must usually be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.

## **5 Roles and responsibilities**

**Governing body:** has responsibility for developing and reviewing this policy and ensuring that effective monitoring systems and procedures are in place.

**Headteacher:** has responsibility for implementing and monitoring the procedure and ensuring that workers are aware of its content and how to access the policy if required. The headteacher is responsible for considering a concern raised under this policy and any recommendation(s) made, making an objective decision on an appropriate course of action, keeping the individual advised of progress and ensuring that the action necessary to resolve a concern is taken.

**All workers:** have a responsibility to read and understand this policy and procedure and to raise any serious concerns they may have in accordance with the procedure.

## **6 Procedure**

This procedure is designed to provide guidance to all those who work with or within our school and who may from time to time feel that they need to raise certain issues relating to our school with someone in confidence.

The whistleblower (referred to as "the individual" in the procedure) must:

- have a genuine belief in the information being disclosed;
- not make the disclosure for personal gain;
- make the disclosure in good faith; and
- show that it is reasonable to make the disclosure.

If an individual has any concerns about a service provided by another organisation on behalf of our school, they should raise the concern with the headteacher in the first instance who should raise it on behalf of the school with the service provider.

### **How to raise a concern**

The earlier a concern is raised, the easier it is to take action.

The individual should normally raise concerns with the Headteacher. If the Headteacher is not available with the Deputy Headteacher or the Senior TLR Teacher. However, if it is believed that this person is involved, an approach should be made to the headteacher or chair of governors. Individuals can ask for their concerns to be treated in confidence and their wishes will be respected, unless there is reason for not doing this (see 'confidentiality' below).

Concerns may be raised verbally or in writing. Any concern made in writing should include the background and history of the concern (giving relevant dates) and the reason for the individual being concerned about the situation.

If a concern is raised verbally, a written note will be taken in line with the format above by the person receiving the concern.

The individual may consider discussing the concern with a colleague first and may find it easier to raise the matter if there are two (or more) colleagues who have had the same experience or have the same concerns.

The individual may invite their trade union representative or a work colleague to be present during any meetings or interviews in connection with the concern raised.

### **How we will respond**

The Headteacher will interview the individual within five working days, or earlier if the concern relates to loss of life, serious danger or immediate danger.

In order to protect all individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which we will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, discrimination or harassment issues) will normally be referred for consideration under the separate relevant procedures.

Within 10 working days of the interview, the Headteacher / Deputy Headteacher/ Senior Teacher will report the concern to the Headteacher or Chair of Governors and recommend that the matter:

- be formally investigated by management, audit or through the disciplinary process. However, if urgent action is required, this will be taken before any investigation is conducted;
- be referred to the police;
- form the subject of an independent investigation; or
- be resolved by agreed action without the need for investigation.

Upon receipt and consideration of the report of the concern and recommendations, the headteacher will decide on an appropriate course of action and write to the individual:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- advising whether any initial enquiries have been made;
- providing appropriate information on support available; and
- advising whether further investigations will take place and if not, why not.

The amount of contact between the people considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the head teacher will seek further information from the individual.

We will take steps to minimise any difficulties an individual may experience as a result of raising a concern. For instance, if it is required to give evidence in criminal or disciplinary proceedings, we will arrange for the individual to receive advice about the procedure.

We accept that the individual needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints including data protection, the individual will be informed of the outcome of any investigation by the headteacher. However, the individual must keep that information confidential.

## **7 How the matter can be taken further**

This policy is intended to provide individuals with a route within our school to raise concerns. We hope that the individual raising the concern will be satisfied with any action taken. If the individual is not satisfied or feels that the matter cannot be raised internally because they believe the evidence would be destroyed or that they would be penalised and they wish to take the matter outside the school, further possible contact points are given in the External Contact List in Appendix 1.

If the individual does take the matter outside our school, they should ensure that they do not disclose information which should properly remain confidential. This should be confirmed with the person or organisation contacted.

## **8 Victimisation or harassment**

We are committed to creating an environment of honesty, integrity and openness and encouraging a free and open culture in dealings between our employees and all people with whom we engage.

We recognise that the decision to report a concern can be a difficult one to make. Individuals should have nothing to fear in telling the truth because they will be doing their duty to their employer and those for whom the employer is providing a service.

We will not tolerate any harassment, victimisation, or adverse repercussions (including informal pressures) against an individual raising a concern in good faith, and will take appropriate action to protect that individual.

Appropriate steps will be taken to ensure that an individual's working relationships are not prejudiced by the fact of the disclosure.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect, or may in the future affect, the individual raising the concern.

## **9 Confidentiality**

All parties should agree that the issue being raised will be kept confidential whilst the procedure is being used. Every effort will be made not to reveal the identity of the individual raising the concern, if that is what they wish unless:

- there are reasons to believe that the individual has acted maliciously;
- the school is under a legal obligation to do so;
- the information is already in the public domain;
- there is a need to obtain legal advice; or
- the individual is required to act as a witness at a disciplinary hearing or other proceedings (at an appropriate time).

## **10 Anonymous allegations**

This policy and procedure encourage an individual to put his/her name to their allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the headteacher with the chair of governors). In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **11 Untrue allegations**

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the individual raising the concern. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual making the allegation.

## Appendix 1 – External Contact List

Individuals who have used the appropriate internal procedures and are not satisfied with any action taken in relation to their concerns and feel it is right to take the matter outside our school, may consider the further possible contact points given below. It is stressed that the list below is not exhaustive and individuals are free to contact any relevant organisation which it is felt will be able to deal properly with the individual's concerns.

Audit Commission	Anti Fraud and Corruption Hotline	0207 6301019
Northumbria Police		03456 043043
Professional bodies e.g.	CIPFA	0207 9299494
	Royal Town Planning Institute	0207 9299494
Regulatory organisations e.g.	Environment Agency	0870 8506506
	Health and Safety Executive	0191 2026300
	Ofsted	0845 6404045
	Care Quality Commission	0300 0616161
	The Information Commissioner	0303 1231113
	The Pensions Regulator	0845 6007060
	Financial Services Authority	020 70661000
Voluntary organisations e.g.	Barnardos	0191 2815024
	Royal Society for Prevention of Accidents	0121 2482000
Citizens Advice Bureau	See Yellow Pages for local numbers	
Food Standards Agency	Helpline	020 72768829
Department for Education	General Enquiries	0370 0002288
Member of Parliament	Find out which constituency you are in and who your Member of Parliament is	<a href="http://findyourmp.parliament.uk/">http://findyourmp.parliament.uk/</a>
Children's Commissioner	Views and interests of children in England	020 77838330
HMRC	Tax Evasion Helpline	0800 788 887
Trade Union	Trade union members should contact his/her trade union	

### Public Concern at Work

Individuals who:

- are unsure whether to or how to use this procedure;
- want independent advice;
- consider the organisation has an interest in the matter and despite the best efforts of the organisation, employees believe that disclosure within the organisation is in appropriate or has been unsuccessful

may contact the independent charity [Public Concern at Work](#), the leading authority on public interest whistleblowing, on 0207 404 6609. Their lawyers provide free confidential advice at any stage on how to raise a concern about serious malpractice at work. Disclosures made to an individual's legal advisors in the course of obtaining legal advice will be protected.