

Whistleblowing – model policy and procedure for schools (P658)

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The Department for Education guidance for schools on Whistleblowing states that governing bodies of maintained schools are responsible for agreeing and establishing the school's whistleblowing procedure which should be based on the Local Authority procedure. This model policy and procedure has been developed for schools to consider adopting. It has been the subject of consultation with the Local Authority's lead officer for whistleblowing and with trade unions at county level.

The DfE guidance also states that the Governing Body should:-

- (i) minute and record the adoption of their whistleblowing policy and procedure (either this model policy and procedure or an alternative which is also based on the County Council's own policy and procedure).
- (ii) inform every employee of the school's whistleblowing arrangements
- (iii) appoint at least one member of staff and at least one governor who other members of staff can contact if they wish to report concerns.

Normally the Governing Body would identify the Headteacher as the member of staff responsible for whistleblowing and so this policy and procedure makes reference to the Headteacher throughout. Should the Governing Body allocate this responsibility to a member of staff other than the Headteacher, this will need to be reflected in the adopted policy and procedure.

There is no requirement for an academy or a multi-academy trust to base their whistleblowing policy on the Local Authority's version but this model is offered as an appropriate process for adoption in academy settings. In considering adoption, decisions around who has responsibility to act in response to concerns being raised will need to be taken, i.e. responsibility may be given to an individual employed centrally in a multi-academy trust.

1. Introduction

- 1.1 An employee may be the first person to realise that there could be something seriously wrong within the school. However, they may feel that speaking up would be disloyal to colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The purpose of this policy and procedure is to make it clear that employees can raise concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. Employees are encouraged to raise serious concerns in the first instance **within** the school rather than overlooking a problem or 'blowing the whistle' outside, and it is preferred that the matter is raised when it is just a concern rather than waiting for proof.

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- 1.3 The school (and the Local Authority for maintained schools) is committed to the highest possible standards of openness, integrity and accountability. The Governing Body expects employees, and others involved in the work of the school, who have serious concerns about any aspect of the school's work to come forward and voice those concerns.
- 1.4 This policy and procedure applies to all employees and those contractors working for the school on school premises, for example, agency staff, builders and drivers. It also covers suppliers, those providing services under a contract with the school and organisations working in partnership with the school.
- 1.5 This policy and procedure has been prepared in accordance with the Public Interest Disclosure Act 1998 and Government guidance on the issue. The policy has been formally adopted by the Governing Body and publicised widely to all those who may wish to use it.

** Note: Consultation with local trade union representatives should take place in any case, but will be particularly important if the Governing Body plans to move away from this model.*

- 1.6 The school recognises that employees may wish to seek advice and be represented by their trade union representative when raising a concern and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the policy and procedure will not suffer detriment in their employment with the school.

2. Aim and scope

- 2.1 This policy aims to:
- encourage employees to feel confident in raising serious concerns and to question and act upon concerns;
 - provide avenues for employees to raise those concerns and receive feedback on any action taken;
 - ensure that employees receive a response to concerns and that they are aware of how to pursue them if they are not satisfied;
 - reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised any concern in good faith.
- 2.2 There are existing procedures in place to enable employees to lodge grievances relating to their employment. This policy and procedure is intended to cover concerns that fall outside the scope of other procedures, including the school's complaints procedure. This policy therefore includes concerns about:-
- any unlawful act, whether criminal or a breach of civil law;
 - maladministration, as defined by the Local Government Ombudsman
 - breach of any statutory code of practice

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- breach of, or failure to implement or comply with, Financial Regulations or Standing Orders
- any failure to comply with appropriate professional standards
- fraud, corruption or dishonesty
- actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property
- loss of income to the school
- abuse of power, or the use of the school's powers and authority for any unauthorised or ulterior purpose
- discrimination in employment or the provision of education
- any other matter that staff consider they cannot raise by any other procedure

* Complaints relating to harassment of, or discrimination against an employee will be dealt with under the specific procedures relating to those matters.

2.3 It should be emphasised that this policy and procedure is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the school nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

2.4 All employees are expected to adhere to this policy and procedure in line with their obligations under equality legislation. The Headteacher (or other appropriate manager) must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

3. The school's commitment

3.1 The school is committed to good practice and high standards and wants to be supportive of employees.

3.2 It can be difficult for an employee to make the decision to report a concern. If a concern is raised in good faith and based on reasonable belief, there is nothing to fear. An employee has a duty both to their employer and the public under The Public Interest Disclosure Act 1998, which will protect them from dismissal or other detriment. If an employee's concern is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

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3.3 The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an employee when they raise a concern even if they are genuinely mistaken in their concerns. Any harassment or victimisation of a whistleblower may result in disciplinary action against the person responsible.

3.4 Any investigations arising from whistleblowing will not influence or be influenced by any other procedures to which an employee may be subject.

4. Confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the employee if that is their wish. If the school are not able to resolve the employee's concern without revealing their identity (e.g. because their evidence may be needed in Court), it will be discussed with them beforehand, whenever possible.

5. Anonymous allegations

5.1 This policy and procedure encourages an employee to put their name to their concern whenever possible.

5.2 Concerns expressed anonymously are much less powerful but may be considered by the school taking into account:

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

5.3 The Headteacher or Chair of Governors will decide in each case whether a complaint made anonymously should be investigated.

6. How to raise a concern

6.1 If an employee is unsure whether or how to raise a concern they can contact the independent voluntary organisation Public Concern at Work on 020 7404 6609 for guidance.

