

Featherstone High School

Whistleblowing Policy



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Non Statutory Policy

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1.0 Introduction

The Governors and Headteacher are committed to delivering a high quality education service to pupils and expect high standards from their staff and contractors. In order to maintain these high standards a culture of openness and accountability is vitally important. The aims of this policy are threefold:

- To encourage staff to raise concerns about malpractice within the School without fear of reprisal
- To reassure staff that concerns will be taken seriously
- To provide information about how to raise concerns and explain how the Governors may respond.

Principles

- We all have a duty to protect children/young people from harm.
- Adults working in a school are often the first to realise that the behaviour of someone is causing, or is likely to cause, harm to a child/student.
- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour in order to protect or reduce the risks to others, to prevent the problem worsening and to protect other staff and the school/college.
- We recognise that the decision to report a concern is difficult. We will not tolerate harassment or victimisation and will take all possible measures to protect anyone who raises concerns in good faith.
- If you raise concerns in good faith that are proved to be unfounded, no action will be taken against you.
- Where it is concluded that allegations have been made maliciously, disciplinary action may be taken.
- We recognise that whistleblowing can be difficult and stressful. Advice and support will be offered by the school in conjunction with Education Personnel and you may wish to contact your trade union.

2.0 Scope of the Policy

This policy applies to all School employees, agency staff, contractors and volunteers engaged by the School. There is a separate procedure for pupils and parents to raise concerns about school related issues.

3.0 What is Whistleblowing?

In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others. As the person blowing the whistle you will not necessarily be directly affected by the danger or illegality. Consequently you will not necessarily have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying and you are entitled to seek redress for yourself.

4.0 Appropriate circumstances for Whistleblowing

Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following:

- The physical, emotional or sexual abuse of pupils or staff
- Unauthorised use of School funds and/or financial maladministration
- Fraud and corruption
- Failure to comply with legal obligations
- Endangering of an individual's health and safety
- Damage to the environment
- A criminal offence
- Failure to follow financial and contract procedure rules
- Showing undue favour to a contractor or a job applicant
- Miscarriages of justice
- Deliberate concealment of information relating to any of the above
- Concerns about the professional practice or competence of colleagues, other members of staff or other workers.

5.0 Procedure

Stage 1

- As the first step, you should raise the matter with an appropriate level of line management which would normally be your own line manager. You should voice your concerns, suspicions or uneasiness as soon as you are able to. Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If you believe that your immediate manager(s) is involved, the Headteacher or the Child Protection Officer should be approached. Make sure you are satisfied with the response.
- If it is inappropriate to raise the concern with your Line Manager, the concern should be raised with the Headteacher and Chair of Governors/Vice Chair of the School.
- If the Headteacher is the subject of concern then the Ealing LADO can also be contacted. The details are as follows;
 - Ms Peru Mall - Acting Safeguarding Children Manager and Local Authority Designated Officer (LADO) Phone: (020) 8825 8155 Email: perumallk@ealing.gov.uk
- Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the whistle blowing policy.
- You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.
- If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.
- If the allegation is made orally, you can invite a friend or representative of a trade union/professional association to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.
- If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.

- If you have raised the issue orally, you will be asked to put your concerns into writing, which you should date and sign.
- You will be told what steps the line manager intends to take to address the concern. He/she may be able to take the appropriate steps to investigate the matter raised. Alternatively, he/she may refer the matter to a member of the senior leadership team, the headteacher or to the chair of governors.
- Once the issue has been raised, you will be contacted within five working days by the headteacher or the chair of governors who will arrange to meet to discuss the matter. Again, a friend or trade union/professional association representative may accompany you for the purposes of giving support.
- Notes will be taken of the details of the concern and you will be asked to sign a copy of these notes.
- Depending on the gravity of the allegation, the headteacher will consult with the appropriate body. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example for the school's disciplinary policy or even a matter for the police.
- An initial response will be given within five working days. You will be informed of the progress of the investigation and if continued confidentiality is an issue.
- When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.
- The line manager/headteacher will also notify the person who is the subject of the disclosure within five working days of the meeting. Upon receipt of the information, the individual will be able to appeal against any decisions by writing to the headteacher or governing body.

Stage 2

- If you are dissatisfied with the school's response, you can raise the matter within 10 working days of the date of the school's response by writing to the headteacher or chair of governors (if you haven't spoken to them in stage 1).
- The headteacher/chair of governors will then write to you within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1. This meeting should take place promptly. Again, you may be accompanied by a friend or representative of your trade union/professional association.
- The headteacher/chair of governors may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within five working days.

