Underhill School and Children's Centre

Whistleblowing Policy

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Statement of intent

Underhill School and Children's Centre is committed to safeguarding and promoting the physical, mental and emotional welfare of all members of the school community. In doing so, it is committed to ensuring the school has an open and supportive culture which values integrity and honest communication at all levels of the organisation.

It is recognised that people working at the school are often the first people to witness any type of wrongdoing within an organisation and that information uncovered could prevent wrongdoing, which may damage an organisation's reputation or performance, and could even save people from harm or death.

In line with the school's commitment to openness, probity and accountability, all individuals working at the school will be encouraged to report concerns to the school, or appropriate prescribed body, if they see or suspect that something is wrong - this is known as "blowing the whistle".

The implementation of this policy will:

- Give confidence to members of staff when raising concerns about any suspected danger or wrongdoing which is inconsistent with school standards and policies.
- Provide members of school staff with appropriate pathways and avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken where appropriate.
- Offer assurance that members of staff should be able to raise genuine concerns without fear of reprisal even if they turn out to be mistaken.

Legal background & definitions

Whistleblowing law is located in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 (PIDA).

Both Acts of Parliament aim to provide protection for workers reporting malpractices by their employers or third parties against any form of victimisation or dismissal.'

Whistleblowing is the term used to describe the disclosure of information by a worker which relates to suspected wrongdoing, malpractice or dangers at their place of work.

Whistleblower: a worker who reports certain types of wrongdoing in the public interest. Whistleblowers are protected by law.

Qualifying disclosure: to be covered by whistleblowing law, the disclosure must be a 'qualifying disclosure'. A qualifying disclosure is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged.
- That sexual harassment has occurred, is occurring or is likely to occur.
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The qualifying disclosure must also be a protected disclosure. This means For a **qualifying disclosure** to be **protected,** it must be made by a worker using one of the following permitted methods of disclosure:

- Disclosure to the worker's employer or other person responsible for the failure.

- Legal advisers
- Government Ministers
- A person prescribed by an order made by the Secretary of State
- Other disclosures may be protected where in the particular circumstances they are either reasonable, or special provision is made for disclosures relating to exceptionally serious problems.

A worker who blows the whistle, by making a disclosure in accordance with the relevant criteria set out is making a protected disclosure and has the right not to be unfairly dismissed or suffer a detriment, e.g. being dismissed or being denied a promotion, as a result of having made that disclosure.

Worker: defined by section 230(3) of the Employment Rights Act 1996 as: 'an individual who has entered into or works under (or, where the employment has ceased, worked under):

- A contract of employment.
- Any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.'

In relation to protected disclosures, section 43k of the Employment Rights Act 1996 provides an extension to the definition of a worker, this includes certain agency workers, homeworkers, NHS practitioners, nurses and midwives in training, trainees, police officers and crown employees.

Prescribed person - If an individual decides to blow the whistle to a prescribed person rather than the school, they must make sure that they choose the correct person or body for their issue. The Public Interest Disclosure (Prescribed Persons) Order 2014 sets out a list of over 60 organisations and individuals that a worker may approach outside their workplace to report suspected or known wrongdoing. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with their sector, often as a regulatory body. An up-to-date list for the education sector can be found here; there is also a brief description about the matters that can be reported to each prescribed person.

In the public interest means that it must affect others, for example the general public/ people at large.

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve an individual filing a complaint relating to their own **personal** circumstances, such as the way they have been treated at work. Workers who make a disclosure under this whistleblowing policy should believe that they are acting in the public interest - personal grievances and complaints do not usually count as whistleblowing.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act 1996
- DfE 'Keeping children safe in education'
- GOV.UK 'Whistleblowing for employees'
- DfE 'Whistleblowing: guidance for prescribed persons'
- DfE 'Whistleblowing procedure for maintained schools'
- DfE 'Blowing the whistle to the Department for Education'
- Department for Business, Energy & Industrial Strategy and Department for Business and Trade 'Whistleblowing: guidance and code of practice for employers'
- Sir Robert Francis 'Freedom to speak up report'

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Records Management Policy
- Complaints Procedures Policy
- Data Protection Policy
- Grievance Policy

2. Good practice principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.

- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the 'Procedure' section of this policy, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The school will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required
- Informing staff what protection is available to them if they report any suspected wrongdoing or dangers at work.
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

The school will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

3. Roles and responsibilities

The governing board will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the Co-headteachers, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where workers of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the governing board include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
- Ensuring that whistleblowing forms part of the staff behaviour policy as part of a wider approach to having in place appropriate safeguarding policies and procedures.

