

CHOSEN HILL SCHOOL



WHISTLE BLOWING POLICY

Group Assigned: Resources and Community

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WHISTLEBLOWING POLICY AND PROCEDURE

1. Introduction

- 1.1 Chosen Hill School is committed to conducting its business with honesty and integrity and expects the highest standards from all employees, and will treat seriously any concern that an employee may have about illegal or improper conduct.
- 1.2 “Whistle-blowers” are afforded statutory protection in certain circumstances. A worker has the right not to suffer detrimental treatment or be unfairly dismissed as a result of speaking out about malpractice. If an employee is dismissed solely in these circumstances s/he is likely to be treated by an Employment tribunal as unfairly dismissed.
- 1.3 Employees are often the first to realise that there may be something seriously wrong within on the school. Their concerns might relate to matters that could affect the academy itself, the Trust and/or the wider public. However, employees 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 it.
- 1.4 The school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the Trust’s work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This procedure makes it clear that staff can do so without fear of reprisals. This Whistleblowing Procedure is intended to encourage and enable staff to raise serious concerns within the Trust rather than overlooking a problem.
- 1.5 This procedure can be used by any person who works or who has worked for the school regardless of whether:
 - the work is/was full or part time; or
 - the work is/was temporary or permanent or casual; or
 - an employment agency is/was involved; or
 - the person involved is/was a trainee or on work experience; or
 - the person involved is/was working for a contractor; or
 - the person is/was an employee of the Trust.

2. Aims and Scope of This Procedure

2.1 The Procedure aims to:

- encourage employees or workers to feel confident in raising genuine serious concerns and to question and act upon genuine concerns of malpractice;
- provide avenues to raise those concerns and receive feedback on any action taken;
- ensure that employees or workers receive a response to their concerns and are aware of how to pursue

them if they are not satisfied; and

- reassure employees or workers that s/he will be protected from possible reprisals or victimisation if s/he had a reasonable belief that the disclosure was made in the public interest.
- 2.2 This procedure is designed to enable all workers (identified in paragraph 1.6 above) to notify senior colleagues or officers of the Trust of any reasonable suspicion of illegal or improper conduct. 'Improper conduct' includes neglect of duty and maladministration. The procedure requires all employees to act responsibly to uphold the reputation of the Trust and to help maintain public confidence.
- 2.3 The school fully understands that employees who are members of a trade union recognised by the school may, in the first instance wish to seek advice and guidance from their union on the application of this policy (see paragraph 4.11)

3. When should it be used?

- 3.1 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This procedure is intended to cover concerns which are about the consequences for the public, other employees or trustees/members of the Trust. This procedure should be used in matters which may include:
- conduct which is a criminal offence or a breach of a legal obligation;
 - disclosures related to actual or potential miscarriages of justice;
 - health and safety risks, including risks to the public as well as other employees;
 - damage to the environment;
 - bribery;
 - financial fraud or mismanagement;
 - gross negligence;
 - unauthorised disclosure of confidential information;
 - concerns about harm or risk of harm to children – please refer to the Child Protection Policy.
 - any attempt at deliberately concealing any of the above matters;
- 3.2 Any genuine concerns that employees have about any aspect of service provision or the conduct of employees, or officers of the Trust, or others acting on behalf of the Trust, can be reported under this procedure. This may be about:
- something that makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the Trust subscribes to; or

