

Date: December 2022
Review date: December 2023
Responsibility: KB

Bishop Challoner School



WHISTLEBLOWING POLICY



BISHOP CHALLONER SCHOOL

WHISTLE BLOWING POLICY (THE PUBLIC INTEREST DISCLOSURE ACT)

INTRODUCTION

Whistleblowing has been defined as: 'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees', (Public Concern at Work Guidelines 1997).

Statutory protection for employees who whistle blow is provided by the Public Interest Disclosure Act 1998 (PIDA). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

If an employee is dismissed because he/she has made a protected disclosure that will be treated as unfair dismissal; and in any event employees are given a new right not to be subjected to any detriment by their employers on the ground that they have made a protected disclosure, and to present a complaint to an employment tribunal if they suffer detriment as a result of making a protected disclosure.

For a disclosure to be protected by the Act's provisions it must relate to matters that qualify for protection under the Act. Qualifying disclosures are a disclosure in which the employee reasonably believes that one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- a criminal offence;
- breach of a legal requirement; including fraud and/or corruption;
- the unauthorised use of school funds;
- a miscarriage of justice;
- a danger to the health and safety of any individual (parents, students, staff or members of the public);
- actions that negatively affect the welfare of children;
- damage to the environment;
- other unethical conduct;
- deliberate concealment of information tending to show any of the above matters.

A qualifying disclosure will be a protected disclosure provided the worker:

- makes the disclosure in good faith, and;
- reasonably believes that the information disclosed and any allegation contained in it are substantially true.

This may cover something that makes you feel uncomfortable in terms of known standards you experience or the standards you believe the school subscribes to or is against the school policies and falls below established standards of practice amounting to improper conduct.

The earlier concern is expressed the easier it is to take action. The school is committed to the highest possible standards of openness, integrity and accountability. In line with that commitment we expect employees, and others that we deal with, who have concerns about any aspect of school life to come forward and voice those concerns. Individuals are often the first to realise that there may be something seriously wrong in an organisation. However, they may not feel able to express their concerns because they believe that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. They may feel it would be easier to ignore the concern rather than report what may just be a suspicion of unprofessional conduct or negligence. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable children who are targeted. These children need someone like you to safeguard their welfare.

Don't think "what if I'm wrong?" – think "what if I'm right?"

Reasons for whistle blowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour
- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated yourself

What stops people from whistle blowing:

- Starting a chain of events which spirals
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

In the majority of cases, individuals with concerns will share those concerns with a member of the Senior Leadership Team but it is recognised that certain cases will have to proceed on a confidential basis. This Policy makes it clear that individuals can follow the procedure without fear of reprisals. It is intended to encourage and enable all individuals to raise concerns within the school to maintain public confidence, rather than overlooking a concern, or blowing the whistle outside the school.

The overriding concern is that it would be in the interest of all for the misconduct or negligence to be corrected and, if appropriate, sanctions applied.

This Policy and Procedure applies to all school employees and contractors working for the school. It also applies to volunteers, governors, trustees and others not within an employment contract, although the provisions of the Public Interest Disclosure Act do not protect them. It is not to be used by individuals who are aggrieved about their personal position. The school's Grievance Procedure should be used under those circumstances.

It is not to be used by individuals who have concerns over child protection issues. These concerns should be dealt with under the Child Protection Procedures.

OBJECTIVES

- ensure that concerns and malpractice are identified, investigated and corrected
- encourage individuals to feel confident in raising concerns and to question and act upon concerns about practice
- provide avenues for individuals to raise those concerns and receive feedback on any action taken
- ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure individuals that they will be protected from possible reprisals or intimidation if they have a reasonable belief that they have made any disclosure in good faith
- minimise any difficulties experienced as a result of raising a concern, e.g. if an individual is required to give evidence in criminal or disciplinary proceedings the school will arrange for advice and support
- ensure that individuals against whom malicious allegations have been made are supported

