**St Andrew’s School

A school with Quaker values

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**Executive Head: Julie Jackson**

 **Head of School: Jim Collin**

**The St Andrew’s School Trust is a Registered Charity No. 1129232**

Whistleblowing

Policy & Procedure

Last reviewed date: Autumn 2023

Adopted by Trustees date:

Next review date: Autumn 2024

**Introduction**

St Andrew’s School is committed to providing a safe, supportive, open, and honest working environment. If you work for (or with) St Andrew’s School, it is important to us that you feel confident and able to raise any concerns that you may have.

You may be concerned about what has happened to you and your colleagues, something you have seen, heard, or been asked to do, or something that is not happening when it should. It is our aim to continue improving the services we provide, how we conduct our business, and the safety and wellbeing of all those within the workplace. We therefore consider the open and honest raising of concerns to be essential in meeting the school’s strategic goals, uncovering, or preventing wrongdoing, and how we function.

It is natural to feel uncomfortable about raising concerns at work. You may be worried about negativity from peers, your concerns not being taken seriously, or suffering recriminations such as bullying, harassment or even losing your job. The purpose of this policy is to address those concerns and assure you that the school will act upon these with the intention of reaching a resolution. We will listen to and consider any concerns raised under this Policy (or any other) and where appropriate, investigate those concerns without delay, and you will always have access to the support you need.

We believe that anyone who raises any type of concern about work that they believe to be true, should be treated with respect, and should not suffer as a result.

Through visible leadership at all levels, we will actively promote this policy to all staff, and welcome disclosures, provide training and act against those who may seek to obstruct or ignore this policy or who harass or victimise anyone raising genuine concerns.

The Senior Management Team will:

• Lead and reinforce a culture which promotes openness and transparency;

• Lead a co-ordinated, efficient response, ensuring that concerns are fully investigated;

• Ensure that action is taken on any findings and any lessons are shared and learned; and

• Provide assurance that those who raise concerns are reassured and that the policy has been followed.

**What is Whistleblowing and What is Covered?**

Whistleblowing is the term used to describe the disclosure of information about suspected wrongdoing or dangers identified at work.

We believe that anyone who raises any type of concern about work that they believe to be true, should be treated with respect, and should not suffer as a result. Certain types of wrongdoing or dangers that are reported are regarded as being in the public interest. These are specified with The Public Interest Disclosure Act 1998 and Employment Rights Act 1996 and concern the following matters:

• Any criminal offence (such as fraud or theft)

• Any breach of a legal obligation or duty

• A miscarriage of justice

• A danger to the health and safety of any individual

• Dangers to the environment

• Deliberate concealment of information tending to show any of the above five matters

An employee who reasonably believes that one of the above concerns is either happening now, took place in the past, or is likely to happen in the future is making a ‘qualifying disclosure’ (and discloses information regarding the matter to the appropriate person or body), and will be ‘protected’ from detrimental treatment or victimisation from their employer. These are called ‘protected disclosures’; further information on the protection for employees can be found in the section entitled ‘Protection for Whistleblowers’ of this policy.

As a whistleblower you’re protected by law - you shouldn’t be treated unfairly or lose your job because you ‘blow the whistle’.

In some cases, a protected disclosure may be investigated under a separate policy of St Andrew’s School where appropriate; for example, an allegation of sexual harassment is likely to qualify for protection as it will be with reference to an unlawful or potentially criminal act. In these cases, the school’s Grievance policy and procedure will be used as the internal mechanism for dealing with the concern in the first instance. The Staff Behaviour (Code of Conduct) Policy will be considered in all cases.

Other concerns, that may not be qualifying, which however may meet the public interest criteria, could relate to value for money concerns, poor contract management, employment issues or poor standards of behaviour of staff. While these may not have the same legal protection, the school takes these seriously and will investigate with a view to resolving those concerns.

Personal grievances and complaints are not usually covered by whistleblowing law. If you are a member of a professional body, you may have a professional duty to report a concern. If in doubt, please raise it. Further information on who to report concerns to under this policy can be found in Appendix A ‘List of Whistleblowing Contacts’.

**Raising a Concern – Who Can Raise Whistleblowing Concerns?**

This policy assists those who work for and/or with St Andrew’s School to feel confident and secure with reporting any concerns that relate to the section entitled ‘What is Whistleblowing and What is Covered?’ above. Anyone who has a link to the school such as an employee, contractor, consultant, student on work placement, volunteer, casual or agency worker can raise concerns.

Whistleblowing concerns can be reported to someone within the school, or an external prescribed person or body. In addition, you can also blow the whistle to your legal adviser, Trade Union or to your MP.

