

# Whistleblowing Policy

Policy owner (Name):	Alan O'Reilly, School Business Manager
Governing body oversight:	Full Governing Body
Date of approval:	May 2022
Date of next review:	May 2024

## Introduction

1. Whistleblowing is “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)
2. 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 academy which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.
3. This policy applies to all school staff and governors including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the school. For simplicity the term 'staff' is used in these guidelines to cover all of those named above.

## Aims and scope of policy

4. The academy is committed to high standards in all areas and will treat whistleblowing as a serious matter. The academy is committed to openness, probity and accountability and members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.
5. This policy aims to:
  - Give confidence to staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that she or he is encouraged to act on those concerns.
  - Provide staff with avenues to raise concerns.
  - Ensure that staff receive a response to the concerns they have raised and feedback on any action taken.
  - Offer assurance to staff that whistle-blowers are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

### **Safeguard against reprisal, harassment and victimisation**

6. The academy will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be subject to the academy's disciplinary policy.

### **Confidentiality**

7. The academy recognises that staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.
8. However, investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistle blower is likely to be called in to give evidence in court.

### **Anonymous allegations**

9. Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children.
10. In relation to determining whether an anonymous allegation will be taken forward the academy will take the following factors into account:
  - The seriousness of the issue raised
  - The credibility of the concern
  - The likelihood of confirming the allegation from attributable sources, and obtaining information provided.

### **Untrue and malicious or vexatious allegations**

11. If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the academy will consider taking disciplinary action against the member of staff.

### **Allegations concerning child protection issues**

12. If a member of staff raises a concern related to a child protection issue, the headteacher or chair of governors (if the concern is about the headteacher) should urgently consult the LA Officer designated to lead on child protection (LADO).
13. However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the designated safeguarding lead either before raising their concern or where the Headteacher or chair of governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

### **Procedure for making a whistleblowing allegation within the academy**

14. Concerns should be expressed in writing to the headteacher. If the concern involves the Headteacher then the chair of governors should be the first point of contact. The Headteacher will appoint an investigating officer (or the chair of governors where the allegation involved the headteacher).

15. Where the concern relates to a child protection matter, if you do not want to raise this through the Academy, you must consult the LA officer designated to lead on safeguarding. If the concern needs to have police or other statutory authority involvement, the whistleblowing process may be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.
16. Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns.
17. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

### **Response to whistleblowing**

18. The matter raised may:
  - Need inquiry internally in the academy,
  - Need to be passed to the police if it relates to alleged criminal activity
  - Need to be referred to the LA Officer designated to lead on safeguarding if there is a concern relating to child protection.
19. At this stage concerns or allegations are neither accepted nor rejected.

## The investigation

20. Following completion of a short investigation, the investigating officer will make a written report. The headteacher (or the chair of governors where the allegation involves the Headteacher) will determine and if necessary action will be taken.
21. This may result in a trigger for disciplinary procedure to be implemented against the person reported. The whistle-blower will also be notified of the outcome. The report will not contain the whistle-blowers name unless you have expressly stated that you wish to be named.
22. Following completion of the investigation, and any actions arising from the investigation, an anonymised copy of the report will be made available to governors for oversight and scrutiny at their next available meeting.

## Making a whistleblowing allegation outside the academy

23. The academy would always encourage a member of staff to make a disclosure internally to give the opportunity to deal with the matter and remove or reduce any danger or risk. But if an individual feels that the matter is serious enough, there is a list of **prescribed persons** that can be contacted. The list is available online and can be found easily by searching for “Whistleblowing: List of Prescribed People and Bodies” in any search engine or the GOV.uk website.
24. If this route is chosen, a protected disclosure should only be made if it is reasonably believed that the information provided is “substantially true” – this means that more evidence will need to be provided to back up the case than for an internal disclosure. If there is any doubt about which route to take, it is recommended that the prescribed person be contacted first for advice (without initially naming the employer or providing specific details).
25. There are also circumstances in which an external disclosure could be made to another person or organisation, for example the police, a union official, an MP or the media. The law is more complex in this area, and one of the following three conditions must apply for this to be a protected disclosure:
  - There is a reasonable belief of victimisation if the matter is raised internally
  - There is a reasonable belief that there is likely to be a cover-up if the matter is raised internally
  - The matter has already been raised internally or with a prescribed person
26. The following conditions must also all be met:
  - The individual is acting in good faith and reasonably believes that the allegation is substantially true
  - The disclosure is not being made for purposes of personal gain
  - It is **reasonable**, given the circumstances of the case, for the disclosure to be made externally

27. What makes an external disclosure “reasonable” includes things like the seriousness of the allegation, the likelihood of the risk or damage continuing in the future and the action taken by the academy or a prescribed person if they have already disclosed the matter to them. If a disclosure has already been made to the academy or a prescribed person, any action already taken should be known before consider taking the matter further.
28. A disclosure will not be protected if an offence has been committed in making the disclosure.

### **Further information**

29. The organisations below can provide further independent advice to staff considering making a whistleblowing allegation. Staff could also contact their trade union or professional body.

#### **Public Concern at Work**

A registered charity whose services are free and strictly confidential.

Tel: 020 7404 6609

[www.pcaw.org.uk](http://www.pcaw.org.uk)

#### **Local Citizen’s Advice Bureau**

For general advice and information on a range of legal fields.

Tel: 08444 77 20 20

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

#### **Advisory, Conciliation and Arbitration Service (ACAS)**

For advice on relationship issues in the workplace.

Tel: 08457 47 47 47

[www.acas.org.uk](http://www.acas.org.uk)