

Newbold School Whistle Blowing Policy

Reviewed December 2021 by J Crissey

Ratified by Newbold School Board of Governors January 2022

Legal Status:

The key piece of whistle blowing legislation is the Public Interest Disclosure Act 1998 (PIDA) which applies to almost all workers and employees who ordinarily work in Great Britain. The situations covered include criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage. Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed.

For a disclosure to be protected it must be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.

Applies to:

- Whole School
- We explicitly require staff to report to the Headteacher initially or Governors, if necessary.

Related Documents:

- Safeguarding - Child Protection Policy.
- Safeguarding - Health, Safety and Welfare Policy.
- Safeguarding – Safer Recruitment Policy and Procedures.
- Anti-bullying Policy.
- Behaviour Policy.
- Employment Policies.
- Equality and Diversity Policy and Implications.

Availability

This policy is available to parents, staff and pupils in the following ways: upon request from parents, a copy may be obtained from the school office, on the Staff Common computer storage area for staff to download and from the school website (www.newboldschool.co.uk).

Monitoring and Review:

This policy will be subject to continuous monitoring, refinement and audit by the Headteacher. The Board of Governors will undertake an annual review of this policy and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if changes in legislation, regulatory requirements or best practice guidelines so require.

Signed:

Mrs J Crissey, Headteacher

Date: *17th December 2021*

Chair of Newbold School Governors: Mr Robin Anthony

WHISTLEBLOWING POLICY

Newbold School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees and others with serious concerns about malpractice or wrongdoing in the school's work are encouraged to come forward and voice those concerns without fear of victimisation. Whatever the source, Newbold School Board of Governors is committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.

We explicitly require staff to report any concern or allegation about school practices or behaviours of colleagues, which are likely to put pupils at risk of abuse or other serious harm, to the headteacher of the school or the governors (if the complaint is about the headteacher).

The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term "whistle blowing" to mean the confidential raising of problems or concerns within an organisation by a member of staff. This is not 'leaking information' but refers to matters of impropriety e.g. a breach of law, school procedures or ethics. Nor is whistle blowing the raising of a grievance within the school (which would be dealt with under the staff grievance procedures).

Those external to Newbold School are encouraged to raise any concerns they have about the way in which the school operates through the school's Complaints Procedure. Employees are often the first to realise that there may be something seriously wrong with an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. Employees are encouraged to raise their concerns within the school by applying the approach described in this document, rather than overlooking a problem or blowing the whistle outside the organisation.

The school provides immunity from retribution or disciplinary action against such staff for “whistleblowing” in good faith. At all levels, including newly appointed and ancillary, staff have been given briefing or training on responding to suspicions or allegations of abuse and know what action they should take in response to such suspicions or allegations.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the school nor should it be used to reconsider any matters, which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the “whistle blowing” procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the school.

We expect employees, volunteers, and anyone associated with Newbold School, who have serious concerns about any aspect of practices encountered within the school, to come forward and voice those concerns without fear of reprisals. This policy is to support staff wanting to raise such issues. It is recognised that certain cases will have to proceed on a confidential basis.

This policy takes into account the provisions of the Public Interest Disclosure Act 1998, which also provides legal recourse for the person raising the concern should they feel they have been treated unfairly as a result of “whistleblowing”. The purpose of the policy is to give all members of staff the confidence to come forward and raise issues of concern.

The issues covered by the policy include things that may be:

- Unlawful.
- Involve fraud or dishonesty.
- Contrary to School Policies and Procedure.
- Is seen as improper conduct.
- Endangers the health and safety of staff or students .

Purpose

- The purpose of this policy is to:
- Encourage members of staff to feel confident in raising serious concerns and to question and act upon concerns and practice.
- Provide an avenue for a member of staff to raise those concerns and receive feedback on any action taken.
- Ensure that a member of staff would receive a response to their concerns and that the member of staff is aware of how to take the matter further if they are not satisfied with our response.
- Reassure the member of staff that they will be protected from reprisals or victimisation for any disclosure that has been made in good faith.
- The policy is intended to cover any serious concerns that a member of staff has about any aspect of service provision or the conduct of a member of staff or others acting on behalf of the school or major concerns that fall out of the scope of other procedures.

