



Mary Hare

Whistleblowing Policy and Procedure

Contents

	Description	Page
	Glossary	2
1	Purpose	3
2	Applicability	3
3	Responsibilities	4-5
4	Guidance,	-5
5	Safeguarding children and young people	5-6
6	Principles	6
7	Raising concerns	6
8	Procedure	7
9	If concerns remain	8
10	Failure to follow this procedure	8
	Appendix 1 Guidance for employees, workers, governors, volunteers or any individual performing functions in relation the school contemplating whistleblowing	9
	Whistleblowing reporting form	10-11

GLOSSARY

Qualifying disclosures are disclosures of information where the staff member reasonably believes that one or more of the following matters is either happening, has taken place or is likely to happen in the future (and it is in the public interest to disclose them):

- a criminal offence (e.g. fraud, corruption, sexual or physical abuse of pupils, students or others)
- a failure by a person to comply with any legal obligation to which he/she is subject
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment, or
- a deliberate attempt to conceal any of the above matters.

To determine if a disclosure is 'qualifying' disclosures under the act consider:

- whether any factual information was actually disclosed, as opposed to opinion only, to the employer (relevant person); and
- whether the individual making the disclosure believed that the information tended to show that one of the matters above has occurred, is occurring or is likely to occur; and
- whether that belief was reasonable.

1. PURPOSE

1.1 The purpose of this policy is to ensure that any fraud, misconduct or wrongdoing by employees, workers, governors, volunteers or any individual performing functions in relation to the School is reported and properly dealt with.

1.2 The Public Interest Disclosure Act enables individuals to raise concerns where they have a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating a risk to health and safety;
- a breach of other legal obligation;
- damage to the environment;
- concealment of any of the above;

is being, has been, or is likely to be committed, and it is in the public interest to disclose it, without fear of dismissal, victimisation or detriment. This policy and procedure sets out how such concerns should be raised and handled within the School.

2. APPLICABILITY

2.1 This policy applies to all workers and governors of the School as well as individuals performing functions in relation to the School, such as volunteers, agency workers and contractors.

2.2 The School will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the School, **which are in the public interest**. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

2.3 The School expects the highest standards of conduct from all employees and governors and will treat seriously any concern raised about illegal or improper conduct.

2.4 Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of either their line Manager, the Principal, the Chair of Governors (if the concerns relate to the Principal) or the Clerk of Governors (if the concern relates to the Chair of Governors). The Board of Governors will then arrange to investigate any serious impropriety or breach of procedure

2.5 Concern about a colleague's professional capability should **not** be dealt with using this procedure.

2.6 This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Nor should this policy apply where the employee simply disagrees with the way the School is run.

3. RESPONSIBILITIES

3.1 The overall responsibility for this policy and procedure within the School rests with the Principal and Board of Governors

3.2 The governing board has overall responsibility for the maintenance and operation of this policy and procedure.

3.3 The Clerk to Governors will keep a record of concerns raised and outcomes (in a form that does not endanger confidentiality).

3.4 The Principal should receive details of all concerns and is responsible for reporting the concern and the outcome to the Clerk to Governors so that it can be recorded.

3.5 The Principal is directly responsible for making their staff aware of this policy and procedure and for the adherence of their staff.

3.6 Employees, workers, governors, volunteers or any individual performing functions in relation to the School have an individual responsibility to adhere to this policy and procedure.

4. GUIDANCE

4.1 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.

4.2 The worker has no responsibility for investigating the matter; it is the School's responsibility to ensure that an investigation takes place.

4.3 An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

4.4 Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it cannot amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.

4.5 An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed must raise their concerns in good faith.

4.6 Financial requirements require that any suspicion of fraud, corruption or other financial irregularity must be reported to the Principal or Chair of Governors if the concerns involve the Principal for investigation

4.7 Workers who want to use the procedure but feel uneasy about it may wish to consult their Professional Association/Trade Union initially and bring a colleague or Professional Association/Trade Union Representative along to any discussions, so long as the third party is not involved in the issue.

4.8 Where allegations are raised anonymously they will be considered by a panel made up of members of the Governing Board, membership of this panel will be determined by the Clerk, who will ensure there is no conflict of interest.

4.9 Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.

5.0 SAFEGUARDING CHILDREN AND YOUNG PEOPLE

Where the concerns are about safeguarding children or young people, the School's Designated Senior Lead for Child Protection must be notified in the first instance. Please also refer to the School's safeguarding policy.

5.1 All workers have a duty to report concerns about the safety and welfare of students. The reason for the concern may be the actions of a colleague (including a more senior colleague), a governor, another student or someone outside the School. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.

5.2 Concerns about any of the following should be reported to the Designated Senior Lead for Child Protection (DSL):

- physical abuse of a pupil/student
- sexual abuse of a pupil/student
- emotional abuse of a pupil/student
- neglect of a pupil/student
- an intimate or improper relationship between an adult and a pupil/student.

