



Bishop Rawstorne Church of England Academy

## Whistleblowing Policy

*'But the wisdom that comes from heaven is first of all pure; then peace loving, considerate, submissive, full of mercy and good fruit, impartial and sincere'*

*James 3:17*

**FORTITER ET FIDELITER**

*Bravely and Faithfully*

This document and the content contained therein remains the responsibility of the Headteacher, and Governing Body of the Academy. No amendments can be made without their express instruction and they remain the final arbiters in any matters relating to it.

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**Reviewed by:** L Hood

**Approved by FBM:** September 2023

## THE CHRISTIAN COMMUNITY

Bishop Rawstorne is a Christian community that delights in seeking wisdom and knowledge, building relationships and character based upon the Word of God, enabling us all to flourish bravely and faithfully.

## CODE OF CONDUCT IN OUR CHRISTIAN COMMUNITY

Our aim is to ensure that you feel happy, safe and secure in your school.

### ***We believe:***

- that every individual in our community is a unique and valuable creation made in the image of God.
- we all have a right to be considered equal, worthy of respect and esteem.
- we all have a responsibility to treat others as we would like to be treated ourselves.

### **1. Introduction**

Bishop Rawstorne Church of England Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees, governors and others that we deal with, who have serious concerns about any aspect of the school, are encouraged to voice those concerns.

Employees are often the first to realise that there may be something seriously wrong at the 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 it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This document makes it clear that concerns may be reported without fear of victimisation, subsequent discrimination or disadvantage.

The Whistleblowing Policy and Procedures are intended to encourage and enable employees (and other stakeholders) to raise serious concerns within the school, rather than overlooking a problem or raising the matter externally.

The procedure applies to all employees, governors, and those contractors working for the school. It also covers suppliers and those providing services to the school. The procedure supplements the School's Grievance Procedure and Child Protection Policies.

The Whistleblowing Policy and Procedure is intended to cover major issues that fall outside the scope of other procedures. These may include:-

- possible fraud and corruption;
- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;

- health and safety risks, including risks to the students and the public, as well as other employees;
- damage to the environment;
- the unauthorised use of school funds;
- other unethical conduct.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of school employees, governors, or others acting on behalf of the school can be reported under the Whistleblowing Policy and Procedure. This may be about something that:-

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the governors and the school subscribes to;
- is against school policies; or
- falls below the established standards of practice; or
- amounts to improper conduct.

There is a balance to be struck between the right of the individual member of staff to speak freely on a range of matters, and the right of the school or colleagues to protect themselves against false and malicious accusations. A Whistleblowing Policy and Procedure is about the ways in which concerns about malpractice may properly be raised within the school, and if necessary outside the school.

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the headteacher, the concern will be raised with the chair of governors.

Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees.

## **2. Safeguards**

The school is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the school, and to those for whom you are providing a service. The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

Any investigations into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **3. Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. The school would encourage you to put your name to any allegations whenever possible.

### **4. Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the 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.

### **5. How to Raise A Concern**

You should, in the first instance, raise your concern with a member of the Senior Leadership Team, unless:-

- the concern is about a member of the Senior Leadership Team then the concern should be raised with the Headteacher; or
- the concern is about the Headteacher or Chair of Governors then the concern should be raised with Mr Stephen Gregson, Vice Chair of Governors, or see Section 7 below on how to take the matter further.

Concerns may be raised by letter, telephone, email or in person, **stating that you wish to make a formal complaint under the Whistleblowing Policy**. Those who wish to make a written report should detail the background and history of the concern (giving relevant dates) and the reason why they are particularly concerned about the situation. The earlier a concern is expressed, the easier it is to take action. You may also wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

### **6. How the school will respond**

The person you direct your complaint to (hereby known as "The Assessor") will reply to you within ten working days of a concern being raised or sooner if there is an immediate danger of loss of life or serious injury. Concerns or allegations which fall within the scope of other policies and procedures (for example, child protection) will normally be referred for consideration under those procedures rather than the Whistleblowing Procedure. Some concerns may also be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised the Assessor will write to you:-

- acknowledging that the concern has been received;
- indicating how the school proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- informing you whether further investigations will take place and if not, why not.

The amount of contact the Assessor has with you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of information provided. You will be invited to an interview to discuss the grounds for your complaint (off-site if this is more appropriate), at which you are entitled to be accompanied by a Trade Union Official or a fellow employee of the school. The Assessor will also be accompanied by a colleague who will take notes on behalf of the school.

Following the interview, within ten working days, the Assessor will recommend to the Headteacher and/or Governing Body one or more of the following:-

- the matter be investigated internally by the school;
- the matter be investigated by external auditors appointed by the school;
- the matter be reported to the Department for Education;
- the matter be reported to the police;
- the matter to be considered under another policy and procedure (you will be informed of this);
- that no further action is taken by the school.

The grounds on which no further action is taken include:-

- the Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- the Assessor is satisfied that you are not acting in good faith;
- the matter is already (or has been) the subject of proceedings under one of the school's other policies or procedures;
- the matter concerned is already the subject of legal proceedings or has been referred to an external body.

*The Claimant may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.*

It is accepted that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## 7. How the Matter Can Be Taken Further

This policy is intended to provide you with an avenue within the school to raise concerns. The school hopes you will be satisfied with any actions taken. If you are not and if you feel that it is right to take the matter outside the school, the following are possible contact points:

- Protect ( Tel. 020 7404 6609 & 020 3117 2550, email [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)) The charity provides advice to would-be whistle blowers who are concerned about making a disclosure.
- Trade Union Representative
- Local Citizens Advice Bureau
- The Police
- Department for Education
- HM Revenue & Customs
- Health & Safety Executive
- The Environment Agency
- Relevant professional bodies or regulatory organisations
- ESFA (via the online contact form)
- Ofsted
- The Information Commissioner
- NSPCC Whistleblowing helpline on 0800 0280285 (email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)) or the Local Authority Designated Officer 01772 536694).

If you do go outside the school, you should ensure that you do not disclose confidential information.

## 8. Appeals Process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Procedure Policy.