In the first instance individuals working in the school should raise their concerns with the school. If the employee, however, has a concern which they feel they cannot discuss with the management of the school or have good reason to consider that their complaint or disclosure will not be properly handled, then they may report their concerns direct to Norfolk County Council or the appropriate prescribed person or body.

If the concern relates to a child protection issue this should be reported to the Local Authority Designated Officer **(LADO) on 01603 223473** or via **LADO@norfolk.gov.uk** and in line with the specific guidelines outlined in the school’s Safeguarding policy.

Any so called ‘gagging clauses’ in settlement agreements do not prevent employees from making disclosures in the public interest.

Note:- If you are a member of the public and you wish to raise a concern, a list of where your concern can be directed to can be found here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Or

Telephone: **0344 800 8020**

Email**:** **information@norfolk.gov.uk**

**Protection for Whistleblowers**

*(The Public Interest Disclosure Act 1998 (PIDA) governs whistleblowing. PIDA came into force on 2 July 1999. It amends the Employment Rights Act 1996 and protects workers against dismissal or other penalties as a result of making a ‘protected disclosure’.)*

If a concern (by an employee) is raised in the reasonable belief that it is in the public interest, and procedures have been followed correctly, the discloser raising the concern will be protected by the terms of this policy and, where applicable, by whistleblowing legislation. Where a discloser has been victimised for raising a concern, the school will take appropriate action against those responsible, in line with the St Andrew’s School Disciplinary Policy and Procedures.

Any disclosure of information received from an employee in relation to the section entitled ‘What is Whistleblowing and What is Covered?’ of this policy is likely to be considered a ‘Protected Disclosure’. This means that employees who disclose information to the school or a prescribed person or body in relation to the types of wrongdoing in the section entitled ‘What is Whistleblowing and What is Covered?’ above are protected by law and will not be at risk of losing their job or suffering any form of reprisal as a result, so long as:

• The employee making the disclosure has reason to believe the information provided is true.

• The employee does not do so for personal gain.

***It does not matter if you are mistaken or if there is an innocent explanation for your concerns.***

The school does not require employees to obtain proof of wrongdoing or investigate the matter themselves prior to reporting a concern. We want employees to raise any concerns they have at the earliest opportunity so that they can be considered, and hopefully resolved quickly. St Andrew’s is committed to dealing with any disclosure appropriately, consistently, fairly, and professionally, and no one should feel that any issue or concern is not important enough be raised.

St Andrew’s School does not tolerate bullying, harassment, or victimisation in any form, including to those who raise a concern in connection with the provisions of this policy. Furthermore, we will not tolerate any attempt to bully an employee into not raising any such concern. We consider behaviour of this nature to be a breach of our values and will take the appropriate action against those who fail to meet our behavioural requirements.

Whistleblowing laws provide the right for an employee 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’.

***If you believe you have suffered a detriment for raising a concern under this policy, you should report this to any of the persons listed in Appendix A.***

**Confidentiality and Anonymity**

We believe that any employee should feel confident and able to voice whistleblowing concerns openly under this policy. However, the school accepts that some employees may wish to raise a concern confidentially. This means that although the person you disclosed the information to will know who you are, you do not want anyone else to be made aware. If this is what you want, every effort will be made to ensure your identity is not disclosed unless we are required to do so by law.

In some cases, it may not be possible to maintain confidentiality as a consequence of an investigation into the concerns raised. If this occurs, we will discuss this as soon as possible with you, and aim to devise strategies for supporting you to ensure that you suffer no detriment or harassment as a result.

Employees can raise anonymous concerns under this policy. This means that those dealing with the concern may not be able to contact you or gain any further information other than what you have provided from the initial disclosure. In these cases, it may be difficult to investigate the concerns raised due to many factors, such as a lack of information about individuals, dates, times, locations, or documents. There is a risk that genuine concerns raised anonymously may not result in a satisfactory outcome. For these reasons the recommended routes for raising a whistleblowing concern are via open or confidential reporting of information. Nevertheless, anonymous allegations will always be individually considered using the following guidelines:

• the seriousness of the issues raised;

• the credibility of the concern; and

• the likelihood of confirming the allegations from attributable sources.

Anonymous whistleblowers may seek feedback through a telephone appointment or by using an anonymised email address.

**How Do I Report a Concern?**

In the first instance we would encourage you to raise any concern including low level you may have either formally or informally with the Heads. If the concern is about the Heads this should be reported to the co-Chairs of Trustees – **Michael Goodwin and Jenny Meara 01263 837927**. Where you do not believe this to be appropriate, you can use any of the options set out below in Appendix A. Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. The government has produced a list of external bodies designated to receive external whistleblowing concerns. These are called prescribed persons and the list can be found here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies> . In any case, those who wish to make a disclosure should do so using the school’s internal procedures in the first instance.