- something that is against the Trust Procedures, Rules and Policies; or
 - something that falls below established standards of practice; or
 - something that amounts to improper conduct; or
 - the unauthorised use of public funds; or
 - fraud and corruption; or
 - any verbal, physical or other abuse of students, employees or officers on grounds including but not limited to those protected characteristics defined in current equality legislation
- 3.3 Employees must act in the public interest and must have a reasonable belief that the information they disclose and any allegation contained in it is true. When it is apparent from the investigation that the person making the disclosure has acted frivolously, maliciously or for personal gain, the Trust may decide to take disciplinary action against them. If the disclosure itself amounts to a criminal offence, this procedure will not protect the employee from the consequences of that criminal offence. No employee who uses this procedure in good faith will be penalised for doing so.
- 3.4 An employee who is not sure whether the conduct s/he is concerned about does constitute illegal or improper conduct, or is unsure how to proceed, can contact the following for advice:
- Headteacher
 - Chair of the Governors
- 3.5 Employees who suspect fraud, corruption or other financial irregularity, must ensure this is reported to the Resources Committee for possible investigation. Normally, the employee must first report any suspicion of such irregularity to the Headteacher, Business Manager or a Director of the Trust, who will in turn report it to the Resources Committee. In most cases this will be done through the line management structure. Exceptionally, if an employee believes the matter cannot be resolved in this way, s/he should report it direct to the Resources Committee.

4. Mechanism for raising concerns

Untrue Allegations

If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolous, malicious or for personal gain, disciplinary action may be taken against them.

- 4.1 If an employee has a concern s/he will need to exercise a judgment regarding the person with whom s/he approaches with the issue. If the matter is minor, then it will be sufficient just to bring it to the attention of the employee who appears to be at fault. The alternative would be raising the concerns directly through school's line management channels.
- 4.2 If the matter is obviously more significant, or where a previous informal approach as above has apparently not proved effective or been disregarded, then the matter should be raised with the Headteacher.

4.3 Employees who wish to raise a serious concern should do so verbally or in writing (marked 'Confidential') to the Headteacher or Chair of Governors.

Alternatively, employees may wish to use the Council's 24 hour 'whistle-blowing' Answerphone service on Gloucester 01452 427052 to report a serious concern relating to possible fraud, corruption, conduct or malpractice/administration.

4.4 Employees who wish to make a written statement/report are invited to set out:

- The background and history of the concern
- Relevant dates, person involved
- Details of supporting evidence

4.5 Although employees are not expected to prove an allegation they will need to demonstrate that the disclosure is in the public interest.

4.6 Exceptionally, if the employee feels unable to pursue any of these routes, s/he should consider approaching a prescribed person or body outside the school. Guidance on this can be obtained from the independent charity "Public Concern at Work", which offers a confidential helpline to employees and others or from ACAS. The Governing body strongly encourages you to seek advice before reporting a concern to anyone external. It will very rarely if ever be appropriate to alert the media.

How the school will respond

4.7 Within 10 working days of a concern being raised, the employee will be contacted at their private address:

- Acknowledging that the concern has been received
- Indicating how it is proposed to deal with the matter
- Telling the employee whether any initial enquiries have been made
- Telling the employee whether further investigations will take place and, if not, why not.

4.8 Allegations reported to the school will normally be investigated by the Headteacher / Governing Body. However, in some circumstances, sometimes to avoid contaminating evidence which may then go to a criminal investigation, they may decide to involve external investigators.

4.9 The monitoring officer will arrange investigation of allegations reported to the Council. The Monitoring Officer will respond to such concerns and, where appropriate, the matters raised may be:

- Investigated by school management, Internal Audit
- Referred to the Police
- Referred to the District Auditor
- The subject of an independent enquiry.

4.10 The School's Conduct Procedures will be used where the outcome of an investigation indicates improper behaviour by an employee.

4.11 A representative of a trade union recognised by the school or work place colleague may accompany an employee during any stage of an investigation conducted under this Procedure.

4.12 The school will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the school will arrange for them to receive advice about the procedures involved.

