

## Whistleblowing Policy

*This policy, which applies to the whole school, is publicly available on the school website and upon request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.*

This is a model policy/procedure which reflects legislation, any relevant statutory and non-statutory guidance and best practice. The responsibility for setting policy and procedure resides with the Governing Body and as such they must be satisfied that the content of the policy/procedure suits their requirements and must consult their staff/local trade union representatives prior to its formal adoption.

<b>Date Adopted:</b>	
<b>Written by:</b>	<p>_____ Signature</p> <p><u><b>RICHARD YOUNG</b></u> Name</p> <p><u><b>HR DIRECTOR</b></u> Title</p>
<b>Approved by:</b>	<p>_____ Signature</p> <p><u><b>ANNE-MARIE CARRIE</b></u> Name</p> <p><u><b>CHAIR OF GOVERNORS</b></u> Title</p>
<b>Last Review by: Date:</b>	
<b>Next Review by Board of Trustees:</b>	[Date]

*Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any employee or applicant and it helps to promote equality at this school.*

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## 1. Introduction

It is important to the School that any suspected fraud, misconduct, malpractice or wrongdoing by workers or employees of the School is reported and properly dealt with. The School is committed to creating an open and supportive environment where individuals feel able to “speak up” about any genuine concerns regarding the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, or any third party.

This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside the management structure of the School to a prescribed body (see 2.1 below). All disclosures will be handled consistently and fairly, and appropriate action will be taken by the School to resolve the issue in line with this Policy.

This Policy applies to all employees, pupils and Governors. Volunteers and other individuals engaged to work at or provide services to the School, including agency workers and contractors, are encouraged to use it where appropriate.

1.1 The Public Interest Disclosure Act (1998) is an Act of the Parliament of the United Kingdom that protects whistleblowers from detrimental treatment by their employer. The law provides protection for employees or workers who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that there has been or is likely to be:

- ✓ a breach of any legal obligation.
- ✓ a miscarriage of justice.
- ✓ a criminal offence.
- ✓ a danger to the Health and Safety of any individual.
- ✓ damage to the environment; or
- ✓ deliberate concealment of information about any of the above.

Some examples of qualifying disclosures in a school context may include:

- ✓ Fraudulent acts (e.g. manipulation of accounting records/finances, inappropriate use of funds, decision making for personal gain, abuse of position to influence decisions).
- ✓ Breaches of acceptable professional and ethical standards.
- ✓ Breaches of the School’s Health and Safety policy entailing danger to staff or pupils; and/or
- ✓ Breaches of any of the School’s policies or the Code of Conduct.

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

For the purposes of this policy the term “whistleblower” refers to the individual making the disclosure.

1.2 The whistleblower must reasonably believe they are making the disclosure in the public interest (i.e. it affects others such as pupils in the School or members of the public). This

means that personal grievances and complaints (e.g. a concern about their own contractual terms) are not usually covered by this policy and should be dealt with under the School's Grievance Procedure.

## **2. Raising concerns/making a disclosure**

### **2.1 Initial concern**

The School encourages the "whistleblower" to raise the matter internally in the first instance. Concerns should normally be raised initially with the whistleblower's line manager. Where the concerns relate to the whistleblower's line manager or a member of staff within the same faculty/department, the complaint should be brought to the attention of a more senior manager, Headteacher, Human Resources or the Chair of the Governing Body.

You can use the following email to raise your concern at [whistleblowing@yarrowheightsschool.com](mailto:whistleblowing@yarrowheightsschool.com)

If the whistleblower considers the matter too serious or sensitive to raise internally, they may refer the matter to an external prescribed body. A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Act who an individual may make a protected disclosure to. Any such disclosure to a prescribed body will qualify for protection under the Public Interest Disclosure Act (1998). A list of prescribed bodies is available at the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-v4.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360648/bis-14-1077-blowing-the-whistle-to-a-prescribed-person-the-prescribed-persons-list-v4.pdf)

In the event that the whistleblower feels a disclosure should be referred to an external prescribed body some of the relevant bodies are also set out below:

<b>Nature of disclosure:</b>	<b>External reporting/Prescribed body:</b>
Fraud or financial malpractice (see 3.2 below)	Education & Skills Funding Agency <a href="https://www.gov.uk/government/organisations/education-and-skills-funding-agency">https://www.gov.uk/government/organisations/education-and-skills-funding-agency</a>
Child Protection/ Safeguarding issues	Local Authority Designated Officer 023 8091 5535 / 07500 952 037 or email <a href="mailto:LADO@southampton.gov.uk">LADO@southampton.gov.uk</a> NSPCC Whistleblowing helpline: 0800 028 0285 Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>
Data protection issues	Information Commissioner <a href="https://ico.org.uk/">https://ico.org.uk/</a>
Health and Safety issues	Health and Safety Executive <a href="http://www.hse.gov.uk/">http://www.hse.gov.uk/</a>
Teaching and professional standards	Ofsted Piccadilly Gate Store Street Manchester M1 2WD Tel: 0300 123 3155 Email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>

If a concern is raised verbally it should be followed up in writing wherever possible.