The staff and governors of the school seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. If members of school staff, parents, governors or the school community at large become aware of activities that give cause for concern, Newbold School has this Whistle Blowing policy. This acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the school's disciplinary procedure. The school is committed to tackling fraud and other forms of malpractice and treats these issues seriously. We recognize that some concerns may be extremely sensitive and have therefore developed a system, which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

Aims:

The aim of this policy is to provide safe and confidential avenues for all staff, volunteers and those associated with the school to raise concerns and receive feedback over malpractice including those of child protection, social care, corruption and financial irregularities occurring within the school. It will result in:

- Staff and members being aware of how to express concerns in regards to suspicion of bad practice
- A recognition that systems are in place to prevent victimisation and / or intimidation of staff who raise concerns in good faith.
- An atmosphere that enables and encourages staff to raise serious concerns.
- A clear and understandable process regarding taking issues of concern further if they are not satisfied with the response and provide feedback at all stages regarding progress being made.
- Providing avenues for employees to raise concerns and receive feedback on any action taken.
- Allowing employees to take the matter further if they are dissatisfied with the school's response.
- Reassuring employees that they will be protected from reprisals of victimisation for whistleblowing in good faith.

There are existing procedures in place (e.g. grievance, harassment and bullying) which make provision for employees to lodge a concern relating to their own employment. This Whistle Blowing Policy is intended to complement those procedures by covering concerns that appear to fall outside their scope. Governors with serious concerns about malpractice or wrongdoing should contact the Chair of Governors, Mr Robin Anthony.

Scope of Policy

This policy is designed to enable employees of the school to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud.
- Failure to comply with a legal obligation or Statutes.
- Dangers to health & safety or the environment.
- Criminal activity.
- Improper conduct or unethical behaviour.
- Attempts to conceal any of these.

Safeguards

Harassment and Victimisation

The school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The school will not tolerate harassment or victimisation and will take action to protect the person raising the concern when they raise a concern in good faith. This does not mean that if the person raising the concern is already the subject of disciplinary procedures, that those procedures will be halted as a result of their whistleblowing.

Confidentiality

It is recognised that the person raising the concern may wish to raise a concern in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent. It must be appreciated, however, that in some situations the investigation process may not be concluded unless the source of the information and a statement by the individual is produced as part of the evidence.

Anonymous Allegations

This policy encourages the person raising the concern to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the school. In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an allegation is made but subsequently, following an investigation, not upheld then no action will be taken against the instigator providing they:

- Have acted in good faith.
- Believe that the information disclosed, and any allegation contained in it, is **substantially true**.
- **Have not** acted for personal gain.

It should be noted that if a malicious or false allegation is made, disciplinary action may be considered.

How to raise a concern – general

- Employees are encouraged to set out in writing the background and history of the concern, giving names, dates and places where possible and the reason why they are particularly concerned about the situation. If employees do not feel able to put their concern in writing, the matter can be raised by telephone or by way of a meeting with the appropriate person. In any event, employees should try to make an immediate note of relevant details, e.g. what was said in a telephone or other conversation.
- Employees are encouraged to express their concerns at the earliest opportunity. The earlier a concern is raised, the easier it is normally to take action. When raising concerns

employees must declare any personal interest they have in the matter. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for a concern. However, they should not attempt to investigate a concern or accuse individuals directly. Employees may invite their trade union or professional association to raise the matter on their behalf.

How to raise a concern – main steps

- As a first step an employee should normally raise concerns with her/his immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if an employee believes that her/his immediate line manager is involved, the employee should approach the Headteacher.
- In some circumstances, confidential informal advice from the employee's trade union or professional association may help an employee who is unsure of how best to pursue a concern about malpractice.

How the school will respond

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation on a sensitive and confidential basis. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school's external auditors, legal or personnel advisers, the police or the regulatory bodies. The action taken by the school will depend on the nature of the concern. The matters raised may be:

- investigated internally.
- referred to the Police.
- referred to an external auditor or
- Form the subject of an independent enquiry.

In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (e.g. pupil protection or discrimination issues or financial irregularities), will normally be referred for consideration under those procedures. Some concerns may be resolved by action agreed between the employee raising the concern and the person to whom it is reported without the need for investigation. The person with whom the concern is raised will write personally to the employee who has raised the concern within 10 working days:

- Acknowledging that the concern has been received.
- Indicating how s/he proposes to deal with the matter.
- Giving an estimate of how long it will take to provide a response.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the governors or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the police. Employees raising a concern will be informed of the final outcome of any investigation. In some circumstances,

however, it may not be possible to reveal the full details where this relates to personal issues involving a third party. If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with Newbold School Board of Governors.