Stage 3

- If you are dissatisfied with the outcome of stage 2, then the Chair and Vice Chair of the MAT can be contacted to raise concerns.
- If you are still dissatisfied, you may opt to take the matter to stage 3, by raising the matter externally within 10 working days of the date of the decision letter at stage 2, with any of the prescribed people or bodies recommended in the government publication 'Blowing the whistle to a prescribed person: a list of prescribed people and bodies' available from www.gov.uk.

6.0 Advice and Support

The School recognises that staff may wish to seek advice and support from their professional association or trade union before blowing the whistle and you are strongly advised to do so. Employees may also wish to seek advice from 'Public Concern at Work '(PCAW), an organisation which is entirely separate from the School or the Council. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted by telephone on 027 404 6609 or email at whistle@pcaw.co.uk.

Whistleblowers who consider that they have been victimised as a result of whistleblowing should make a formal complaint to their employer immediately giving details of the way in which they believe they have been subject to detriment and their reasons for thinking that the detriment might be connected with their disclosure. You may also choose to raise the matter with:

- Professional Association/Trade Union
- Councillor
- Member of Parliament
- Legal Adviser

It is the responsibility of your employer to ensure that you are not victimised as a result of whistleblowing.

7.0 Confidentiality

The School understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, the School recognises that whistleblowers may wish to raise concerns in confidence. If you (the whistleblower) make a request for the matter to be kept confidential then your identity will not be revealed without discussing the matter with you first.

There are, however, circumstances under which complete confidentiality may be difficult for the governors to maintain. For example:

- If the matter leads to a legal procedure and evidence is required by the court.
- If the issue raised comes within the remit of another school procedure and the whistleblower is asked to provide a signed statement as part of the evidence, thus revealing their identity.

8.0 Anonymous Allegations

It is recognised that the purpose of a whistleblowing policy is to allow people to make protected disclosure with the protection being against any reprisals or victimisation for disclosures made honestly and in good faith. It is very difficult for some people to come forward and make a disclosure and the prospect of having to identify yourself can make the action of whistleblowing all the more daunting. You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate and can lack credibility. The decision whether to investigate an

anonymous allegation will be made by the Headteacher and/ or the Chair of Governors. When making this decision they will take into account the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

9.0 Protection for the Whistleblower

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to the external auditor or the police. The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action, which has been taken, although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. The Headteacher and Governors will support you in this process and ensure that you are clear about what will happen.

10. Allegations not made in the public interest

Concerns that are raised frivolously, maliciously, or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract.

11. Blowing the whistle outside the school

In certain circumstances it may be appropriate to raise concerns outside the School to the appropriate 'prescribed regulator'. This should only be done where you are raising a genuine concern in the public interest and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, professional association, trade union or PCAW (see above) before reporting them outside the School.

Examples of prescribed regulators are set out below:

- Ofsted (whistleblowing helpline): 0300 123 3155 or whistleblowing@ofsted.gov.uk
- DfE: 0370 000 2288
- The Audit Commission: 0303 444 8300
- Information Commissioner : 0303 123 1113
- Environment Agency: 03708 506 506
- Health and Safety Executive : 0300 0031 647

As a last resort and provided it is appropriate in all the circumstances, you may choose to raise your concern outside the School to someone other than a prescribed regulator e.g. the police or your MP. Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

- Reasonably believed that you would be victimised if you raised the matter initially within the School

- Reasonably believed that the matter would be “covered up” if you raised the matter internally within the School or the Council and there is no prescribed regulator or
- You have already raised the matter internally or with a prescribed regulator.

You may also choose to raise the matter with the Safeguarding Children Manager as stated previously, if the matter concerns a potential safeguarding/child abuse issue.

12. Reviews and Operation of this Policy

This policy will usually be reviewed every 2 years but can be revised as needed from time to time. It will be reviewed by the Head of HR and the Executive Headteacher. The Local Governing Body will monitor the operation and effectiveness of the arrangements.

13. Equality Considerations

The school is committed to ensuring consistency of treatment and fairness. Appropriate reasonable adjustments should be made for an employee and/or their representative if they have a disability within the meaning of the Equality Act to ensure they are not disadvantaged and can participate fully in the capability procedure.