The chair of governors will be responsible for receiving any concerns raised about the Co-headteachers.

The Co-headteachers will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing unless the concern is about the headteacher or it is believed that they are involved in the wrongdoing in some way.

All members of staff will be responsible for:

- Disclosing any suspected danger or wrongdoing. Raising any concerns that meet the definitions in the 'Definitions' section of this policy.
- Raising genuine concerns relating to the specified situations covered by the PIDA.
- Not raising false allegations maliciously.

4. Reporting a concern

Prior to reporting a concern

The school is aware that occasions may arise when individuals working at the school may see, hear or experience something that causes them some concern. When such concerns arise it is important that individuals are aware of procedures to follow in order to ensure the matter is dealt with accordingly, and that the correct protections are applied.

Before making a disclosure, the school recommends that any potential whistleblower discusses their concern on a confidential basis with a work colleague, trade union representative, solicitor or professional body and seeks advice on how to proceed. These discussions may help assess how justified their concern is and, if they then wish to proceed, the most appropriate and effective way to report it.

This Whistleblowing Policy is for concerns where the public interest is at risk, this includes a risk to children at the school, the wider public, or the school workforce. To help individuals understand how and where to direct their concerns the school will adhere to the guidelines in the following scenarios:

- Workers at the school who wish to make a complaint about their own personal circumstances, such as the way they have been treated at work, should use the school's

grievance procedure. If workers are unsure whether something is within scope of this policy, they should seek advice from the school business manager.

- Parents or members of the public that would like to complain about a matter relating to the school should use the school's complaints procedure.
- Anybody who has a safeguarding concern regarding a child should refer to the school's child protection and safeguarding policy and speak to the DSL. If an individual feels like they are unable to raise a safeguarding-related concern with the school or feel that their genuine concerns are not being addressed, should contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.
- If a worker has a concern, such a suspected illegal incident, a breach of statutory procedures, people are being put in danger, or there is or has been an attempt to cover up any such activity – use this whistleblowing policy.

Individuals who would like to seek professional and confidential advice can contact Protect - a registered charity that advises on whistleblowing queries. The Protect website can be accessed here (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

This step is important because the report should be made so as to allow the most effective investigation, whilst affording the whistleblower protection under the PIDA.

Raising concerns with the school

It is the hope and intention of the school that any individual with a concern about aspects of its operations or conduct, feels able to first raise those concerns internally; this includes where a worker wants to make a protected disclosure to their manager. Raising concerns internally and at the earliest opportunity means the school will be able to act more quickly on concerns than an external body.

Any member of the school community or the general public is able to "blow the whistle"; however, the PIDA only protects workers as defined by the appropriate legislation.

How to report a concern internally

Any worker wishing to raise a concern will be expected to do so either verbally or in writing to an appropriate person, i.e.. any person more senior to the whistleblower within the school (see note below), setting out the background and history of the concern; where possible this should include names, dates and places, and the reason why the individual is particularly concerned

about the situation. A disclosure of information will amount to a "disclosure" whether it is made in writing or verbally, formally or informally.

To help individuals ensure they are providing appropriate information, Protect has a letter template library where example templates can be downloaded and adapted.

If an individual is raising a concern about the Co-headteachers they should express their concerns to the chair of governors. Where this is the case, the chair of governors will take on the Co-headteachers' duties outlined in the 'Interview and investigation' section of this policy.

Appropriate person

Staff should report their concern to the Co-headteachers. If the concern is about the co-headteachers, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the **chair of governors**.

Providing evidence

Although the school will not expect individuals raising concerns to have supporting evidence to prove the truth of an allegation before reporting, they must reasonably believe that the information is substantially true to enable the matter to be taken forward.