The whistleblower has no responsibility for investigating the matter - it is the School's responsibility to ensure that an appropriate investigation takes place.

Where the complaint is serious, for example involving fraud, theft or other potential gross misconduct by an employee, the whistleblower should act quickly to report it but should not mention it to the subject of the complainant or other colleagues as this could affect the investigatory process.

The timescales for handling disclosures will differ depending on the nature of the disclosure made but all disclosures (whether formal or informal) will be acknowledged within two working days.

## **2.2 Investigation**

On receipt of a disclosure, a suitably appropriate and independent Investigating Officer will be appointed and an investigation into the matter will be arranged. The investigation may involve the whistleblower and other individuals involved giving a written statement. Any investigation will be carried out promptly and confidentially.

If a whistleblower wishes to remain anonymous this should be raised with the person to whom the initial disclosure is made. In some cases, this may be possible but in more serious cases where disciplinary action may have to be taken against others this may be more difficult. The School is committed to protecting the well-being of the whistleblower whilst this policy is followed.

The whistleblower's statement (where available) will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The person responsible for the investigation may ask the whistleblower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation.

Where a meeting is held, the whistleblower may be accompanied by a trade union representative or work colleague if they wish and where possible the dates/times will be agreed to facilitate this.

## **2.3 Outcome of the investigation**

The person who carried out the investigation will take any necessary action, which may include reporting the matter to relevant managers within the School and/or an appropriate prescribed body (if this has not already taken place).

On conclusion of any investigation, the whistleblower will be informed of the outcome of the investigation (in as much detail as is deemed appropriate in the circumstances) and what action is to be taken or is proposed. If no action is to be taken, the reason for this will be explained.

Where a concern is raised anonymously the School will not ordinarily be able to provide feedback to the whistleblower and any action taken as a result of an anonymous disclosure may be limited. The School will take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistleblower wishes to seek feedback from the School an appropriate anonymised email address should be provided.

## **2.4 Further action**

Where having raised an initial concern and the whistle-blower has a genuine belief that the School has failed to take appropriate action or investigate the issue properly and they wish to pursue the matter further, they may report their concern to another relevant person in the School (see 2.1) or to an appropriate prescribed body (if this has not already been reported).

This person may arrange for further independent investigation to be carried out, make any necessary further enquiries and/or make their own report. On the conclusion of any further investigation, they will take appropriate action which may include reporting the matter to a prescribed body if this has not taken place at an earlier stage in the process.

### **3. Other issues**

#### **3.1 Concerns raised by member of the public**

Where complaints are received from members of the public, the School's formal complaints procedure will be followed, unless the complaint relates to the specific conduct or performance of an individual employee/worker in which case the Disciplinary Procedure may need to be instigated.

#### **3.2 Criminal issues/fraud**

In the event of the allegation being of a very serious nature, for example relating to a fraud or other potential gross misconduct offence, there may be a need to involve the School's auditors and/or the police or other appropriate authorities. This should normally be agreed initially by Chair of the School Board who should, in turn, and where appropriate, keep these other authorities informed.

The School must notify the Secretary of State via the Education & Skills Funding Agency of any instances of fraud, theft or irregularity where the value exceeds £5,000 individually, or £5,000 cumulatively in any financial year. Any unusual or systematic fraud, regardless of value, must also be reported.

Advice may be sought from the School's legal advisers before involving the Police in any such internal complaint or allegation.

### **4. Protecting 'whistleblowers'**

- 4.1 Any whistleblowers who make protected disclosures in line with this procedure have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. This means continued employment and opportunities for promotion or training will not be affected because the whistleblower has raised a legitimate concern.
- 4.2 Whistleblowers should report any harassment or victimisation to an appropriate manager as soon as practicable. The School will take all reasonable steps to prevent/address such harassment or victimisation. Victimisation of a whistleblower for making a protected disclosure will be considered a disciplinary matter and will be dealt with under the School's Disciplinary Policy and Procedures.
- 4.3 We recognise that Whistleblowers may find the process of reporting an issue/wrongdoing difficult and uncomfortable. The School will take all reasonable steps to support the whistleblower which may include access to an external counselling service. The whistle-blower may also be referred to the charity Protect (previously known as Public Concern at Work) [www.pcaw.org.uk](http://www.pcaw.org.uk) for information and advice.

### **5. Malicious allegations/disclosures**

- 5.1 If, following appropriate investigation it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the Public Interest, this will be taken as a serious matter and may potentially lead to disciplinary action in line with the School's Disciplinary Policy and Procedure.
- 5.2 Where other individuals engaged by the School make a malicious allegation, the School will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract/arrangements with the individual.
- 5.3 If disciplinary action is required, the person who carried out the investigation will report the matter to a relevant manager to start the disciplinary procedure.

## **6. Data protection**

When an individual makes a disclosure, the School will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the disclosure is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.