6.2 The earlier an employee expresses concerns the easier it is to take action.

6.3 An employee is not expected to provide proof but they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

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- 6.4 It is hoped that in most cases an employee will feel able to raise any concerns internally with the Headteacher, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases, the matter may be referred to the Governing Body via the Chair of Governors or a nominated Governor who has responsibility for whistleblowing.
- 6.5 The Headteacher (or Chair of Governors or nominated Governor) will arrange a meeting with the employee as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum, they will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Headteacher (or Chair of Governors or nominated Governor) should explain this to the employee. In such instances, the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.
- 6.6 The employee may bring a colleague or trade union representative to any meetings under this policy. The colleague or trade union representative must respect the confidentiality of the disclosure and any subsequent investigation.
- 6.7 The Headteacher (or Chair of Governors or nominated Governor) will take notes and produce a written summary of the concern raised and provide the employee with a copy as soon as practicable after the meeting, along with an indication of how they propose to deal with the matter, where possible.
- 6.8 If a concern against a Governor is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. Such a concern would normally be raised with the Chair of Governors, who will decide how it will be dealt with.
- 6.9 If the concern is against the Chair of Governors, it should be taken to the Headteacher who will consider, with the Governor responsible for whistleblowing (where appropriate), how it should be dealt with. In these cases it would be advisable for guidance to be sought from the Local Authority.

7. External disclosures

- 7.1 The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrong doing in the workplace. In most cases, employees should not find it necessary to alert anyone externally.

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- 7.2 The law recognises that in some circumstances it may be appropriate for employees to report their concerns 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. Public Concern at Work referred to in paragraph 6.1 above, operates a confidential helpline and they have a list of prescribed regulators for reporting certain types of concern.
- 7.3 Whistleblowing concerns usually relate to the conduct of school employees but they may sometimes relate to the actions of a third party, such as a service provider. The law allows employees to raise a concern in good faith with a third party where the employee reasonably believes it relates mainly to the third party's actions or something that is the third party's responsibility. Employees are, however, encouraged to report such concerns internally first as outlined in 6 above.

8. Investigation and outcome

- 8.1 Once an employee has raised a concern, the Headteacher (or Chair of Governors or nominated Governor) will carry out, within 10 working days, an initial assessment to determine the scope of any investigation. The employee will be informed of the outcome of this assessment. The employee raising the concern may be required to attend additional meetings in order to provide further information.
- 8.2 In some cases, the Headteacher (or Chair of Governors or nominated Governor) may consider it appropriate to refer the concern to an external agency for consideration in advance of any internal investigation. This may be appropriate where concerns about child safeguarding, potential criminal activity or unsafe working practices are raised. Where this is deemed appropriate, no further internal investigation should be undertaken until clearance is given.
- 8.2 In most cases, a panel of three Governors will investigate any issue. In rare cases, the school may appoint an investigator or team of investigators, including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the school to minimise the risk of future wrongdoing.
- 8.3 The Headteacher (or Chair of Governors or nominated Governors) will aim to keep the employee informed of the progress of the investigation and likely timescale. Sometimes the need for confidentiality may mean that the employee cannot be given specific details of the investigation or any disciplinary action taken as a result. The employee is required to treat any information about the investigation as strictly confidential.
- 8.4 If it is concluded that an employee has made false allegations maliciously, in bad faith or with a view to personal gain, they will be subject to disciplinary action under the school's disciplinary policy and procedure.

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- 8.5 Whilst it cannot always be guaranteed that the outcome will be in line with the employee's expectation, concerns will be dealt with fairly and in an appropriate way. If an employee is not happy with the way their concern has been handled, they can raise it with the Chair of Governors.
- 8.6 There is no right of appeal against any decisions taken under this policy and procedure. The employee or the Headteacher will have the right to refer any particular case to the nominated Governor for Whistleblowing for review.
- 8.7 Any employee raising a concern under this policy and procedure will be informed, where appropriate, of the final outcome. In some circumstances, e.g. where disciplinary action has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

9. Protection and support for whistleblowers

- 9.1 It is understandable that an employee may be worried about possible repercussions. Employees are encouraged to be open and will be supported, where genuine concerns are raised in good faith under this policy and procedure, even if they turn out to be mistaken.
- 9.2 Employees must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee believes that they have suffered any such treatment, they should inform the Headteacher immediately. If the matter is not remedied the employee should raise it formally using the school's grievance procedure.
- 9.3 No employee should threaten or retaliate against a whistleblower in any way. Any individual involved in such conduct will be subjected to disciplinary action.
- 9.4 All employees are responsible for the success of this policy and procedure and should ensure that they use it to disclose any suspected danger or wrong doing. Employees are invited to comment on this policy and procedure and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher in the first instance.
- 9.5 The school will do what it can to minimise any difficulties which an employee may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the school will arrange for them to receive advice about the procedure and other appropriate support.

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10. Child safeguarding

- 10.1 If an employee suspects that there is a serious safeguarding issue that they feel is not being taken seriously by the Headteacher, or if there is a serious safeguarding issue involving the Headteacher, they should in the first instance contact the designated Governor for Child Protection.

11. Responsibility for the policy

- 11.1 The responsibility for the effectiveness and efficiency of this policy and procedure rests with the Governing Body. The Governing Body will be advised about and maintain records of, the concerns raised and the outcomes in a form which does not endanger confidentiality and will report if necessary to the Local Authority.