Whistleblowing Policy and Procedure

Contents

(Click on the headings below to jump to the relevant section)

Model policy and procedure guidance [delete once adopted] 1
Introduction 2
1. What is Whistleblowing and what is covered 3
2. Raising a concern – who can raise whistleblowing concerns 4
3. Protection for Whistleblowers 4
4. Confidentiality and anonymity 5
5. Reporting a concern 6
6. How my concern be dealt with – managers duty to report 7
7. How my concern be dealt with (the procedure) 7
8. Training, promotion and reporting 8
9. Monitoring and review 9
10. Data Protection 9
Appendix 1 – List of contacts 9
Appendix 2 – Table of changes 10

Model policy and procedure guidance [delete once adopted]

Governing boards have the option of adopting this model policy and procedure or developing their own. This model policy and procedure includes any requirements of statute, any national and/or local conditions of service and identifies access to LA funding where this is available (maintained schools only). Any school choosing not to adopt this model must ensure that any local policy complies with the requirements of statute and any relevant national or local conditions of service. A local policy would need to be the subject of full consultation with all the recognised trade unions before adoption. However, it should be noted that the Department for Education (DfE) guidance for schools on Whistleblowing states that governing bodies of maintained schools are responsible for agreeing and establishing the school's whistleblowing procedure, which should be based on the local authority procedure. This procedure is based on the local authority procedure.

The DfE guidance states that the Governing Board should:-

(i) minute and record the adoption of their whistleblowing policy and procedure (either this model policy and procedure or an alternative which is also based on the County Council's own policy and procedure).
(ii) inform every employee of the school's whistleblowing arrangements
(iii) appoint at least one member of staff and at least one governor who other members of staff can contact if they wish to report concerns.

Normally the Governing Board would identify the Headteacher as the member of staff responsible for whistleblowing and so this policy and procedure makes reference to the

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Headteacher throughout. Should the Governing Board allocate this responsibility to a member of staff other than the Headteacher, this will need to be reflected in the adopted policy and procedure.

With regard to this model, the school can:-

- adopt it as their policy adapt it to be their policy (using the model as a basis but with changes being made), or
- ignore it (and develop or adopt an alternative policy).

Any schools that are joined together under one governing board should have one policy covering all employees. However, where TUPE applies any contractual terms and conditions, which may be affected by this policy, should continue to apply to the group(s) of staff who have TUPE transferred.

This model has been subject to consultation with the recognised trade unions at County level. Any school or academy looking to adopt, or adapt and adopt, as their own should consult recognised trade unions at local level.

Introduction

This school is committed to providing a safe, supportive, open and honest working environment. If you work for (or with) the school, it is important to us that you feel confident and able to raise any concerns that you may have.

You may be concerned about what has happened to you and your colleagues, something you have seen, heard or been asked to do or something that is not happening when it should. It is our aim to continue improving the way we operate and the safety and wellbeing of all those within the workplace. We therefore consider the open and honest raising of concerns to be essential in uncovering or preventing wrong doing and how we function.

It is natural to feel uncomfortable about raising concerns at work. You may be worried about negativity from peers, your concerns not being taken seriously, or suffering recriminations such as bullying, harassment or even losing your job. The purpose of this policy is to address those concerns and assure you that the school will act upon these with the intention of reaching a resolution. We will listen to and consider any concerns raised under this Policy (or any other) and where appropriate, investigate those concerns without delay and you will always have access to the support you need.

We believe that anyone who raises any type of concern about work that they believe to be true, should be treated with respect, and should not suffer as a result.

Through visible leadership at all levels we will actively promote this policy to staff to welcome disclosures, provide training and will act against those who may seek to obstruct or ignore this policy or who harass or victimise anyone raising genuine concerns.

