

Policy on Whistleblowing



Next review: Spring 2023

Bussage Primary School is a Church of England Voluntary Aided Primary School and this policy is written within the context of the Christian faith, practice and values which underpin our ethos, and which are in keeping with our Trust Deed.

Our school's Christian ethos is that all pupils, whatever their ability or talents, are created in the image of God, and are loved equally by him.

Our school's mission is to provide a learning and development environment in which all pupils and staff can make the most of their God given potential and aspire to "be the best that they can be."

Our school vision is built upon the four cornerstones of WISDOM, HOPE, COMMUNITY and DIGNITY.

Statutory	Yes
Web-Site	Optional
Owner	Headteacher
Principle Author	Headteacher
Committee	Resources (S)

Delegation and Review	
Max. Permitted	Governing Body
Determined	Governing Body
Review	Governors decide
Frequency	3 Years

Related Policies

Which take precedence over this one

Safeguarding (and Child Protection)

Which link directly to this one and which must be read alongside

Disciplinary

Staff Code of Conduct (Staff Behaviour Policy)

Anti-Bullying

Anti-Harassment

Other policies which need to be consistent with this one

Grievance

Performance Management

Complaints

1 Introduction

- 1.1 The school operates within a legal framework and expects all employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of another employee acting inappropriately is obliged and actively encouraged to report any such activity.
- 1.2 The school is committed to the processes of accountability, but a determined perpetrator may find a way round systems and procedures. It is therefore necessary for all managers and staff to be aware of what is required in the event of suspicions. This document sets out the procedure for employees who wish to notify any suspicions and also how the school would respond.
- 1.3 This policy is set within the context of the Public Interest Disclosure Act 1998 and is intended to be consistent with it. In the event of any conflict between this policy and the Law, the Law will take precedence.

2 Purpose

- To encourage employees to feel confident in raising significant concerns, to question and act upon their concerns about practice
- To provide them with a method of raising concerns and receive feedback on how this is being followed up
- To ensure employees receive a response to their concerns and they are aware of how to pursue them further if they are not satisfied
- To reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith (even if the suspicion ultimately is found to be erroneous).
- We would always rather staff raised concerns so that they can be looked into rather than harbouring suspicions.

3 Scope

- 3.1 This policy applies to all employees and applies equally to those designated as casual, temporary, agency authorised volunteers or on work experience, governors and those contractors working for the school on school premises, for example agency staff, builders, drivers.
- 3.2 It also covers suppliers and those providing services under a contract with the school away from school premises.
- 3.3 The Staff Code of Conduct (Staff Behaviour), Safeguarding and Child Protection, Grievance and Anti-Bullying and Harassment policies are also in place to enable employees to lodge any concern relating to their own employment or concerns which fall under the scope of those policies. A Whistleblowing allegation which is upheld is likely to lead to action under one or more of the school's other policies including the Disciplinary Policy and Procedure.
- 3.4 Examples of suspected conduct which may lead to Whistleblowing include:
- Conduct which is an offence or a breach of law
 - Disclosures related to miscarriages of justice
 - Dangerous procedures or practice risking Health and Safety, including risks to the public, pupils and/or other employees
 - Damage to the environment
 - Dangerous practices
 - The unauthorised use of public funds
 - Inappropriate use of the school's Standing Orders, Financial Procedures or Contract Regulations
 - Fraud or corruption
 - Practice which falls below established standards or practice
 - Action which is contrary to the code of conduct for employees, for example sexual, physical or verbal abuse of pupils or others
 - Other unethical conduct

4 Procedure description

- 4.1 The following important principles are contained within this policy:
- The school is committed to tackling malpractice and employees should know that any matter regarding malpractice, or any other illegal or inappropriate acts will be investigated thoroughly and dealt with seriously
 - A trade union or employee representative or other representative of their choice may accompany any employee involved in this procedure
 - If a matter results in any disciplinary action, the Disciplinary Policy and Procedure will apply
- 4.2 This Whistleblowing Policy encourages and enables employees to voice their concerns without fear of victimisation, subsequent discrimination or disadvantage.
- 4.3 Employees are often the first to see or suspect something that may be seriously wrong within the school. However they might not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation.
- 4.4 The school will not tolerate any harassment or victimisation and will take appropriate action to protect employees when a concern is raised in good faith.

