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| <b>Colyton Grammar School<br/>WHISTLEBLOWING POLICY</b> |
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## **1. Rationale**

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and employees so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible employees who blow the whistle about wrongdoing or failures in the workplace.

Employees are often the first to realise that something seriously wrong may be happening within an organisation. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the School or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

The School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the School's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the School rather than overlooking a problem or publicly disclosing the matter.

## **2. Aims**

1. To fulfil the statutory obligations of the Public Interest Disclosure Act 1998.
2. To promote a climate of openness in which both employers and employees can address irregularities, wrongdoing or failures in the workplace in a constructive and positive way, and without fear of harassment or victimisation.
3. To provide avenue for employees to raise concerns and receive feedback on any action taken
4. To allow employees to take the matter further if they feel they are dissatisfied with the School's response.

## **3. Scope**

This policy covers concerns that fall outside the scope of other policies and procedures. It is not an alternative to well-established disciplinary or grievance procedures.

## **4. Safeguards**

### 4.1 Harassment or Victimisation

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 those responsible for the malpractice. The School will take action to protect the whistleblower when a concern is raised in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

4.2 Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect a person raising a concern.

### 4.3 Confidentiality

All concerns will be treated in confidence and the School will do its best to protect a whistleblower's identity if he/she does not want their name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then his/her evidence may be important. His/her name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with the person raising a concern.

#### 4.4 Anonymous Allegations

This policy encourages employees to put their name to an allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the School against the following criteria.

- the seriousness of the issues raised;
- the likelihood of confirming the allegation from attributable sources;
- the School's best interests;
- the protection of the School's assets.

4.5 Employees should also bear in mind that if they do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for them to be provided with feedback

#### 4.6 Untrue Allegations

If a person raising a concern makes an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against them. If, however, a whistleblower makes malicious or vexatious allegations, disciplinary action may be taken against them.

### **5. How To Raise A Concern**

5.1 As a first step, a whistleblower should normally raise concerns with their immediate line manager. In the event that the issue is not resolved satisfactorily, the matter must be dealt with as follows:

- (a) With the Headteacher for Teaching Staff, or the Business Manager for Support Staff, as appropriate.
- (b) If the complaint involves the Business Manager, then the concern must be raised with the Headteacher.
- (c) In the case of a concern about the conduct of the Headteacher, the issue must be raised with the Chair of Trustees

To ensure that allegations are considered consistently they must seek a private meeting with the Headteacher, Business Manager or Chair of Trustees as outlined above. The appropriate individual, in liaison with each other as appropriate, will then ensure that the concern is properly investigated and that any such investigation is properly monitored.

5.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why the whistleblower is particularly concerned about the situation. It is preferable for the person raising a concern to record this in writing themselves. However, where the person to whom the concern is voiced writes these down, then a copy will be sent to the whistleblower's home address or via their representative (paragraph 5.5) to give them an opportunity to agree this as a correct record.

5.3 The earlier a concern is expressed, the easier it is to take action.

5.4 Although a person raising a concern is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their concern.

5.5 The person raising a concern may of course wish to seek advice from a Trade Union representative on how best to raise their concern. Where they wish to raise their concern anonymously this may be done through their trade union.

### **6. How The School Will Respond**

6.1 The action taken by the School will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues) or be referred to the Police or to the District Auditor to be examined at arms length. Thereafter it may form the subject of an independent inquiry.

6.2 If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

6.3 Some concerns may be resolved by action agreed with the person raising a concern without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.

6.4 In any event within ten working days of a concern being received, the School will write to the person raising a concern at their home address:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling them whether any initial enquiries have been made, and
- telling them whether further investigations will take place, and if not, why not.
- naming an independent Trustee or member of staff to support them during any investigation

6.5 This named support officer will make contact with the person raising a concern immediately, explain his/her role, deal with all confidentiality issues, agree frequency of contact and keep them informed about the progress of the investigation and the investigating officer(s) informed of any further issues the person raising a concern may think are necessary. The whistleblower should raise with this support officer any concerns they have about the conduct of the investigation. This officer will take appropriate steps to support the whistleblower in the workplace and at any criminal or disciplinary proceedings which may eventually result from their concern and at which they are asked to give evidence.

6.6 If the person raising a concern wishes to retain their anonymity, they will need to nominate a representative to whom correspondence may be directed in order to keep them informed

6.7 The amount of contact between investigating officers and the person raising a concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the person raising a concern.

6.8 When any meeting is arranged, the person raising a concern has the right, if they so wish, to be accompanied by a Union or professional association representative or a friend (who need not be associated with the School).

6.9 The School accepts that the person raising a concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcome of any investigations and/or proceedings.

## **7. Detriment**

The School is committed to ensuring that a person raising a concern who makes an allegation in good faith suffers no detriment from doing so.

## **8. How The Matter Can Be Taken Further**

8.1 This policy is intended to provide whistleblowers with a way to raise concerns within the School. The School hopes they will be satisfied by its response.

8.2 If not, a person raising a concern may feel it is right to take the matter outside the School and, if so, the following are possible contact points:

- the District Auditor
- relevant professional bodies or regulatory organisations
- their Trades Union [Unison provides a hotline for whistleblowers on 0800 5979750]
- their solicitor or legal adviser

- the Police
- the Health and Safety Executive
- 'Public Concern at Work' – a Registered Charity

#### **9. The Responsible Officer**

The Headteacher has overall responsibility for the maintenance and operation of this policy. Within his duty to ensure that the School acts lawfully he will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not endanger the employee's confidentiality) and report as necessary to the Board of Trustees.

#### **10. Equality Impact Assessment**

This policy is designed to foster a culture of openness where employees can raise concerns without fear of reprisal, and their confidentiality can be respected. This includes concerns relating to "protected characteristics". In addition, the protected characteristics of the person raising a concern must not in any way influence the response of the School or any of the staff or trustees involved in handling the concerns.

No other equality impact issues have been identified.

#### **11. Consultation**

This policy will be consulted upon with the Senior Leadership Team and all staff.

#### **12. Review**

This policy will be reviewed on a three yearly basis.