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The Headteacher will:

- Lead and re-enforce a culture which promotes openness and transparency
- Lead a co-ordinated, efficient response, ensuring that concerns are fully investigated
- Ensure that action is taken on any findings and any lessons are shared and learned; and
- Provide assurance that those who raise concerns are reassured and that the policy has been followed

1. What is Whistleblowing and what is covered

Whistleblowing is the term used to describe the disclosure of information about suspected wrongdoing or dangers identified at work.

This school believes that anyone who raises any type of concern about work that they believe to be true, should be treated with respect, and should not suffer as a result. Certain types of wrongdoing or dangers that are reported are regarded as being in the public interest. These are specified with The Public Interest Disclosure Act 1998 and Employment Rights Act 1996 and concern the following matters:

- Any criminal offence (such as fraud or theft)
- Any breach of a legal obligation or duty
- A miscarriage of justice
- A danger to the health and safety of any individual
- Dangers to the environment
- Deliberate concealment of information tending to show any of the above five matters

A worker who reasonably believes that one of the above concerns is either happening now, took place in the past, or is likely to happen in the future is making a ‘qualifying disclosure’ (and discloses information regarding the matter to the appropriate person or body), will be ‘protected’ from detrimental treatment or victimisation from their employer. These are called “protected disclosures”, further information on the protection for workers can be found in section 4 of this policy.

As a whistleblower you’re protected by law - you shouldn’t be treated unfairly or lose your job because you ‘blow the whistle’.

In some cases, a protected disclosure may be investigated under a separate policy of the school where appropriate, for example, an allegation of sexual harassment is likely to qualify for protection as it will be with reference to an unlawful or potentially criminal act. In these cases, the school’s Bullying and Harassment Policy and Grievance policy and procedure will be used as the internal mechanism for dealing with the concern in the first instance. The school’s Code of Conduct will be considered in all cases.

Other concerns, that may not be qualifying, which however may meet the public interest criteria, could relate to value for money concerns, poor contract management, employment issues or poor standards of behaviour of staff. While these may not have the same legal

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protection, the school takes these seriously and will investigate with a view to resolving those concerns.

Personal grievances and complaints are not usually covered by whistleblowing law. If you are a member of a professional body, you may have a professional duty to report a concern. If in doubt, please raise it.

2. Raising a concern – who can raise whistleblowing concerns

This policy assists those who work for and/or with the school (workers) to feel confident and secure with reporting any concerns that relate to section 2 above. A worker is regarded as an employee of the school, contractor, consultant, student on work placement, volunteer, casual or agency worker. It also applies to suppliers to the school and to those providing services under a contract with the school in the premises of another contractor. A worker could also be someone working for an organisation working in partnership with the school.

Whistleblowing concerns can be reported to someone within the school, or an external prescribed person or body (see Appendix 1). In addition, you can also blow the whistle to your legal adviser, Trade Union or to your MP.

It is expected that individuals working in the school will raise their concerns with the Headteacher or Chair of Governors but if the worker however, has a concern which they feel they cannot discuss with the management of the school or have good reason to consider that their complaint or disclosure will not be properly handled, then they may report their concerns direct to the County Council or the appropriate prescribed person or body (see Appendix 1).

If the concern relates to a child protection issue this should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in the school's safeguarding policy.

If the school receives any disclosures relating to other organisations/institutions, we will acknowledge these and seek advice on an appropriate course of action on the matters raised.

Any so called 'gagging clauses' in settlement agreements do not prevent workers from making disclosures in the public interest.

Note:- If you are a member of the public and you wish to raise a concern, please speak with the Headteacher (or Chair of Governors if the Headteacher is the subject of the complaint) in the first instance.

3. Protection for Whistleblowers

(The Public Interest Disclosure Act 1998 (PIDA) governs whistleblowing. PIDA came into force on 2 July 1999. It amends the Employment Rights Act 1996 and protects workers against dismissal or other penalties as a result of making a 'protected disclosure'.)

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If a concern (by a worker) is raised in the reasonable belief that it is in the public interest and procedures have been followed correctly, the discloser raising the concern will be protected by the terms of this policy and, where applicable, by whistleblowing legislation.

