



Poole High School

VALUED • INSPIRED • EMPOWERED

FREEDOM TO SPEAK UP POLICY

(Previously called Whistleblowing)

Staff Link:	Mrs S Phillips	Date:	December 2022
Governor Link:	Mr J Hart	First Review:	December 2024
Policy No.	24	Subsequent Reviews:	2 yearly

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1. Introduction

The Public Interest Disclosure Act 1998 (update 2020) was introduced to facilitate the early detection of malpractice within the workplace. The Act protects employees against victimisation and harassment if they raise a public interest disclosure relating to malpractice or conduct within the school.

Poole High School is committed to the highest standards of conduct and compliance with legal obligations and good practice. Any concerns of malpractice will be taken seriously and dealt with.

The Headteacher and Governing Body of Poole High School are committed to safeguarding the welfare of children and will take steps to ensure that children are safe and free from abuse.

2. Scope

This policy applies to all school staff including full and part time, casual, temporary or substitute staff and to individuals undertaking work experience.

3. Policy

This policy is designed to help encourage employees to raise genuine concerns and provides advice on doing so.

This policy explains how those who make public interest disclosures reasonably and in good faith will be protected from victimisation or discipline.

Personal grievances (e.g. bullying, harassment, discrimination) aren't covered by law, unless the particular case is in the public interest. These should be reported under the grievance policy and procedure.

This policy should be read alongside the **Code of Conduct**, Safeguarding Policy and the procedure for dealing with allegations of abuse against members of staff and volunteers.

4. What kind of Disclosures are covered?

The Public Interest Disclosure Act 1998 defines a 'qualifying disclosure' as any reasonable disclosure of information relating to wrongdoing, which is in the public interest. This may include information relating to:

- A criminal offence
- A miscarriage of justice
- A risk to the health and safety of individuals
- An act causing damage to the environment
- Failure to comply with any legal obligation or regulatory requirement
- Attempts to conceal or suppress any information relating to the above.

Any concerns raised that do not meet the definition described above will be dealt with under the appropriate procedure.

5. Concerns relating to safeguarding

All employees have a duty to report concerns relating to safeguarding of children and young people. In the first instance, concerns should be raised with the Designated Safeguarding Lead.

If the employee's concerns relate to the Designated Safeguarding Lead, the matter should be reported to the Headteacher. If the concerns relate to the Headteacher, they should be reported to the Chair of Governors.

Where an employee feels concerned about how a workplace child protection issue is or will be handled they can contact the Local Authority Designated Officer or the NSPCC helpline on 0800 028 0285.

Failure to report a child protection related allegation is a disciplinary offence.

6. Anonymous allegations

The school encourages individuals to put their name to allegations where possible. Anonymous allegations will be considered but this is at the discretion of the Governors. When deciding whether to investigate, the school will consider the seriousness of the allegation raised, the likely creditability and any supporting evidence.

Where anonymity is requested by an individual, the school will make every effort to maintain confidentiality but this might not always be possible. Where it is not possible to preserve the individual's anonymity, the school will discuss this with the individual before any further action is taken and reasonable measures to support the employee will be taken.

7. Support and protection

The school aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

The school will discuss with the employee measures it can reasonably take to offer support during and after any investigation. This may include alternative working arrangements, providing a mentor or offering the employee counselling.

Individuals covered by this policy will not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment would include dismissal, disciplinary action, threats or harassment due to raising a concern.

If an individual feels they have suffered detriment they should inform the Headteacher immediately.

Staff will not threaten or harass anyone raising a concern in any way. Anyone involved in such conduct will be subject to disciplinary action.

8. Raising a concern

Concerns should be raised in writing to the Headteacher / Chair of Governors / Designated Safeguarding Lead. It is possible to raise concerns verbally, but the school advises that they should be in writing. If the person thinks the Headteacher / Chair of Governors / Designated Safeguarding Lead may be involved they can speak to any Governor.

If the individual feels unable to express their concerns within the school, they can raise them with a prescribed person outside the organisation, such as their Trade Union representative, Public Concern at Work, the Police, or the Safeguarding Lead within their Local Authority or the NSPCC.

The member of staff should provide information on the concern itself, reasons for their concern, any additional background information and details of any witnesses. This information should, where possible, include names, dates and places.

9. Formal resolution

All complaints will be taken seriously and given thorough consideration as to the school's response. The Headteacher / Chair of Governors / Designated Safeguarding Lead will consider the information provided and decide whether an investigation is required and form a view on the scope of that investigation. The Headteacher / Chair of Governors / Designated Safeguarding Lead may consider it necessary to meet with the individual to establish further information before making their decision.

If it is felt that no further action is required, the member of staff will be informed of this decision and the reasons for it.

The Headteacher / Chair of Governors / Designated Safeguarding Lead may determine that a full investigation is necessary and may either conduct the investigation themselves or appoint an appropriate person or body to do so on their behalf.

It might be determined that the investigation needs to be referred to an external authority, such as an independent investigator, a regulatory body, the local authority or in the case of fraud or financial irregularities the school's auditors.

The member of staff has the right to be accompanied by a representative at meetings regarding the allegation. The representative can be a trade union representative or a work colleague.

Some concerns may be resolved by agreed action without the need for a full investigation. In this case the following stages of the procedure may not be relevant.

10. The investigation

The Investigating Officer will decide upon a date for the investigation and determine the terms of reference.

The role of the investigator is to be fair and objective in establishing the facts and reaching a conclusion on what did or did not happen. An investigator should do this by looking for evidence to both support and contradict the allegation. They also need to identify whether any further action is required.

11. Timescales

The Investigating Officer will write to the member of staff within 5 working days (except in the case of anonymous allegations) regarding the following:

- acknowledging that the concern has been received
- if appropriate, inviting them to a meeting
- indicating how it is proposed the matter will be dealt with
- giving an estimate of how long it will take to provide a final response
- informing them whether any enquiries have been made
- informing them whether further enquiries will take place
- providing information on the support available whilst matters are looked into, and
- explaining confidentiality arrangements and any limitations to that

Following the investigation the Investigating Officer will make a written report, which will be submitted, to the Chair of Governors as soon as reasonably practicable.

Once the report has been received, the Chair of Governors will consider the findings and decide on the action to be taken. This should be as soon as reasonably practicable following the receipt of the inquiry report.

The Chair of Governors will inform the member of staff of the outcome, as soon as reasonably practicable, explaining the detail of any action to be taken, if applicable.

Most investigations should be completed within three months, unless they are of a more serious nature and this timeframe can be extended. In this situation, all parties will be written to and kept informed of progress.

12. Outcome

The Chair of Governors will decide as to whether any further action is required. If it is decided further action is required, this will be dealt with under the relevant procedure. Subject to any legal constraints, the member of staff should be kept informed of progress including, where appropriate, the final outcome. However, in certain circumstances, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters but they should be given as much information as is reasonable in the circumstances.

If the school concludes that the individual has made a false allegation maliciously or with a view to personal gain the individual will be subject to disciplinary action under the school's disciplinary policy and procedure.

13. Appeal

There is no right of appeal against any decisions taken under this procedure. However, an employee or the Headteacher will have the right to refer any particular case to a designated Governor for review.

If the member of staff is not satisfied with how the employer dealt with their concern or they feel they have been unfairly treated they can contact the Advisory, Conciliation and Arbitration Service (ACAS), the charity Public Concern at Work or their trade union representative for more guidance.

A member of staff can take a case to an employment tribunal if they consider they have been treated unfairly because they have raised a concern.