



Range High School

Reporting in the Public Interest (Whistleblowing) Policy

Person responsible for Policy: Headteacher / Chair of Governors

Date of next review: JULY 2020 – by governors - (major changes will be brought to the attention of the governors as and when they occur)

RESPONSIBILITY FOR THIS POLICY REMAINS WITH THE GOVERNING BODY

ANNUAL REVIEW

**RANGE HIGH SCHOOL
REPORTING IN THE PUBLIC INTEREST POLICY FOR SCHOOLS
(WHISTLEBLOWING POLICY)**

INTRODUCTION

This policy was developed to comply with the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have ‘blown the whistle.’

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things:

- That they are acting in the public interest – this means in particular that personal grievances and complaints are not usually covered by whistleblowing law
- That they must reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - Criminal offences, (this may include, for example types of financial impropriety such as fraud)
 - Failure to comply with an obligation set out in law
 - Miscarriages of justice
 - Endangering of someone’s health and safety
 - Risk or actual damage to the environment
 - Covering up wrongdoing in the above categories

It should be noted that in making a disclosure the worker must have reasonable belief that the information disclosed tends to show one or more of the offences or breaches listed above. The belief need not be correct – it might subsequently be discovered that the worker was in fact wrong – but the worker must show that he held the belief and that it was a reasonable belief in the circumstances of the disclosure.”

POLICY STATEMENT:

“The Governing Body and Senior Leadership Team are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect workers that we deal with who have serious concerns about any aspect of School business, including the health and wellbeing of students and staff, to come forward and voice those concerns without fear of victimisation, subsequent discrimination or disadvantage.

It is recognised that most cases will have to proceed on a confidential basis.”

1.0 BACKGROUND:

- 1.1 School staff may feel that there is something seriously wrong within school. However, they may 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. In these circumstances they may feel that it is easier to ignore rather than report their concerns.
- 1.2 The Confidential Reporting Policy is intended to encourage and enable workers to raise serious concerns relating to the school rather than overlooking a problem or “blowing the whistle” outside.
- 1.3 The Policy applies to all employees and those contractors working within the school. It also covers suppliers and those providing services under a contract with the school, i.e. all “workers” at school.

1.4 This Policy is in addition to the school complaints and grievance procedures. Service users will be made aware of the existence of these procedures by the relevant publications.

1.5 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2.0 **AIMS OF THE POLICY:**

2.1 This policy aims to:

- Encourage workers to feel confident in raising serious concerns and to question and act upon concerns.
- Provide 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 s/he will be protected from possible reprisals or victimisation if s/he has a reasonable belief that any disclosure made has been in good faith.

3.0 **SCOPE OF THE POLICY:**

3.1 A grievance procedure is in place to enable workers to lodge a grievance relating to their own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is a criminal offence
- disclosures related to miscarriages of justice
- health and safety risks, including risks to students, staff or members of the public as well as other workers
- risk or actual damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual, racial or physical abuse of students/workers or other unethical conduct

3.2 Any serious concerns that workers have about any aspect of service provision or the conduct of other workers or members of the school or others acting on behalf of the school can be reported under this Confidential Reporting Policy. This may be about something that:

- Makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the school subscribes to
- Is against school policy
- Falls below established standards of practice, or
- Amounts to improper conduct.

3.3 This policy does not exclude the schools complaints procedure.

4.0 **SAFEGUARDS:**

4.1 The Governing Body recognises that the decision to report a concern can be a difficult one to make. If what an employee is saying is true, they should have nothing to fear in doing their duty to the school and those for whom a service is being provided.

4.2 The Governing Body is committed to good practice and high standards, wishes to be supportive of workers and will ensure the following safeguards:

4.2.1 Harassment and Victimisation:

- The Governing Body will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers when they raise a concern in good faith.
- Any investigation into allegations of potential malpractice will not influence, or be influenced by any disciplinary or redundancy procedures that already affect an employee.

4.2.2 Confidentiality:

All concerns will be treated in confidence and every effort will be made not to reveal an identity if it is so wished. At the appropriate time, however, it may be necessary to call an employee as a witness.

4.2.3 Anonymous Allegations:

This Policy encourages workers to put their name to the allegation, whenever possible. Concerns expressed anonymously are much less powerful, but will be considered as far as is possible at the discretion of the Chair of the Governing Body.

In exercising this discretion the factors to be taken into account would include:

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

Anonymous whistleblowers will not ordinarily receive feedback (although they could seek feedback through a telephone appointment) and any action taken to look into a disclosure could be limited.