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Safeguards

1. Protection

This policy is designed to offer protection to those employees of the school who disclose such concerns provided the disclosure is made:

- In good faith.
- In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

2. Confidentiality

The school will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make.

Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the School.

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

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

We recognise and understand that any member of the public may whistle blow to the DfE or Ofsted, and that if such whistle blowing is concerned with issues relevant to:

- Safeguarding (child protection).
- Bullying.
- Behaviour management.

- The provision of education including special education and welfare, health and safety.

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Monitoring

All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register held by the Governors . The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised in order to monitor any patterns and to assist in monitoring and reviewing the policy.

Guidance on terminology used in this policy

Harassment: A person is harassed when they are subjected to unwanted physical or verbal conduct which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them

Bullying: A person is bullied when they are subjected to offensive, intimidating, malicious or insulting behaviour which through the abuse or misuse of power makes them feel vulnerable, upset, humiliated or threatened.

Such behaviour may include:

- A staff member shouting at, being sarcastic towards, ridiculing or demeaning a pupil or colleague.
- A parent shouting at, being sarcastic towards, ridiculing or demeaning a member of staff,
- Making physical or psychological threats.
- Overbearing supervision.
- Making inappropriately derogatory remarks about a pupil or colleague.
- Persistent unfair assessment of a pupil or colleague's work.
- Unfairly excluding pupils from classes, projects or events.

Bullying does not include reasonable and constructive criticism of a pupil or colleague's work or behaviour

Minor issues of concern should in the first instance be raised with immediate line managers, however issues felt to be of a more serious or sensitive nature should be raised directly with the Headteacher. If you feel unable to raise the matter with your Headteacher, for whatever reason, then the matter should be referred to the Chair of Governors. Whenever possible, concerns should

be raised in writing and should set out the background and history of the concern, giving names, dates and places if known, as well as the reason why the individual is particularly concerned about the situation. The earlier the concern is expressed, the easier it is to take action. Although those raising a concern will not be expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

How the allegation will be dealt with

The action taken by the governors will depend on the nature of the concern. The matters raised may be:

- investigated internally. Any investigation will be undertaken paying due regard to confidentiality.
- referred to the Police.
- referred to the external auditor or
- form the subject of an independent inquiry by the governors of the school.

In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of other existing procedures (e.g. child protection or discrimination issues), will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. The school will write to the complainant within a maximum of 10 working days of a concern being received;

- Acknowledging that the concern has been received.
- Indicating how it proposes to deal with the matter.
- Giving an estimate of how long it will take to provide a final response.
- Telling them whether any initial enquiries have been made.
- Telling them whether further investigations will take place, and if not, why not.

N.B. In certain high-risk situations, i.e. child protection concerns, interim action may already have been taken.

The amount of contact between the body considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual. When any meeting is arranged, the person raising the concern has the right, if they so wish, to be accompanied by a workplace representative or a work colleague or a personal supporter who is not involved in the area of work to which the concern relates. The school will take steps to minimise any difficulties, which the person raising the concern may experience as a result of raising a concern. For instance, if the person raising the concern is required to give evidence in criminal or

disciplinary proceedings, the School will advise and support them through the procedure. The school accepts that the person raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigations.

Alternative methods of taking forward a complaint

This policy is intended to provide the person raising a concern with appropriate avenues to raise those concerns internally with the employing organisation whenever possible however, if an individual feels it is right to take the matter outside this process, the following are possible contact points:

- Individuals' solicitors.
- Your local councillor.
- The school's auditors – which is the organisation appointed to scrutinise the school's finances and performance.
- The Police – suspicions of fraud or corruption may be reported directly to the Police.
- Public Concern at Work – this is a charity, which provides free and strictly confidential legal help to anyone concerned about a malpractice which threatens the public interest. They operate a helpline on 0207 404 6609 or can be e-mailed at whistle@pcaw.demons.co.uk.
- The Health and Safety Executive.
- Any other relevant Inspectorate or regulatory body.
- National Care Standards Commission, Tel 01724 749040.

The Persons raising the concern need to ensure that any disclosure is made in a reasonable and responsible way. A disclosure will be protected, even if it is proven to be unfounded, as long as it was made in good faith.

Conclusion

Existing good practice within the school in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the school operates, ensures that cases of suspected fraud or impropriety rarely occur. The Whistle Blowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the school's disciplinary procedure, which should cover all of the potential areas of concern.