5 Maintaining good practice

- 5.1 The school is committed to the highest standards of openness, honesty and accountability. In line with that commitment we encourage employees, and others that we deal with, who have serious concerns about any aspect of our work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 5.2 Expected standards of conduct and practice derive from a variety of sources including:
- Job descriptions
 - Policies, Procedures and Guidelines
 - Professional standards
 - Legal requirements and guidelines
 - Inspection standards and reports
 - Code of Conduct
- 5.3 The above list is not exhaustive, but indicates the framework within which the school delivers its services. Employees should ensure that they are aware of the standards expected of them. If they are in any doubt they should discuss this with their manager or supervisor.
- 5.4 The system for maintaining good standards is founded on proper induction, supervision and appraisal, team meetings and briefing sessions, training and development and, where necessary, the positive use of the Capability and Disciplinary Policies and Procedures.
- 5.5 The school recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those who are providing a service.
- 5.6 The school will not tolerate any form of harassment or victimisation and will take appropriate action to protect employees when they raise a concern in good faith.
- 5.7 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect them.

6 Promoting good practice

- 6.1 There are several ways of promoting good practice as follows:
- We must lead by example. No one is perfect but it is hard to criticise others if our own practice can be called into question
 - We must understand, respect and follow any professional standards which apply to our role
 - We must know what the school's policies and procedures expect of us and inform and correct others who do not. We should expect and welcome other's pointing out any deficiencies in our own practice and see any such comments as positive opportunities to improve.
 - We should take the initiative to propose new procedures and improve existing procedures
 - Where employees are in a caring role they should ask for procedures that make it "normal" to express concern about "care" standards
 - We should ask questions. If a colleague does something strange we should question it. There is no need for aggression but by asking why something is done in a certain way and how it will improve the service will ensure standards are maintained. If a variation in practice improves safety, education or welfare, we should share and adopt it
 - We should keep up to date, read professional journals, attend seminars (where appropriate) join discussion groups or joint professional groups
 - We need to talk to fellow professionals to learn from others and help build best practice

- Take seriously and co-operate as fully as possible with any investigation into work practices arising from complaints from a service user and share any knowledge or concerns we may have
- Know what is happening in the department, read memoranda and newsletters
- Do not wait until something becomes a major problem. Act early, if we do not we may be assumed to be condoning bad working practices.

7 Raising and Dealing with Concerns

7.1 Confidentiality

- 7.1.1 All concerns will be treated in confidence and every effort will be made not to reveal employees' identities if that is their wish. However, this cannot be guaranteed, if the matter is considered by an external body, outside of the school's control, e.g. legal proceedings.

7.2 How to raise a concern

- 7.2.1 When an employee feels concerned about bad practice he or she will need to identify the issues carefully. An employee must be clear about the standards against which he or she is judging practice:
- Is it illegal?
 - Does it contravene professional codes of practice or standards?
 - Is it against government guidelines?
 - Is it contrary to the school's policies or procedures?
 - Is it about one individual's behaviour or is it about general working practices?
 - Does it contradict what the employee has been taught?
 - Has the employee witnessed the incident? If so s/he should write it down
 - Did anyone else witness the incident at the same time? If so they should write it down.
- 7.2.2 With whom an employee should raise concerns, depends upon the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example, there may be exceptional occasions when they are concerned about poor, or bad care practice by colleagues at work or where they are aware of a colleague acting in a way that is illegal, immoral, or unethical.
- 7.2.3 As a first step, an employee should normally raise concerns with their immediate manager/supervisor. However, if their concern is about their manager they should contact the Headteacher.
- 7.2.4 If an employee's concern is about the Headteacher, s/he should contact the Chair of Governors.
- 7.2.5 Once an employee feels clearly that bad practice exists the following action should be considered:
- Concerns may be raised verbally or in writing in the first instance. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation.
 - The earlier concerns are expressed the easier it is to take action.
 - If the employee wishes he or she may ask for a private confidential meeting with the person with whom s/he wishes to raise the concern.
 - An employee may take another person with them as a witness or for support.
 - The employee should take to the meeting – if possible - dated and signed written supporting statements from anyone who can confirm the allegation(s).
 - When raising the concern verbally, the employee should write down any relevant information and date it. Keep copies of all correspondence and other relevant information.
 - The employee should ask the person with whom s/he is raising the concern what the next steps will be and if anything more is expected of them.
 - Ask to be kept up to date with progress and informed of the outcome of the process.

- 7.2.6 Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that they have reasonable grounds for their concern.
- 7.2.7 For further advice and/or guidance, the school may contact their Human Resources Advisor.
- 7.2.8 An employee may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two people who have had the same experience or concerns.
- 7.2.9 Employees may ask their trade union or professional association representative to advise them, or be present during any meetings or interviews in connection with the concerns they have raised.
- 7.2.10 Employees will not be victimised, disciplined or disadvantaged in any way for raising genuine concerns in good faith. All employees have legal protection under the Public Interest Disclosure Act 1998. This Act protects employees from victimisation by their employer as a result of raising genuine concerns both inside or outside their organisation. However, this does not apply where allegations are found to be vexatious, malicious or deliberately false. Any such behaviour will be dealt with under the Disciplinary Procedure.
- 7.2.11 Employees also have the right to raise matters of concern under the Grievance Procedure

7.3 Anonymous Allegations

- 7.3.1 This policy encourages employees to put their name to any allegation whenever possible.
- 7.3.2 Concerns expressed anonymously are much less powerful and more difficult to investigate but will be considered at the discretion of the school.
- 7.3.3 In exercising its discretion the factors to be taken into account would include:
- The seriousness of the issues raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources.