4.2.4 Untrue Allegations made by Employees:

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee who raised the concern. If, however, an allegation is made maliciously or for personal gain, disciplinary action will be taken.

5.0 **HOW TO RAISE A CONCERN:**

5.1 As a first step, a concern should normally be raised with the Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. For example, if it is believed that leadership is involved then an approach to the Chair of the Governing Body or to Ofsted (if appropriate) should be made.

5.2 Concerns may be raised verbally or in writing (the whistleblower does not need to provide evidence for their concerns to be looked into. Workers who wish to make a written report are invited to use the following format:

- The background and history of the concern giving the relevant dates.
- The reason why there is particular concern about the situation.

5.3 The earlier an expression of concern is made the easier it is to take action.

5.4 Although workers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

5.5 Advice and guidance on how matters of concern may be pursued can be obtained from:

- The Headteacher: Mr M McGarry - 01704 879315
- The Clerk to the Governors (for Chair) – pauline.neilson@aol.com

- Ofsted – 0300 123 1231
- Citizens Advice - <https://www.citizensadvice.org.uk/>
- <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- NSPCC Whistleblowing helpline – 0800 028 0285 <https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>
- Public Concern at Work - <http://www.whistleblowing.org.uk/>

5.6 Workers may wish to consider discussing their concern with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

5.7 Workers may invite their trade union/professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

6.0 **HOW THE HEADTEACHER/CHAIR OF GOVERNING BODY WILL RESPOND:**

6.1 The Headteacher/Chair of Governing Body will respond to concerns raised. However, investigating concerns is not the same as either accepting or rejecting them.

6.2 Where appropriate, the matters raised may:

- Be investigated by SLT, Chair of Governors, or through the disciplinary process
- Be referred to the Police
- Be referred to the Local Authority Designated Officer (LADO)
- Be referred to an external auditor
- Be referred to the Education Funding Agency (EFA)
- Form the subject of an independent inquiry

NOTE: The appropriate course of action will be determined and taken by the person to whom the matter is referred, not by the individual employee who raises the issue.

6.3 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 principle which the Headteacher/Chair of Governing Body will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

6.4 Some concerns may be resolved by agreed action without the need for investigation, for example, where intended plans are changed in the light of concerns being raised. If urgent action is required, this will be taken before any investigation is conducted.

6.5 Within ten working days of a concern being raised, the Headteacher/Chair of the Governing Body will write to the employee:

- Acknowledging that the concern has been received
- Indicating how it is proposed that the matter will be dealt with
- Giving an estimate of how long it will take to provide a final response
- Informing whether any initial enquiries have been made
- Supplying information on employee support mechanisms and
- Stating whether further investigations will take place and if not, why not

6.6 The amount of contact between the person considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the

information provided. If necessary, the Headteacher/Chair of the Governing Body will seek further information.

6.7 Where any meeting is arranged, off-site if so wished, an employee can be accompanied by a trade union/professional association representative or a friend.

6.8 Whenever possible the Headteacher/Chair of the Governing Body will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if workers are required to give evidence in criminal or disciplinary proceedings, the Headteacher/Chair of the Governing Body will arrange for them to receive advice about the procedure.

6.9 The Headteacher/Chair of the Governing Body accept that an employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the Headteacher/Chair of the Governing Body will inform the member of staff of the outcomes of any proceedings.

7.0 **THE RESPONSIBLE OFFICER:**

7.1 The Headteacher, in his/her role as Monitoring Officer, has overall responsibility for the maintenance and operation of this policy. The Headteacher will maintain a record of concerns raised and the outcomes but in a form which does not endanger confidentiality. S/he will report as necessary to the Governing Body.

8.0 **HOW THE MATTER CAN BE TAKEN FURTHER:**

8.1 This policy is intended to provide an avenue within the school to raise concerns. The Governing Body hopes that workers will be satisfied with any action taken. If not, and if they feel that it is right to take the matter outside the school, the following are possible contact points depending on the concern:

- The Chair of Governors – (Contact Clerk Pauline.neilson@aol.com in the first instance)
- The Headteacher (01704 879315)
- Public Concern at Work (020 7404 6609) <http://www.pcaw.org.uk/about/contact-us>
- The external auditor
- The Commissioner of Local Administration (Local Government Ombudsman – 0300 061 0614)
- A trade union
- Citizens Advice Bureau - <https://www.citizensadvice.org.uk/>
- Advisory, Conciliation and Arbitration Service (ACAS) – 0300 123 1100 - <https://beta.acas.org.uk/the-formal-grievance-process-step-by-step>
- Relevant professional bodies or regulatory organisations
- Relevant voluntary organisation
- The Police
- Ofsted – whistleblowing@ofsted.gov.uk - 0300 123 3155
- Education & Skills Funding Agency – <https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

8.2 If the matter is taken outside the school, steps should be taken to ensure that there is no disclosure of confidential information. A check with the contact point may be necessary.

