

## Policy for Whistle-blowing

Introduction	p.1
Examples of areas covered	p.1
How to raise a concern	p.1
How the school will respond	p.2
Protection for whistle-blowers	p.2
Disclosures outside of the school	p.3

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## **Introduction**

Openness, probity and accountability are vital components of public service. Employees and other workers who discover lapses in these areas are encouraged to come forward and disclose their concerns to someone who can be trusted to take action. This process is known as 'whistle-blowing'. These issues will be taken seriously and treated in a confidential manner. This policy applies to all school employees and those working in the school or on school premises. It also covers suppliers and those providing services under a contract with the school on their own premises.

The policy has been introduced to:

- allow workers to feel confident in raising serious concerns and to question and act upon concerns about practice;
- identify avenues for workers to raise those concerns and receive feedback on any action taken;
- ensure that workers receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure workers that they will be protected from possible reprisals or victimisation if they have reasonable belief that there is malpractice or impropriety and have made a disclosure in good faith.

## **Examples of areas covered**

This policy is intended to cover areas of concern such as the following:

- conduct which may be a criminal offence;
- failure to comply with a legal obligation;
- dangerous procedures endangering the health and safety and welfare of pupils and workers and of other persons using the school buildings or site;
- possible damage to the environment;
- the unauthorised use of public funds including action which may breach financial regulations;
- fraud, bribery and corruption;
- sexual, mental or physical abuse;
- breach of procedures and regulations set by examination boards/awarding bodies.

This policy is not intended to replace the school's dispute resolution or other established procedures, but may lead to those being initiated.

## **How to raise a concern**

As a first step you should normally raise concerns, either verbally or in writing, with the Headteacher or [if the head teacher has created the concern or has failed to take appropriate action] the chair of the school's governing body. Any concern should be raised at the earliest opportunity possible. As much information as possible should be supplied, including: dates, times and names. Although you will not be expected to provide conclusive proof of the allegation, you will need to demonstrate to the person contacted that you have reasonable grounds for your concern.

If you make an allegation in good faith but it is not confirmed by a subsequent investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. You may invite your trade union/professional association representative or a workplace colleague to be present during any meetings or interviews in connection with the concerns you have raised.

You are encouraged to put your name to the allegations whenever possible. Concerns expressed anonymously will be considered at the discretion of the headteacher/chair of governors. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the concerns identified;
- the likelihood of confirming the allegation from a credible source;
- whether the details provided contain sufficient information to allow the matter to be investigated.

### **How the school will respond**

An initial assessment will be made by the head teacher/chair of governors to determine whether the concerns which have been raised warrant any action on the part of the school. Such an assessment may include a preliminary investigation. Some concerns may be resolved by agreed action without the need for investigation. Where the concerns do warrant further action, the matter will be referred to an appropriate person who will follow the appropriate procedure, e.g.

- a disciplinary investigation;
- referral to the local authority audit team;
- informing the police;
- referral to the Local Authority Designated Officer for child protection [the LADO].

Within five working days the person with whom the concern has been raised will write to the worker:

- acknowledging that the concern has been received;
- indicating how the school proposes to deal with the matter;
- informing whether further investigations will take place and if not why not;
- giving an estimate of how long it will take to provide a final response;
- supplying information on staff support mechanisms, which may include confidential counselling.

The amount of contact between the person considering the issues and the worker 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 worker. Any meeting arranged for these purposes may be offsite, if requested.

The school accepts that all workers need to be assured that the matters will be properly addressed. Subject to legal constraints, workers who have raised the concern will be informed of the outcomes of any investigation, to an extent which does not prejudice the right to confidentiality of others concerned.

### **Protection for whistle-blowers**

The Public Interest Disclosure Act 1998 makes it automatically unfair to dismiss a worker on the grounds that they undertook a 'protected disclosure' (i.e. a disclosure made in good faith with a reasonable belief that there has been a relevant malpractice or impropriety) and compensation in these circumstances is unlimited. In order for a worker to be protected under this legislation they must take reasonable steps to raise the matter internally first before going outside the organisation to raise their concern.

Any attempt to victimise a worker who has reported a concern under this procedure may be dealt with under the school's Disciplinary Procedure.

What you should do if the school does not deal with your concerns

A worker who makes a ‘protected disclosure’, such as those set out in section 2, is protected provided that:

- they make the disclosure in good faith;
- they reasonably believe that the information disclosed, and any allegation contained in it, is substantially true;
- they do not make the disclosure for purposes of personal gain;
- at the time of the disclosure, they reasonably believe that they will be subject to a detriment by their employer, or relevant evidence will be concealed or destroyed, if they make a disclosure to their employer;
- in all the circumstances of the case, it is ‘reasonable’ for them to make the disclosure.

### Disclosures outside of the school

Making a disclosure outside the school is more likely to be ‘reasonable’ if it is made to a person or body that has appropriate jurisdiction. This will depend on the nature of the concern, but for local authority maintained schools might include:

<b>Nature of concern</b>	<b>Relevant external body</b>
Criminal activity	Police
Exam malpractice	Local authority assessment co-ordinator The awarding body Ofqual
Environmental damage	Environment Agency
Breach of governance regulations	Local authority
Financial irregularities	Local authority audit department
Serious misconduct of a teacher	The Teaching Agency
Health and safety	Health and Safety Executive
Income Tax / VAT	HMRC
Child protection	Local authority Designated Officer for child protection [LADO]
Building regulations	Local authority planning department

Depending on the circumstances, other appropriate bodies may include: Ofsted or the Secretary of State

You may also seek confidential external advice from:

- your trade union or professional association;
- the Citizens Advice Bureau;
- Public Concern at Work (0207 404 6609)

Public Concern at Work is a charity, established in 1993, which offers free, confidential advice to people concerned about crime, danger or wrongdoing at work.