7.4 How the School will respond

- 7.4.1 The individual manager or supervisor first hearing the concern is encouraged to take advice from the Headteacher who in turn will take advice from the school's Human Resources Advisor where appropriate.
- 7.4.2 Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

- 7.4.3 Where appropriate, the matters raised may:
- Be investigated by management, auditors, and/or in conjunction with Human Resources expertise through the Disciplinary policy and procedure,
 - Be referred to the police
 - Be referred to the external auditor
 - Form the subject of an independent inquiry.
- 7.4.4. In order to protect 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 principles the school will have in mind are pupil and staff welfare and the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, Safeguarding/Child Protection or Bullying), will normally be referred for consideration under those procedures.
- 7.4.5 Some concerns may be resolved by agreed action without the need for further investigation. If urgent action is required this will be taken before any investigation is conducted. A general principle is to take appropriate action quickly to prevent further harm or deterioration, for example, by suspending an employee on full pay pending investigation. Such actions should never be taken lightly and always in line with any relevant policies and procedures (for example, Disciplinary).
- 7.4.6 Within not more than ten working days of a concern being raised, the manager hearing the concern will write to the employee, and:
- Acknowledge the concern has been received
 - Indicate how the matter will be dealt with and who will be involved
 - Where possible, give an estimate of how long it will take to provide a response
 - Tell the employee whether any initial enquiries have been made
 - Advise the employee if, when and how they will be kept informed of progress
 - Check whether he or she needs any personal support
 - Tell the employee whether further investigations will take place and if not why not.
- 7.4.7 The amount of contact between those considering the issues and the employee(s) involved will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school will seek further information from the employee, as part of the investigation process.
- 7.4.8. The school will take steps to minimise any difficulties which employees may experience as a result of raising any concerns. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive support.
- 7.4.9 The school accepts that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, we will keep them informed of progress and of the outcome of any investigation, and the action that is to be taken against those whose action caused the concern. We will also if appropriate, consider and advise what changes are to be made to our policies and procedures to ensure that a similar concern is not raised in the future.

7.5 Untrue Allegations

- 7.5.1 If employees make an allegation in good faith, but it is not confirmed by the investigation no action will be taken against them. There may be a requirement for support for the employee who has raised the concern and any person impacted by it. The school will provide appropriate support where possible. If however, they make an allegation vexatiously, frivolously, maliciously or for personal gain, disciplinary action may be taken against them. In such cases, the Disciplinary Procedure will apply.

7.6 Responsible officer

- 7.6.1 The Headteacher has overall responsibility and will maintain a record of concerns raised and their outcomes and will report as necessary to the Governing Body.

7.7 How matters can be taken further

- 7.7.1 If the employee is not satisfied with the outcome, they may take the matter to the Chair of Governors if they have not already been involved. Within ten days the Chair of Governors will write to the employee to acknowledge the concern has been received and indicate the steps that will be taken. The Chair of Governors may choose to set up a small group of governors to investigate. The Chair of Governors will then inform the employee of the outcome on the same basis as above.
- 7.7.2 This policy is intended to provide employees with a way to raise concerns within the School. If they are not satisfied and they feel it is right to take the matter outside the School, the employee may raise the matter with the LA's Chief Executive.
- 7.7.3 If the employee is dissatisfied with the response from the school and LA and subject to the concern being a matter covered by the Public Interest Disclosure Act 1998 he/she can raise the matter, as appropriate with one or more of the following:
- An individual's local councillor, (if he or she lives within the Council's boundary)
 - The external auditor
 - The Audit Commission
 - The individual's trade union
 - The local citizens advice bureau
 - Relevant professional bodies or regulatory organisations
 - Your solicitor
 - The police
 - An appropriate voluntary organisation. "Public Concern at Work", is a voluntary organisation which offers confidential legal advice to employees of any organisation. The service is offered free and they can assist in helping individuals to decide if and how to take a concern forward. Tel no: 020 3117 2520. www.pcaw.co.uk
- 7.7.4 If employees take their concerns outside of the school, without first raising them within the school, via this policy then this policy does not apply. They should take independent advice about their rights and responsibilities. Employees should also make sure that as far as possible the matter is raised without personal information relating to other employees being disclosed.
- 7.7.5 Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the public or press, without following the steps and advice in this policy may be liable to disciplinary action.

8 Monitoring and review

- 8.1 This policy is monitored by the governing body, and will be reviewed in three years, or earlier if necessary.