It will very rarely (if ever) be appropriate to alert the media. Whistleblowing to the media is only protected under exceptional circumstances and there is a risk that such disclosure could mean that the rights and protections in law of the person making the disclosure are lost.

**Should I Get Advice?**

Before making a disclosure, you may first wish to discuss the concern on a confidential basis with a trade union representative, solicitor, Protect (formally Public Concern at Work - see below) or professional body, and seek advice on how to proceed. These discussions may help assess how justified your concern is and, if you then wish to proceed, the most appropriate and effective way to report it. This is important because the report should be made so as to allow the most effective investigation, whilst affording the whistleblower protection under the law.

**We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect (formally Public Concern at Work), operates a confidential helpline. Their contact details can be found in Appendix A.**

**How Will My Concern Be Dealt With? - Managers’ Duty to Report**

All managers should be aware of this policy and must report to the Chief Internal Auditor based at Norfolk County Council any concerns (deemed to be within the Public Interest - see below) that are raised with them within 24 hours of receipt. For the avoidance of doubt, concerns deemed to be within the public interest are:

• Any criminal offence (such as fraud or theft)

• Any breach of a legal obligation or duty

• A miscarriage of justice

• A danger to the health and safety of any individual

• Damage to the environment

• Deliberate concealment of information tending to show any of the above five matters.

Failure to report a concern could be considered a deliberate concealment of information and may result in disciplinary action so, if in doubt, report it without delay.

Information gathered regarding whistleblowing issues will be used to inform a review of this policy on an annual basis to ensure it is robust and fit for purpose.

**How Will My Concern Be Dealt With? (The Procedure)**

We will respond to your concern to acknowledge it has been raised as soon as possible, usually within three working days of receipt via an appropriate medium such as verbally or written.

Upon receipt of a concern, we will discuss this with you and make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. This will include an assessment of whether the concern should be investigated under any of the school’s other policies and procedures.

Any initial meeting under this policy can be arranged away from the workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

Where appropriate, the matters raised may:

• be investigated by the Heads or Senior Management Team or through the Disciplinary Policy and Procedure or Grievance Policy and Procedure

• be referred to the police

• be referred and put through established child/adult protection procedures

• form the subject of an independent inquiry

We will also consider whether your concerns may be resolved via other mechanisms such as mediation, training or review, or any other form of dispute resolution.

Where we can, we will acknowledge the allegation in writing within ten days confirming:

• How the school proposes to deal with the matter

• How long we estimate that it will take to provide a final response

• Whether any initial enquiries have been made

• Whistleblower support mechanisms; and whether further investigations will take place, and if not, why not.

Any investigation will be proportionate, independent, objective and evidence based, and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems occurring.

In respect of disclosures of serious misconduct or wrongdoing relating to safeguarding children or adults at risk and or special educational needs; the County Council has a legal obligation to investigate and will do so irrespective of the status of any school or relevant organisation.

St Andrew’s School will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the school will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

St Andrew’s will provide you with counselling support if you require it.

**Training, Promotion and Reporting**

The provisions of this policy will be promoted throughout the school and where appropriate, training and advice will be provided at all levels to those charged with dealing with and investigating whistleblowing concerns.

This policy will also be made available to all those the school does business with and published on the school’s website.

**Monitoring and Review**

In line with best practice the school will record the number of whistleblowing disclosures we receive and their nature, maintain records of the date and content of feedback provided to whistleblowers, and conduct regular surveys to ascertain the satisfaction of whistleblowers.

For the year 2022/23 there were no disclosures made.

Linked policies

Staff Code of Conduct

**Appendix A – List of Whistleblowing Contacts**

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| **Heads** | Executive Head – Julie JacksonHead of School – Jim Collin**01263 837927** |
| **Trustee Responsible for Safeguarding** | Sue Brisbane01263 837927 |
| **Norfolk County Council LADO** | 01603 223473 |
| **Norfolk County Council Whistleblowing Hotline** | 01603 224433 |
| **Norfolk County Council Whistleblowing Officer** | reportconcerns@norfolk.gov.uk |
| **Protect** (Independent Whistleblowing Charity) | 0203 117 2520whistle@protect-advice.org.uk[Protect - Speak up stop harm - Protect - Speak up stop harm (protect-advice.org.uk)](https://protect-advice.org.uk/) |
| **NSPCC Whistleblowing Helpline** | 0800 0280285 |
| **Trade Unions** | Unison  0800 0 857 857 Norwich City 01603 989507NEU **0345 811 8111****NASUWT 03330 145550**UKEU ukeu.org.ukNAHT 0300 30 30 333  |
| **List of Prescribed Persons for external disclosures** | https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies |
| In respect of criminal offences, it may be necessary to contact the Police | Norfolk Constabulary:Emergency: 999Non-Emergency: 101 |