Where a discloser has been victimised for raising a concern, the school will take appropriate action against those responsible, in line with the school's disciplinary policy and procedures.
Any disclosure of information received from a worker in relation to section two of this policy is likely to be considered a "Protected Disclosure". This means that workers who disclose information to the school or a prescribed person or body in relation to the types of wrongdoing in section two above are protected by law and; will not be at risk of losing their job or suffering any form of reprisal as a result, so long as:

- The worker making the disclosure has reason to believe the information provided is true.
- The worker does not do so for personal gain.

It does not matter if you are mistaken or if there is an innocent explanation for your concerns.

The school does not require workers to obtain proof of wrongdoing or investigate the matter themselves prior to reporting a concern. We want workers to raise any concerns they have at the earliest opportunity so that they can be considered, and hopefully resolved quickly. The school is committed to dealing with any disclosure appropriately, consistently, fairly and professionally and no-one should feel that any issue or concern is not important enough be raised.

The school does not tolerate bullying, harassment or victimisation in any form, including to those who raise a concern in connection with the provisions of this policy. Furthermore, we will not tolerate any attempt to bully a worker into not raising any such concern. The school has specific policies in place to deal with this type of behaviour. We consider behaviour of this nature to be a breach of our values and will take the appropriate action against those who fail to meet our behavioural requirements.

Whistleblowing laws provide the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

If you believe you have suffered a detriment for raising a concern under this policy, you should report this to the Headteacher or if the concern is against the Headteacher or a Governor, the matter may be referred to the Governing Board via the Chair of Governors or a nominated Governor [school to insert name of governor] who has responsibility for whistleblowing.

4. Confidentiality and anonymity

We believe that any worker should feel confident and able to voice whistleblowing concerns openly under this policy. However, the school accepts that some workers may wish to raise a concern confidentially. This means that although the officer you disclosed

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the information to will know who you are, you do not want anyone else to be made aware. If this is what you want, every effort will be made to ensure your identity is not disclosed unless we are required to do so by law.

In some cases, it may not be possible to maintain confidentiality as a consequence of an investigation into the concerns raised. If this occurs, we will discuss this as soon as possible with you, and aim to devise strategies for supporting you to ensure that you suffer no detriment or harassment as a result.

Workers can raise anonymous concerns under this policy. This means that those dealing with the concern may not be able to contact you or gain any further information other than what you have provided from the initial disclosure. In these cases, it may be difficult to investigate the concerns raised due many factors, such as a lack of information about individuals, dates, times, locations or documents. There is a risk that genuine concerns raised anonymously may not result in a satisfactory outcome. For these reasons the recommended routes for raising a whistleblowing concern are via open or confidential reporting of information. Nevertheless, anonymous allegations will always be individually considered using the following guidelines:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegations from attributable sources.

Anonymous whistle-blowers may seek feedback through a telephone appointment or by using an anonymised email address.

5. Reporting a concern

In the first instance we would encourage you to raise any concern you may have either formally or informally with your line manager. Where you do not believe this to be appropriate, you can report your concern to the Headteacher ..

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. The government has produced a list of external bodies designated to receive external whistleblowing concerns. These are called prescribed persons and the link to the list can be found in Appendix 1. In any case, those who wish to make a disclosure should do so using the school's internal procedures in the first instance.

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

It will very rarely (if ever) be appropriate to alert the media. Whistleblowing to the media is only protected under exceptional circumstances and there is a risk that such disclosure could mean that the rights and protections in law, of the person making the disclosure, are lost.

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Where to go for advice

Before making a disclosure, you may first wish to discuss the concern on a confidential basis with HR, a trade union representative (see Appendix 1), solicitor, Protect (Formally Public Concern at Work, see Appendix 1), or professional body (see Appendix 1) and seek advice on how to proceed. These discussions may help assess how justified your concern is and, if you then wish to proceed, the most appropriate and effective way to report it. This is important because the report should be made so as to allow the most effective investigation, whilst affording the whistleblower protection under the law.