MANAGEMENT GUIDELINES ON THE CONFIDENTIAL REPORTING POLICY
(“Whistle Blowing” in the Public Interest)

1. INTRODUCTION:

The Public Interest Disclosure Act 1998 is designed to protect staff from being penalised by their employers for raising concerns about serious misconduct or malpractice that threatens the public interest. The legislation requires individuals to raise such matters internally at first, if they are to be protected. If this recourse is ineffective, an external disclosure through an appropriate avenue may be necessary.

As an employer the Governing Body is required to:

- Ensure that procedures are in place in line with the legislation
- Develop rules and codes of conduct on “whistleblowing” and
- Establish dedicated “whistleblowing” contacts and support structures

“Contacts” could therefore be the Headteacher, Chair of Governors, Deputy Head or other school staff.

2. ROLE OF THE “CONTACT”

The role of the “Contact” is to:

- Offer to interview the employee raising the concern (within two working days) or immediately, if circumstances require it
- Give advice regarding the route to lodge a complaint if it does not fall within the “Confidential Reporting Policy” (see paragraph 7 below) and
- Make recommendations to management regarding remedial action, provide feedback and/or implement the recommendations/action to be taken.

3. RAISING THE CONCERN

Concerns can be raised verbally, or in writing. In either case, the employee must be invited to provide the following information:

- Details of the background and history of the concern – giving relevant times
- The reason why there is particular concern about the situation

Every effort must be made not to reveal the identity of the employee raising the concern; however, it may be necessary to him/her to act as a witness at a later date.

The employee may invite his/her trade union representative or a friend to be present during any meetings or interviews in connection with the concern(s) raised. However, it must be made clear that this person’s attendance is for the purpose of providing support only, and he/she will not be allowed to become involved in the proceedings. You, as the “Contact” may be accompanied by a note taker who will not identify the discloser in any way.

In order to protect individuals and those accused of misdeeds or possible malpractice, you will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation.

If urgent action is required, it must be taken before any investigation is conducted, for example if an individual is at risk.

Within ten days of a concern being raised you, as “Contact”, will write to the employee:

- Acknowledging receipt of the complaint
- Indicating how you will deal with the matter
- Give an estimate of how long it will take to provide a full response
- Inform him/her whether any initial enquiries have been made
- Supply information on employee support mechanism (e.g. counselling) and
- State whether further investigations will take place and if not, why not.

4. **COURSES OF ACTION**

The course of action must be taken by you, as the “Contact” to whom the matter is referred, not by the individual employee who raises the issue. You may need to refer to, or seek the advice of the Headteacher, Senior Manager or the Chair of Governors.

5. **THE GROUNDS ON WHICH NO FURTHER ACTION IS TAKEN**

The grounds on which no further action is taken are as follows:

- You are satisfied that on the balance of probabilities, there is no evidence that malpractice within the meaning of the policy has occurred, is occurring or is likely to occur
- You are satisfied that the employee is not acting in good faith
- The matter is already (or has been) the subject of proceedings under one of the school’s other procedures
- The matter concerned is already the subject of legal proceedings or has already been referred elsewhere.

The outcome of an investigation and any action proposed or taken will be reported back to the concerned employee. All responses to the employee who raises the concern will be made in writing to his/her home address. If no further action is proposed, you will give reasons for this.

The Headteacher, as the Responsible Officer, has overall responsibility for the Policy and you should inform him of any concern(s) raised and the outcome(s) – in a form which does not endanger confidentiality.

6. **FURTHER ACTION THAT MAY BE TAKEN BY AN EMPLOYEE**

If the employee who raised a concern has exhausted the internal channels, as laid out in the Policy, or has not had a response within the above stated times, or otherwise feels that the complaint is not being dealt with appropriately, he/she may take the matter further. However, before taking any such action, the employee should inform you, as the “Contact.”

The employee may take the matter externally as previously described and may at any time disclose the matter, on a confidential basis, to a professionally qualified lawyer for the purpose of taking legal advice.

7. **COMPLEMENTARY POLICIES/PROCEDURES**

The Confidential Reporting Policy (“Whistleblowing” in the Public Interest) is complimentary to the following policies/procedures:

- Grievance
- All other relevant school policies

If you require any further guidance/advice on the Policy please contact the Headteacher or the Chair of Governors.