ROLES AND RESPONSIBILITIES

a. TRUSTEES AND HEADTEACHER

- To establish a culture whereby all individuals fully understand that it is safe and accepted to raise concerns as to malpractice
- To actively want and expect individuals to raise concerns about malpractice. To ensure that victimisation of anyone who uses the Whistle Blowing procedure is not tolerated

b. HEADTEACHER/CHAIR OF TRUSTEES

- The Trustees have designated the Headteacher to specifically deal with matters concerning Whistle Blowing. If the concern is about the Headteacher, then the designated person is the Chair of Trustees

Their responsibilities are:

- To reassure and support individuals who use these procedures
- To receive concerns raised by individuals
- To respect an individual's request that a concern raised will be kept confidential
- To ensure that they effectively communicate with individuals
- To carry out an initial assessment
- To acknowledge the concern to the person raising it, within ten working days of it being raised; indicate how it is proposed to deal with the matter; estimate how long it will take to provide a final response; advise whether any initial enquiries have been made and supply information on individual support mechanisms
- To inform, where appropriate, the person against whom alleged concerns have been raised of the nature of the concerns and how it is proposed to deal with the matter

PROTECTION OF INDIVIDUAL

a) Harassment or Victimisation

Bishop Challoner School recognises that the decision to report a concern or malpractice can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. Harassment, victimisation or subsequent discrimination or disadvantage of anyone raising a genuine concern will not be tolerated when individuals are acting in good faith and the school will take action to protect such individuals. This assurance does not include anyone who maliciously raises a matter they know is untrue.

b) Confidentiality

Bishop Challoner School will do its best to protect a person's identity when they raise a concern and do not want their name to be disclosed. It should be appreciated, however, that after an investigation has been conducted as a result of Whistle Blowing, it is likely that the source of the information may be revealed or a signed statement may be required as part of the evidence or evidence may be needed in a Court of Law.

c) Anonymous Allegations

Bishop Challoner School encourages individuals to put their names to allegations. Concerns expressed anonymously are much less powerful but they will be considered. The factors to be taken into account would include the:

seriousness of the issues raised;

credibility of the concern; and;

likelihood of confirming the allegation from attributable sources.

d) Untrue Allegations

If an individual makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, it becomes apparent from the investigation that the individual making the disclosure has acted frivolously, maliciously or for personal gain, that individual may be subject to disciplinary action.

RAISING CONCERNS

Any concerns should be raised verbally or in writing. It should be noted however that concerns in writing are more formal in nature and therefore may lead to a more formal approach from the outset. The concern will be formally recorded and the matter will be treated as confidential.

Individuals making a written report should include: the background and history of the concern (giving relevant dates) full details of the circumstances and the reason why they are particularly concerned about the situation. Although individuals are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concerns.

Who to Contact

Staff should initially raise concerns with their line manager. In the event that the line manager is unable to satisfy the individual raising the concern then that individual should request that the Headteacher in line with this policy deal with the concern. Staff also have the option of contacting the Headteacher in the first instance due to the circumstances. If, due to the seriousness and sensitivity of the issues involved, or the individual is not satisfied with the response received from the Headteacher, they can contact the Chair of the Trustees.

If the above is inappropriate or an individual is dissatisfied with the responses, then they can seek independent advice.

ADVICE AND INFORMATION

Individuals may wish to talk to their teacher professional association or trade union representative. The charity Public Concern at Work provides free confidential advice to employees who have concerns about wrongdoing in the workplace. The charity can be contacted at: CAN Mezzanine, 7 - 14 Great Dover Street, London SE1 4YR or by email at whistle@pcaw.co.uk

Whistleblowing Advice Line: 020 7404 6609

General enquiries: 020 3117 2520

SCHOOL RESPONSE

An initial assessment will be undertaken by the Headteacher in order to establish whether the concerns:

- may be resolved without the need for an investigation
- require urgent action being taken before any investigation is conducted
- fall within the scope of specific procedures (for example, Child Protection) and should be dealt with under those procedures
- require an investigation and, if so, what form it should take

The concerns may be investigated through the school's disciplinary procedure. A disclosure to the employer will be protected if the Whistle Blower has an honest and reasonable suspicion that misconduct has occurred, or is likely to occur.

Further information can be found at: <https://www.gov.uk/whistleblowing>

Protect - Public Concern at Work: <https://www.pcaw.org.uk/>

Reviewed: December 2022

Reviewed by K Brooker

Next Review: December 2023