5.3 The Principal and or DSL will then (where appropriate) discuss the allegation with the Local Authority Designated Officer (LADO). Where the concern is about the Principal, this must be referred to the Chair of Governors (contact via the Clerk to Governors who will immediately inform the DSL for investigation to take place). There will be no retribution or disciplinary action taken against a member of staff for making such a report provided that it is done in good faith.

5.4 The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: help@nspcc.org.uk.

5.5 The School follows procedures for dealing with allegations against workers, employees, and volunteers who work with children that aim to strike a balance between the need to protect children from abuse and the need to protect staff and volunteers from malicious or unfounded allegations. These procedures follow the guidance in KCSE Sept 2018 and also from the West Berkshire Child Protection procedures. See also 13(h) above. Full consideration will be given to all the options, subject to the need to ensure the safety and welfare of the pupils or pupil concerned.

5.6 Guidance for Safer Working Practice for Adults who Work with Children and Young People (Oct 2015) gives guidance to staff on how to reduce the likelihood that their behaviour and actions might place pupils or themselves at risk of harm or of allegations of harm to a pupil.

5.7 If the School ceases to use the services of an employee, because that person has engaged in conduct that harmed (or is likely to harm) a child, or if they otherwise pose a risk of harm to a child, their future employment at the school will cease with immediate effect in line with the discipline procedure. There will be a prompt and

detailed report to the Disclosure and Barring Service. Any such incidents will be followed by a review of the safeguarding procedures within the School, with a report being presented to the Governors as soon as is practicably possible.

5.8 If an allegation against a member of staff is found to have been malicious it will be removed from personnel records. If an allegation is not substantiated, is unfounded or malicious, it will not be referred to in any employment reference.

6. PRINCIPLES

6.1 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue, subject to legal constraints.

6.2 No employee 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.

6.3 An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns. Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

6.4 If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.

6.5 Maliciously making a false allegation is a disciplinary offence.

6.6 Where an investigation confirms the allegations workers may be required to attend hearings as witnesses.

6.7 If urgent action is required this may be taken before an investigation is conducted.

7. RAISING CONCERNS

7.1 Anyone raising a concern under the whistleblowing policy is encouraged to raise concerns early to enable appropriate remedial action to be carried out.

7.2 Individuals should report concerns to their line manager, or, where they are concerned that their manager is involved in the wrong doing to the Principal, or where the Principal is involved in the wrong doing to the Chair of Governors.

7.3 If a member of staff, other than the Principal, is approached by a colleague/individual on a matter of concern as defined in this document, he/she should be advised to take the matter to their Line Manager unless the concern relates to them Principal or the Chair of Governors.

7.4 Concerns may be raised orally or in writing. It is helpful to the investigation if the individual provides the background history of the concern (giving relevant names and dates) and the reason they are particularly concerned about the situation.

8. PROCEDURE

8.1 Upon receipt of the verbal statement a written Whistleblowing Disclosure must be obtained. The Line Manager, Principal/Chair of Governors will hold an initial meeting with the worker as soon as practicably possible to acknowledge the concern has been raised, clarify the details. A record of this meeting will be taken and the Clerk to Governors will be advised of the disclosure and advised if a panel is required. The Principal will open a secure whistleblowing folder that will hold all details pertaining to this disclosure. This record will be held by the Clerk to Governors in a secure way.

8.2 Following the disclosure, if made to the Line Manager they will be then passed to the Principal to determine whether it is clear which form of disclosure it is or where necessary seek legal advice to determine whether it is a 'qualifying' disclosure under the act. If the disclosure is of a safeguarding nature then the investigation will be carried out by the DSL under the school's safeguarding policy.

8.3 If the above criteria are met (see glossary), the disclosure will qualify as a protected disclosure.

8.4 The Principal will carry out a full investigation into the claims, (if the claims are about the Principal this will be carried out by the Chair of Governors) if they are made about the Chair of Governors a panel of the Governing Board will be required to investigate. The makeup of the panel will be arranged by the Clerk in discussion with the Chair of Governors unless the whistleblowing disclosure relates to them in which case the Clerk will ask three Governors who have not been involved to sit on the panel.

8.5 A worker is entitled, should they so wish, to have a representative or another person present of their choice at any meeting including investigation meetings, provided that person is not involved in the whistleblowing incident.

8.6 Details of the investigation will be included in the report that will be held by the Clerk to Governors.

8.7 Once the investigation is complete the Principal/Chair of Governors/Governing Board will reach a conclusion. If they decide that the issue needs to move to a Discipline procedure this will be handled in accordance with the school's Discipline Policy. If the investigation into the whistleblowing incident had been handled by the Principal then a panel of Governors must be set up to hear the discipline procedure (The Principal would not be able to investigate the process and then make a decision on dismissal).

The detail of that conclusion and recommendation will be confirmed in the panel's written final report. If there is a criminal element to the claim then the requisite authorities will be informed within a timely manner.

8.8 If the investigation shows the case is unfounded the Principal/Chair of Governors/Governing Board will advise all those involved of the outcome. If the disclosure is upheld following the investigation HR will be advised and they will conduct a disciplinary hearing in line with the disciplinary policy. If the disclosure is of a Safeguarding issue then the report on the investigation will also be held on the safeguarding record.