Individuals making qualifying disclosures should note that it is not their job to investigate any perceived wrongdoing or malpractice, nor should they attempt to gather additional evidence to try and prove their disclosure.

How to report a concern externally

The school recognises that situations may arise whereby individuals at the school have a concern which they feel they cannot discuss with the appropriate persons for a variety of reasons, such as:

- They are involved in the wrongdoing.
- They are not trusted to act properly.
- The whistleblower has a poor working relationship with them.
- There is the fear of victimisation/ repercussions.

Where this is the case, individuals will be able to report their concerns directly to the DfE.

Individuals who wish to raise concerns over practices in other schools should report these directly to their LA.

5. Safeguards

In order to ensure that allegations are investigated in the right spirit with the right outcome, the following safeguards or principles should be applied in all cases.

Confidentiality and anonymity

It is hoped that all workers will feel able to voice whistleblowing concerns openly under this policy as anonymous concerns can be challenging to investigate; however, the school will make every effort to investigate anonymous disclosures.

Workers should be aware that proper investigation may be more difficult or impossible if the school cannot obtain further information from the worker. It is also difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed can seek advice from Protect, the independent whistleblowing charity, who offer a confidential hotline.

If a worker wants to raise a concern confidentially, the school will make every effort to protect the identity of the individual making a disclosure where requested. Where it is necessary for anyone investigating concerns to know a worker's identity, this will be discussed with the appropriate worker.

Harassment and victimisation

The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole. 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.

Whistleblowers will not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a staff member believes that they have suffered any such treatment, they should inform the Co-headteachers or the chair of governors immediately. 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.

False and malicious allegations

If a worker makes an allegation based on a genuine concern, but the investigation finds no wrongdoing, , no action will be considered or taken against them; however, any false, malicious or vexatious allegations will be treated as a serious disciplinary offence and disciplinary action may be taken.

Misuse of this policy

This policy is designed to promote and encourage reporting genuine concerns and is not designed to allow:

- Individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in.
- Employment protection in relation a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing.
- An individual to raise a concern for some private motive and not to prevent or correct the wrongdoing.

6. How the school will respond

The school will formally respond to a whistleblower to acknowledge receipt of a disclosure within a reasonable time, and normally within 2 working days of the concern being received.

An initial meeting (or interview) will normally be arranged within 5 working days of the disclosure being received, unless there are exceptional circumstances. This meeting is intended to clarify the concern and determine next steps.

The school will appoint an appropriate person to investigate the disclosure; depending upon the circumstances of the case, this may be an internal or external appointment.

The investigating officer will then write to the individual within 10 working days of the initial meeting to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the investigating officer will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the investigating officer will request the individual put their concern in writing, if they have not already done so. The investigating officer will write a summary of the concern if the individual is unable to put it in writing.

The investigating officer will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer, unless there is a requirement for their identify to be disclosed. If this is the case, this shall be discussed with the complainant.
- That the governing board will do everything in its power to protect the complainant from any detrimental treatment as a result of raising a concern.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent specific details being provided of the investigation outcome or any disciplinary action taken as a result.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

In the spirit of this policy, and in the interests of openness and transparency, if the investigating officer needs to talk to the whistleblower, they will be permitted to be accompanied by a colleague or a trade union representative. The whistleblower's companion must respect the confidentiality of their disclosure and any subsequent investigation. .

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

7. What the school asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LA.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

8. Appeal process

While the school cannot always guarantee the outcome the worker is seeking, the school will try and deal with the worker's concern fairly and in an appropriate way. If the worker is not happy with the way in which their complaint has been handled, they can raise this under the school's Complaints Procedure Policy.

9. Record keeping and data protection

Details of all reports received by the school will be logged by the Co-headteachers and chair of governors.

Records of all written and oral communications received and conducted through the course of the disclosure and subsequent investigations will be kept in line with the school's Records Management Policy.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the school's Grievance Policy and Disciplinary Policy and Procedure.

10. Monitoring and review

The governing board will review this policy annually, ensuring that all procedures are up to date – the next review date for this policy is September 2027.

Any changes made to this policy will be communicated to all members of staff.

Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA.