



RAISING CONCERNS AT WORK (WHISTLEBLOWING) POLICY AND PROCEDURE

Relevant legislation including, but not limited to:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

Recommended Good Practice:

- ESFA (2019) Academies financial handbook 2019 □ GOV.UK (2015) Whistleblowing for Employees
- Sir Robert Francis (2015) 'Freedom to speak up report'

**Signed on behalf of
The Governing Body:**

Policy Covers:

1. Purpose
2. Background
3. Aims and scope of the policy
4. Safeguards

Procedure Covers:

1. How to raise a concern
2. Once a concern is raised
Stages: one, two, three
3. Raising concern outside the school
4. Monitoring and review

POLICY

1. Purpose

- 1.1 To set out the Governing body's policy and procedure for dealing with concerns raised by employees and other members of the Furze Platt community including but not limited to contactors, volunteers, trainee teachers and governors. For simplification however this policy will use the word employees moving forward.

2. Background

- 2.1 As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest' from detriment and/or dismissal. This policy builds on the provisions of the Act. It should be noted however that this Act does not protect other members of the Furze Platt community, only those employed by the school.
- 2.2 The Governing Body is committed to the highest possible standard of operation, conduct, integrity, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or alerting anyone external to the school. However, employees must be able to take matters further if they are dissatisfied with the school's response.

3. Aims and Scope of the Policy

- 3.1 This policy aims to:
 - Provide an avenue for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
 - Provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
 - Reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith;
 - Allow employees to take matters further if they are dissatisfied with the final response.
- 3.2 This policy describes how any school employee can raise any concerns they may have about working practices and who should be informed about the concerns. However, it may be that the issues raised via this policy will be addressed via other procedures.
- 3.3 If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. A 'whistleblower' is a person who raises a genuine concern relating to the matters below including but not limited to:
 - a) Criminal activity
 - b) Miscarriages of justice

- c) Danger to health and safety
- d) Damage to the environment
- e) Failure to comply with any legal or professional obligation or regulatory requirements
- f) Bribery
- g) Financial fraud or mismanagement
- h) Inappropriate use of school assets or funds
- i) Negligence
- j) A breach of internal policies/procedures
- k) Conduct likely to damage our reputation
- l) Unauthorised disclosure of confidential information
- m) Examination fraud
- n) Other fraud or deceit
- o) Decision making for personal gain
- p) Safeguarding/Child Protection
- q) Deliberate concealment of any of the above matters

- 3.4 Before initiating the procedure employees should consider the following:
- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
 - Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
 - Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of a problem and to prevent themselves being potentially implicated.

4. Safeguards

4.1 Harassment or Victimisation

- 4.1.1 The Governing Body recognises that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees who raise a concern in good faith.
- 4.1.2 This does not mean that if an employee is already the subject of any other internal procedure that said procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

4.2 Confidentiality

- 4.2.1 The school hopes that staff will feel able to voice whistleblowing concerns openly under this policy. The Governing Body will, wherever practical and possible, make every effort to protect an employee's identity if requested to do so. However, it must be understood that the process of the investigation may reveal the source of information and on occasions a signed statement may be required as evidence, thus revealing identity. Advice and support will be provided where this is the case and disclosure of identify will not be done without the employee's consent unless legally required to do so.

4.3 Anonymous Allegations

- 4.3.1 Employees are encouraged to put their name to an allegation. Allegations raised anonymously are much less powerful and more difficult to address, but they

will be considered at the discretion of the Governing Body. In exercising this discretion, the factors to be taken into account would include:

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

4.4 Untrue Allegations

4.4.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, it is concluded that an employee has made malicious or vexatious allegations, or with a view to personal gain disciplinary action against that employee will be considered.

4.5 Unfounded Allegations

4.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern. They will be informed that the Headteacher/Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support to employees

4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice may be sought from the following sources:

- Protect (www.protect-advice.org.uk) – a registered charity that provides professional and confidential advice on whistleblowing queries – contact 020 3117 2520.
- Trade Unions can advise an employee on whether to proceed with raising a concern and the best way to present a disclosure;
- The school offers the services of an Employee Assistance Programme (EAP) which is a completely independent workplace support services, accessible on line and via a Freephone number, 24 hours a day 365 days of the year.

PROCEDURE

5 How to raise a concern

5.1 The employee should normally raise concerns with their Line Manager. This depends, however on the seriousness and sensitivity of the issues and who is involved. If an employee believes that their Line manager is involved, they should approach the Headteacher. If they believe the Headteacher is involved they should approach the Chair of Governors. An employee (including the Headteacher and members of the Senior Leadership Team) can by-pass direct management and the Governing Body if they feel the overall management and governing of a school is engaged in an improper course of action. In this case please refer to section 7 below.

5.2 Concerns are better raised in writing. The employee should set out the background and history of the concerns, providing names, dates and places where possible, as well as the reasons why they are particularly concerned about the situation. If an employee feels they cannot put the concern in writing they should telephone or meet the appropriate person (herein after referred to as Senior Manager). Immediate reporting of a concern should be made to a Senior Manager should an incident be time critical. It is important that the employee makes it clear either way that they are raising the concern via the whistleblowing procedure.