Further Action

- 4.13 This procedure is intended to assist employees who wish to raise concerns within the school and it is hoped that employees will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the school, the following organisations are possible contact points:
- Health & Safety Executive
 - Education Funding Agency
 - Environment Agency
 - External Auditors
 - The Financial Conduct Authority / Prudential Regulation Authority
 - Department of Work & Pensions
 - Serious Fraud Office
 - Trade Union
 - Her Majesty's Revenue & Customs
 - Relevant Voluntary Organisation
 - Charity Commission
 - Police
 - 'Public Concern at Work' (tel: 0207 4046609)
- 4.14 If employees do decide to take the matter outside the school, they must ensure that they do not disclose to a third party any of the school's confidential information. If employees are in any doubt, they are strongly advised to seek confidential advice before taking any action to ensure they are not putting themselves in a vulnerable position.
- 4.15 Depending on the nature of the concern, the employee may be asked to explain, and where possible, justify and support the claim. An employee will not be expected to prove the truth/accuracy of an allegation but will need to demonstrate to the person contacted that there are genuine and sufficient grounds for concern. Normally after the meeting the employee will be asked to do this in writing or will be given a written summary prepared by the person notified. It would therefore be helpful for the employee, if possible, to note down any facts and dates as they happen.
- 4.16 Employees who want to use the procedure, but feel uneasy about it, may wish to consult their Trade Union initially, and bring a work based companion or Trade Union representative along to any discussions, so long as that person is independent of the issue and will respect the confidentiality of the disclosure and any subsequent investigation.
- 4.17 The school does not encourage employees to make disclosures anonymously. Where anonymity is requested, effort will be made to meet the request, but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to investigate and take appropriate action.
- 4.18 In order to ensure that employees receive protection of the Public Interest Disclosure Act 1988 employees should put their name to their allegation. Concerns expressed anonymously are sometimes less credible. Anonymous concerns and allegations whether made to the Headteacher of the Governing Body will therefore be investigated at the discretion of the school.
- 4.19 In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised
 - The credibility of the concern; and

- The likelihood of confirming the allegation from attributable sources' factual evidence.

4.20 Normally, each case will be investigated without unreasonable delay, with the aim of informing the employee in writing of the outcome of any investigation as quickly as possible. The employee may be required to attend additional meetings to provide further information or answer questions. If a more lengthy process is involved, regular feedback on progress will be given to the employee who made the disclosure. Some concerns may be resolved by agreed action without the need for investigation, although in such cases a record of the disclosure and the action taken will be made by the Trust and a copy of such written report provided to the employee who made the disclosure. The employee must treat any information about the investigation and outcome as confidential.

4.21 The Governing Body accepts that an employee who has acted as a whistle-blower will need to be assured that the matter has been properly addressed. Subject to legal constraints, such employees will receive information in writing about the outcomes of any investigations.

5. Safeguards

Harassment or Victimisation

- 5.1 The school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is the subject of the complaint. However, if employees state the truth they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.
- 5.2 The school will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees when they raise a concern in the public interest, from suffering a detriment (including bullying or harassment) either from the employer or from co-workers.
- 5.3 Any investigation under this procedure, into allegations of potential malpractice will be dealt with separately to any grievance, disciplinary or redundancy procedure concerning an employee. Equally, any investigation will not be influenced by any such procedures involving an employee. However, the outcome of the investigation may lead to action under other school's procedures.

6. What to do if an issue is raised with you as line manager

- 6.1 You must exercise judgment, depending on the nature and seriousness of the concern. While it is essential for problems to be tackled effectively with the aim of rectifying the issue, this may well be best achieved in less serious cases by discussion with the relevant section or employee and securing a commitment as to future standards and corrective action. In taking any corrective action, you must, as far as reasonably practicable, respect an employee's (as a whistle-blower) request for confidentiality, and avoid the threat of recrimination or reprisals. You should notify your own line manager in writing of the action you have taken.
- 6.2 In other more serious cases, you should pass the matter up to the Headteacher or the Chair of the Governing Body. If you believe that Governing Body management is involved, you should approach a member of the Board of the Trust.
- 6.3 If you have any doubts about the right way to deal with the concern, you should contact one of the persons named in paragraph 3.4 above for advice.

6.4 All employees acting in good faith should be reassured that their concerns will be treated seriously, and that the school will not tolerate detrimental treatment of any employee raising concerns.

7. Responsibility for the policy

The Governing Board has overall responsibility for this policy and for reviewing it and the effectiveness of any actions taken in response to any concerns raised.