We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect (formally Public Concern at Work), operates a confidential helpline. Their contact details can be found in Appendix A.

6. How my concern be dealt with – managers duty to report

All managers should be aware of this policy and must report to the Headteacher any concerns (deemed to be within the Public Interest -see below) that are raised with them within 24 hours of receipt. For the avoidance of doubt, concerns deemed to be within the public interest are:

- Any criminal offence (such as fraud or theft)
- Any breach of a legal obligation or duty
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate concealment of information tending to show any of the above five matters.

Failure to report a concern could be considered a deliberate concealment of information and may result in disciplinary action so, if in doubt, report it without delay.

All whistleblowing topics will be reported promptly to the Governing Board in confidence and they will be consulted on any investigation plan.

7. How my concern be dealt with (the procedure)

We will respond to your concern to acknowledge it has been raised as soon as possible, usually within three working days of receipt.

Upon receipt of a concern, we will discuss this with you and make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. This will include an assessment of whether the concern should be investigated under any of the school's other policies and procedures.

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Any initial meeting under this policy can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

Where appropriate, the matters raised may:

- be investigated by management or through the school's Bullying and harassment policy, disciplinary policy and procedure or grievance policy and procedure
- be referred to the police
- be referred and put through established child/adult protection procedures
- form the subject of an independent inquiry
- We will also consider whether your concerns may be resolved via other mechanisms such as mediation, training or review or any other form of dispute resolution.

Where we can, we will acknowledge the allegation in writing within ten days confirming:

- How the school propose to deal with the matter
- How long we estimate that will take to provide a final response
- Whether any initial enquiries have been made
- Whistleblower support mechanisms; and whether further investigations will take place and if not, why not.

Any investigation will be proportionate, independent, objective and evidence based, and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems occurring.

In respect of disclosures of serious misconduct or wrong doing relating to safeguarding children and or special educational needs; the school has a legal obligation to investigate and will do so. The County Council also has a legal obligation to investigate any complaints it receives about schools and will do so irrespective of the status of any school or relevant organisation.

The school will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the school will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
Norfolk Support Line Service is available to support you if you require it (Where this service is bought).

8. Training, promotion and reporting

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The provisions of this policy will be promoted throughout the school and where appropriate, training and advice will be provided at all levels to those charged with dealing with and investigating whistleblowing concerns.

This policy will also be published on the school's website so that it can be accessed by all who do business with the school.

9. Monitoring and review

In line with best practice the school will record the number of whistleblowing disclosures we receive and their nature, maintain records of the date and content of feedback provided to whistleblowers.

Protocols for reporting and evaluating the effectiveness of this policy will be developed by the Governing Board. This policy will be updated annually.

10. Data Protection

When a disclosure is received the school processes personal data collected in accordance with its data protection policy. Data collected by the school as part of the operation of the whistleblowing process is held securely and accessed by, and disclosed to, individuals only for the purposes of investigating and taking action during the whistleblowing procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

Appendix 1 – List of contacts

Body	Contact details
Protect (formally Public Concern at Work) Independent whistleblowing charity	Helpline: 020 3117 2520 E-mail: whistle@protect-advice.org.uk Website: www.pcaw.co.uk
List of Prescribed Persons for external disclosures	Child/Education specific: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#childrens-interest https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education All: https://www.gov.uk/government/publications/blowing-

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	the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies
Trade Union contacts	See *Trade Union and Professional Associations for schools G402a* on HR InfoSpace.
In respect of criminal offences, it may be necessary to contact the Police.	Norfolk Constabulary: Emergency: 999 Non-Emergency: 101

Appendix 2 – Table of changes

Date of change	Paragraphs affected	Summary of update
07/05/2019	All	New and updated version created to reflect the revised Norfolk County Council procedure, including changes in Whistleblowing legislation. These changes require disclosures to be made in the public interest but no longer require disclosures to be made in good faith.

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