- 5.3 The earlier the concern is raised, the greater the opportunity for the school to take remedial action.
- 5.4 Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the appropriate person that there are sufficient grounds to justify raising the concern.
- 5.5 In some instances it may be appropriate for an employee to ask a trade union to raise a matter on the employee's behalf.
- 5.6 At each meeting under this procedure the employee may bring a colleague or trade union or other professional association representative. Any representative must respect the confidentiality of the disclosure of any subsequent action.

6 **Once a concern is raised**

6.1 **Stage One**

- 6.1.1 The Senior Manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.
- 6.1.2 At the initial meeting the Senior Manager should:
 - Establish that there is genuine cause and sufficient grounds for the concern;
 - Establish that the concern has been appropriately raised via the whistleblowing procedure
- 6.1.3 The Senior Manager should ask the employee to put their concern(s) in writing if they have not already done so. If the employee is unable to do this the Senior Manager will take down a written summary of the concern(s) and provide the employee with a copy after the meeting. The Senior Manager should also make notes of the meeting – these notes should:
 - Make it clear that the employee is raising the issue via the whistleblowing procedure
 - Provide the background and history of the concern(s)
 - Provide names, dates and places where possible
 - Lay out the reasons why the employee is particularly concerned about the situation
- 6.1.4 The employee should be asked to date and sign their letter/and or any notes of the discussion. The Senior Manager must encourage the employee to do this (see 4.3.1 above).
- 6.1.5 The Senior Manager should explain to the employee:
 - What steps they intend to take to address the concern;
 - How they will communicate with the employee during and at the end of the process
 - That a written response will be sent to the employee within 10 working days of the initial meeting
 - That the employee's identity will be protected as far as possible, but should an investigation require the employee to be named as the source of the information, this will be discussed with the employee before their name is disclosed
 - That the Governing Body will do all it can to protect the employee from discrimination and/or victimisation
 - That the matter will be taken seriously and will be investigated thoroughly and immediately
 - That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them

- That if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them
- That the investigation may confirm their allegations to be unfounded in which case the matter will be deemed to be concluded and the employee will be expected not to raise the concern again, unless new evidence arises.

6.2 Stage Two

6.2.1 Following the initial meeting with the employee, the Senior Manager should consult with the Headteacher or Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record of any decisions/agreed actions should be made.

6.2.2 If the allegation is anonymous it may be necessary to consider whether it is possible to take any further action. When making this decision, the following factors should be taken into account: □ The seriousness of the concern(s) raised

- The credibility of the concern(s)
- The likelihood of confirming the allegation(s) from attributable sources

6.2.3 It may be possible to resolve the concern(s) simply by agreed action or an explanation regarding the concern(s) without the need for an investigation. However, depending on the nature of the concern(s) it may be necessary for the concerns to:

- Be investigated internally through the appointment of an Investigation Officer
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

6.2.4 Senior Managers and those they consult with should have a working knowledge and understanding of other school policies and procedures to ensure that concerns being raised are addressed via the appropriate procedure. If advice is required please consult with the HR Manager.

6.3 Stage Three

6.3.1 Within ten working days of a concern being received, the employee must be written to:

- Acknowledging that the concern has been received
- Indicating how the matter will be dealt with initially
- Giving an estimate of how long it will take to provide a final response
- Informing the employee whether any initial enquiries have been made
- Informing the employee whether an Investigation Officer has been appointed to make further investigations, and if not why not
- Letting the employee know when they will receive further details if the situation is not resolved
- Providing the employee with details of whom to contact should they be satisfied with the final response (see 7 below).

7 Raising Concerns outside the school

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it is expected that the employee should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for the employee to report their concern to an external body such as a regulator. It will very rarely if

ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external.

If an employee is not satisfied with the final response, the Senior Manager should ensure that they are made aware with whom they may raise the matter externally:

- Protect (www.protect-advice.org.uk) – a registered charity that provides professional and confidential advice on whistleblowing queries – contact 020 3117 2520.
- A recognised Trade Union
- A senior Local Authority Officer
- The external Auditor
- Any other relevant professional bodies or regulatory organisations

7.2 The Senior Manager should stress to the employee that if they choose to take a concern outside the school it is the employee's responsibility to ensure that confidential information is not disclosed, ie that any confidential information, in whatever format, is not handed over to a third party.

8 Monitoring and Review

8.1 The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Governing Body as necessary.

- r) Danger to health and safety
- s) Damage to the environment
- t) Failure to comply with any legal or professional obligation or regulatory requirements
- u) Bribery
- v) Financial fraud or mismanagement
- w) Inappropriate use of school assets or funds
- x) Negligence
- y) A breach of internal policies/procedures
- z) Conduct likely to damage our reputation aa) Unauthorised disclosure of confidential information bb) Examination fraud cc) Other fraud or deceit dd) Decision making for personal gain ee) Safeguarding/Child Protection
- ff) Deliberate concealment of any of the above matters

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