8.9 On conclusion of the Disciplinary procedure where an outcome had been reached by the disciplinary panel a full report will be written and added to the file

including all investigation facts, the file will then be held by the Clerk to Governors in Governing Board confidential files. Following a disciplinary hearing where a Governing Board panel had been convened. If a decision to dismiss is taken, that decision will be conveyed to the employee on behalf of the Governing Board via the Head of HR.

9. IF CONCERNS REMAIN

9.1 Staff who remain dissatisfied after having raised concerns in accordance with this policy can also raise their concerns, as appropriate, with any of the following, subject to the concern meeting the criteria for a protected disclosure:

- Direct to the Board of Governors for further investigation
- Head of Education Local Authority
- A professional Board or inspectorate (e.g. Ofsted or Health & Safety Executive (HSE))
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "Whistleblowing: list of prescribed people and bodies."

9.2 A worker can only make a disclosure to a prescribed person if the disclosure meets one of these criteria:

- make the disclosure in the public interest;
- reasonably believe the information is substantially true;
- reasonably believe they are disclosing the issue to the appropriate person or Board (e.g. health and safety issues to the HSE).

9.3 In taking their concern outside of the School, workers must ensure that, as far as possible, the matter is raised without personal information relating to other workers, or confidential information about unrelated matters, being disclosed.

10. FAILURE TO FOLLOW THIS PROCEDURE

Any employee who unreasonably and without justification raises such concerns or issues on a wider basis, including with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

Signed:

Dated:

APPENDIX 1 - GUIDANCE FOR EMPLOYEES, WORKERS, GOVERNORS, VOLUNTEERS OR ANY INDIVIDUAL PERFORMING FUNCTIONS IN RELATION THE SCHOOL CONTEMPLATING WHISTLEBLOWING

What types of concerns are covered by this policy and procedure?

As a worker, you may be the first to realise that there may be something seriously wrong within the School. It may be tempting to do nothing as you may feel that voicing your concerns would appear disloyal to colleagues or the School. You may also be afraid that it may lead to repercussions against yourself. However, it is important that you raise your concerns promptly so that the School can take action to rectify them.

The School is committed to ensuring that any wrong-doing is rectified as soon as possible and that potential whistleblowers are supported in raising any serious concerns. The whistleblowing policy and procedure explains how you should raise your concerns, and the protection you are entitled to.

You should report any serious concerns that you have about any aspect of the School, provision of education and extra-curricular activities or the conduct of employees, governors, volunteers or others acting on behalf of the School.

Concerns covered by the Public Interest Disclosure Act are listed above and may be something that makes you feel uncomfortable in terms of something that:

- is against the law
- puts someone at risk
- breaches the School's standards, policies or procedures
- is against the School's instruments and articles of government, Financial Regulations or policies and procedures
- falls below established standards of practice
- amounts to improper conduct

How are you protected when raising a concern?

The School will not dismiss you because you have raised a concern under this procedure and it will protect you against victimisation or other detriment, so long as you have a reasonable belief that the wrong-doing is being, has been, or is likely to be committed, and it is in the public interest to disclose it. The information that you give should be true to the best of your knowledge, information and belief.

You are not expected to investigate the concern yourself, just to be able to explain the reasons for your concern.

Any investigation into concerns of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

What to do if you have a concern

You should raise your concern as specified in the procedure. If you are not sure if you should raise something it may help to talk things through with your line manager, or to seek advice from your professional association/trade union or the citizens' advice bureau.

Whistleblowing Disclosure Form

This form is intended for use by any individual working for the School (including governors, contractors, agency workers and volunteers) who wishes to raise an issue about serious wrong-doing. You must have a reasonable belief in any allegations that you make, and they must be made in the public interest.

This form should be used to report wrong-doing within the School (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance. (If you want to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached, separate procedures exist for these types of concerns.)

If you are unsure about whether your complaint is best dealt with under the School's Whistleblowing Policy or the Grievance Procedure, please read the Whistleblowing Policy, which provides examples of the issues that should be reported using this form. If, having read the Whistleblowing Policy, you remain unsure about which procedure to use, please consult the Head or HR, Principal or the Chair of Governors (or Head of Education Services West Berkshire Council where the Principal and Chair of Governors are the subjects of your allegations) for further advice.

Once you have submitted this form, the School's whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone (for example, your line manager) you may have implicated below.

In certain circumstances, you can request that your complaint be kept anonymous. Where possible, the School will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to your line manager/Principal or the Chair of Governors (see sections 4 and 5 of the Whistleblowing Policy) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal public interest disclosure (whistleblowing)

Worker's name:

Worker's job title:

School:

Date:

Does your public interest disclosure relate to your line manager? Yes/No

Summary of disclosure:

Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.

Individuals involved

Please provide the names and contact details of any people involved in your complaint, including witnesses.

Outcome requested

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.

Declaration

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the School taking disciplinary action against me.

Form completed by

Signature:

Date:

For completion by the School

Date form received by the School:

Name of recipient and job role: