



Blenheim

# Whistle Blowing Policy

Committee: Finance, Audit, Facilities and Staff

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[www.blenheim.surrey.sch.uk](http://www.blenheim.surrey.sch.uk)

## **1. Introduction & Purpose of Policy**

Blenheim High School is committed to the highest possible standards of honesty, openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all its activities are openly and effectively managed, and that the Academy's integrity and the principles of public interest disclosure are sustained.

In line with that commitment, all members of staff and those working on behalf of the Academy who have serious concerns about any aspect of the Academy's work are encouraged to come forward and voice those concerns to their immediate manager and/or the Headteacher. Staff not only have the right, but also a duty, to report any improper actions or omissions, particularly where the welfare of young people may be at risk. Where any member of staff decides to report a serious incident within the scope of this policy, whether anonymously or otherwise, this will be treated as a 'protected' disclosure. Staff members should feel reassured that they can raise concerns in accordance with this policy without fear of victimisation, subsequent discrimination or disadvantage.

This policy aims to:

- Encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues to raise those concerns and receive feedback on any action taken;
- Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- Reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

The Governing Body is mindful of its obligations under the Equality Act 2010 and this policy will be applied fairly and consistently to all staff employed at the academy as well as those carrying out work for the Academy, for example, governors, volunteers, agency workers, contractors or consultants. The term 'member(s) of staff' is used in this document for simplicity but is intended to include this broader range of individuals covered by this policy. Copies of this policy, which incorporates the key aspects of the Academy's Whistle Blowing Policy, are available to all members of staff on the website or from the School Office. Blenheim will follow the Surrey Safeguarding Children Board Procedures Manual - See more at:

<http://surreyscb.procedures.org.uk/page/contents#p3>.

## **2. Scope of the Policy**

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The whistle blowing policy is intended to cover serious concerns that may fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998.

Individuals are encouraged to come forward with genuine concerns, knowing that they will be taken seriously. A whistle blower should ask themselves a few questions about their concern before taking action:

- Is it in the public interest?
- Is it, or do you believe it to be, illegal?
- Is it a criminal offence?
- Is the environment damaged or likely to be damaged?
- Is it, or do you believe it to be, against codes of practice issued by the school, the local authority (LA), the DFE or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle blower witnessed the incident?
- Does it constitute the covering up of wrongdoing?
- Does it concern actions that negatively affect the welfare of children?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. The headteacher will consider whether any disciplinary action is appropriate against the individual who made it. The police may be asked to consider whether any action might be appropriate against the person responsible, even if s/he was not a pupil or employee.

Examples of issues include:

- Inappropriate use of school assets or funds.
- Gross mismanagement of funds.
- Decision making for personal gain.
- Any criminal activity.
- Damage to the environment of the school, to property belonging to the school or to a member of the school community.
- Dangerous practices.
- Child protection issues including sexual, emotional or physical abuse of pupils or others.
- Abuse of position.
- Serious misuse or abuse of authority.
- A miscarriage of justice
- Fraud and deceit or corrupt practices.
- Serious breaches of school procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest).
- Other unethical conduct, including the circulation of inappropriate e-mails.
- A breach of any legal obligation.
- Suppressing information about anything listed above.
- Manipulation of accounting records and finances.
- Health and safety risks, including risks to the public or pupils as well as other staff.

- Information relating to the above issues that has been, or is likely to be, deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse of pupils at the academy
- Harassment & bullying of staff
- Breaches of codes of conduct
- Malpractice in examinations and assessments.

Therefore, any serious concerns that a member of staff has about any aspect of the Academy's service provision or the conduct of staff or others connected with the Academy can be reported under this whistle blowing policy where that member of staff has a reasonable belief in the validity of those concerns and they relate to one of the specified areas set out above.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

### **3. Key Points About Raising Concerns**

#### **3.1 Safeguarding Against Harassment or Victimisation**

It is recognised that the decision to report a concern can be a difficult one to make. The Academy will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures) resulting from a member of staff raising a concern and will handle any such allegations in accordance with the academy's Responding to Staff Complaints procedure.

A member of staff making an allegation within the scope of this policy will be supported by the Academy when raising a concern, providing that he/she:

- Has a reasonable belief of the concern to be true.
- Is not acting maliciously or making false allegations.
- Is not seeking any personal gain.

#### **3.2 Unsubstantiated Allegations**

If a member of staff makes an allegation, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

#### **3.3 Confidentiality**

All concerns will be treated in confidence but, at the appropriate time, the whistle blower may be asked to come forward as a witness and this will be discussed with him/her.

#### **3.4 Anonymous Allegations**

Whistle blowers are encouraged to put their name to an allegation. If confidentiality is requested, the governing board will do its best to protect the identity of any member of staff who raises concerns. It will not disclose the

identity of the whistle blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

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 whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.
- When the safeguarding of children is the issue.

Anonymous allegations will only be considered if the issues raised are:

- Very serious.
- The credibility of the allegation is considered to be high.
- The likelihood of confirming the allegation is high.

This policy encourages staff to put their name to their allegation wherever possible.

#### **4. How to Raise a Concern**

As a first step, a member of staff should normally raise concerns with his/her immediate line manager, the Headteacher or the Academy's Designated Safeguarding Lead (DSL) where this is appropriate to the nature of the concern. If the allegations involve the Headteacher, the member of staff should raise the matter with the Chair of the Governing Body or, should the whistle blower feel the need to involve a person external to the academy, they could contact his/her trade union/professional association or the Local Area Designated Officer (LADO).

