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Bacup and Rawtenstall Grammar School



Whistleblowing Policy

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WHISTLEBLOWING POLICY

1. CONTEXT

1.1 Staff are often the first to realise that there may be something seriously wrong within 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.

1.2 The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect colleagues, and others that we deal with who have serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that all cases will proceed on a confidential basis.

1.3 The policy document makes it clear that concerns may be expressed without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing policy is intended to encourage and enable all staff to raise serious concerns within school rather than to overlook a problem or 'blow the whistle' outside.

1.4 The policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the academy in any capacity including casual, temporary, agency workers, authorised volunteers or work experience, parent helpers, Governors and those contractors working for the school.

1.5 These procedures are in addition to the school's complaints procedures and other statutory reporting procedures. All listed in Section 1.4 should be made aware of the existence of these procedures.

1.6 This policy has been discussed with the recognised teacher associations and trade unions and has their support.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage everyone 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;
- reassure those who have a reasonable belief that their disclosure has been made in good faith that they will be protected from possible reprisal or victimisation;

2.2 There are existing procedures in place to lodge a grievance etc relating to employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public/pupils as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption - see Note below;
- sexual or physical abuse of pupils where referral under Child Protection procedures has not yet been initiated;
- failure to comply with a legal obligation or statutory requirement
- attempts to cover up the above, or any wrongdoing in the public interest
- other unethical conduct.

2.3 Thus, any serious concerns that anyone has about any aspect of service provision or the conduct of school staff, governors or others acting on behalf of the school can be reported under the Whistleblowing Policy. This may be with reference to the standards of practice the school subscribes to, or is against the school's policies, or amounts to improper conduct.

2.4 This policy does not replace the school's complaints or grievance procedures.

NOTE: The requirement to have clear whistle-blowing procedures in place is set out in the Academies Financial Handbook. This includes a requirement for the Governing Body to notify the Secretary of State (via the ESFA) of any financial irregularities or fraud. This requirement is not superseded by this Whistleblowing Policy; the Governors will need to act accordingly if a financial issue is raised.

3. SAFEGUARDS

3.1 Harassment or Victimisation

3.2 The Governing Body is committed to good practice and high standards and want to be supportive of employees.

3.3 It is recognised that the decision to report a concern can be a difficult one to make, but it is the duty of all staff to ensure all activities connected to school are legal, moral and ethical.

3.4 The Governing Body does not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect anyone who raises a concern in good faith.

4. CONFIDENTIALITY

4.1 All concerns are treated in confidence and every effort is made not to reveal the identity of the informant. At the appropriate time, however, s/he may need to come forward as a witness.

5. ANONYMOUS ALLEGATIONS

5.1 This policy encourages the informant to put his/her name to the allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered in the context of the following factors:

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

6. UNTRUE ALLEGATIONS

6.1 If an allegation is made in good faith but it is not confirmed by the investigation, no action will be taken against the informant. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the informant.

7. PROCEDURES FOR RAISING A CONCERN

7.1 As a first step, concerns should be raised with the Headteacher if the complaint is about the Headteacher, it should then be raised with the Chair of Governors.

7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why there is a particular concern.

7.3 The earlier the concern is expressed, the easier it is to take action.

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8. INVESTIGATING THE CONCERN

8.1. If an informant confirms a wish to raise concerns formally under the policy, the Headteacher / Chair of Governors will co-ordinate the response to the concerns raised and respond in accordance with Paragraph 8.5 below.

8.2 Where appropriate, the matters raised may:

- be investigated by school or through the disciplinary process;
- be referred to the external auditor;
- be referred to the police;
- form the subject of an independent inquiry.

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries are made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which school management has in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) are normally referred for consideration under those procedures.

8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.5 Within ten working days of a concern being raised, the responsible person will:

- Meet with the person raising the concern. The person raising the concern may be accompanied by a trade union or professional association representative.
- Get as much detail as possible about the concern at the meeting and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy / procedure

- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is, the Headteacher / Chair of Governors should then arrange a further investigation into the matter involving where appropriate, external independent bodies such as Auditors, Police and legal professionals.

The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps:

8.6 The Governing Body will take steps to minimise any difficulties which the informant may experience as a result of raising a concern. For instance, if s/he is required to give evidence in criminal or disciplinary proceedings, arrangements will be made for him/her to receive advice about the procedure.

8.7 It is accepted that the informant needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, s/he will be informed of the outcome of any investigation.

8.8 The Headteacher/Chair of Governors maintains a record of concerns raised and the outcome (but in a form which does not endanger confidentiality) and reports as necessary to the Governors.

9. OUTCOME OF THE INVESTIGATION

Once the investigation is complete, the investigating person will prepare a report detailing the findings and confirming whether or not any wrongdoing occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral was required to an external organisation.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate action, the headteacher, Governors and other staff will review the relevant policies and procedures to prevent future occurrences of the same wrong doing.

10. HOW THE MATTER CAN BE TAKEN FURTHER

9.1 This policy is intended to provide the informant with an avenue within school to raise concerns. The Governors hope that all parties will be satisfied with any action taken. If not, and it is felt it is right to take the matter outside the school, the following are possible contact points:

- Protect (formerly Public Concern at Work) (Tel:020 3117 2520), a registered charity whose services are free and strictly confidential;
- the external auditor;
- the Legal advisors;
- Trade Union/Teacher Association;
- the local Citizens' Advice Bureau;
- relevant professional bodies or regulatory organisations;

- a relevant voluntary organisation;
- the police.

9.2 If the matter is taken outside the school, the informant should ensure that s/he does not disclose confidential information.