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 or email. 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.

The earlier the concern is expressed the easier it is to take any required action. Members of staff who wish to make a written report are encouraged to include the following information:

- The background and history of the concern, giving relevant names, dates and places and providing as much supporting evidence as possible;
- The reason(s) why they are particularly concerned about the situation.
- This statement should be signed and dated.

Where a concern is raised verbally, the person hearing it must ensure that a written account of it is made to assist with any subsequent investigation, which must be signed and dated. Academy management will take all concerns

raised within the scope of this policy seriously and identify the appropriate level of investigation.

The whistle blower may invite a recognised trade union representative or a work colleague to be present during any meetings or interviews held in connection with the concerns raised.

## **5. How the Academy Will Respond**

### **5.1 Initial Enquiry**

In order to protect the individuals involved, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take and who should be appointed to conduct it. The overriding principle is that of the public interest. If urgent action is required, for example if the welfare of pupils may be at risk, this action will be taken before any investigation is conducted. Further to the results of this enquiry, the following steps will be considered:

- Concerns or allegations which fall within the scope of specific procedures, e.g. child protection, bullying or harassment or disciplinary, will normally be referred for investigation and consideration under those procedures.
- Where there are any concerns about financial impropriety or criminal activity, the concern will be referred to the Governing Body before taking any other action, which may include reporting to the police.
- Concerns indicating unlawful activity should be reported to the Headteacher.
- Suspected incidents of malpractice relating to examinations will be reported to the appropriate awarding body at the earliest opportunity and should be reported to the Headteacher or a member of the Leadership Team.
- In other cases, an impartial investigator may be appointed and the Academy will seek advice.

### **5.2 Communication**

Within ten working days of a concern being raised, the person who is dealing with the concern will respond in writing to the employee. The response will:

- Acknowledge receipt of the concern
- Indicate how the Academy proposes to deal with the matter
- Give an estimate of how long it will take to provide a final response
- Advise whether any initial enquiries have been made
- Supply information on any staff support mechanisms and
- Advise whether further investigation or action is required, and if not, why not.

### **5.3 Investigation**

Once preliminary enquiries have established the need for an investigation, an appropriate person will be appointed to conduct the investigation (section

5.1). An initial response will be given within five working days informing the member of staff who raised the concern on the progress of the investigation and if continued confidentiality is an issue.

The person appointed to undertake the investigation is responsible for establishing the facts of the matter, as far as it is reasonably possible to do so, and assessing whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

Written records of all interviews will be kept throughout the investigation together with details of any action taken. The investigation will result in a written report and recommendations for corrective action, which will be passed to the Headteacher and/or the Chair of the Governing Body, as appropriate to the concerns under consideration, to determine whether formal action shall be taken.

- When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to the member of staff raising the concern will, subject to legal constraints, advising of the outcome of the investigation and, where appropriate, what action is being taken. This may, for example, include changes to working practices to ensure that a similar situation does not occur again.
- If the member of staff is dissatisfied with the school's response, they 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.
- The headteacher/chair of governors will then write to the member of staff within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and they you are dissatisfied with the outcome. This meeting should take place promptly and the member of staff may be accompanied by a colleague or trade union representative.
- The headteacher/chair of governors may then decide to investigate further and will need to decide what action to take. The member of staff will be updated with the outcome of the meeting within five working days.
- 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 board.

## **6. Taking the Matter Further**

If the member of staff continues to be dissatisfied with the outcome they may opt to take raise the matter externally within 10 working days of the date of the final decision letter, 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](http://www.gov.uk)

This policy is intended to provide members of staff with an avenue to raise concerns internally. If the member of staff feels that it is right to take the matter outside the Academy, contact can be made with a recognised trade union, local Citizens Advice Bureau, relevant voluntary or independent organisation or legal advisor. In taking concern outside the school, staff should ensure that, as far as possible, the matter is raised without confidential information being divulged.

The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the FSA, the Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation such as Public Concern at Work. ([www.pcaaw.co.uk](http://www.pcaaw.co.uk))

## 7. Monitoring & Reporting

The Governing Body of the Academy is responsible for overseeing the operation of this policy and for ensuring that appropriate records are maintained regarding concerns raised and the outcomes.

### **Additional Contact Details:**

#### **Designated Safeguarding Leads**

The Academy's DSL is: Mr C Mundy and the Deputy DSL is Mr R Singleton. Other trained DSLs are the Academy are: Mrs H Peacock, Mr J Preece, Mr S Thornton and Miss J Glister.

#### **Local Education Office:**

For concerns and advice regarding child protection allegations against staff contact the Duty LADO.

Tel: 0300 200 1006 option 4 then option 3 or 0300 123 1650 option 3

Email: [LADO@surreycc.gov.uk](mailto:LADO@surreycc.gov.uk)

Or

[LADO@surreycc.gcsx.gov.uk](mailto:LADO@surreycc.gcsx.gov.uk) for secure emails

- See more at: <http://surreyscb.procedures.org.uk/yxkptl/appendices/local-contact-details#sthash.1Dw6uPMQ.dpuf>

#### **NSPCC whistleblowing contact details:**

<https://www.nspcc.org.uk/globalassets/documents/publications/whistleblowing-advice-line-wallet-card.pdf>

[Tel: 0800 0280285 Free and Anonymous](tel:08000280285)