

WHISTLEBLOWING POLICY


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| RESPONSIBILITY: | FINANCE, HR & AUDIT COMMITTEE |
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| PROPOSED BY: | FINANCE & HR MANAGER |
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| TYPE OF POLICY: | RECOMMENDED |
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| ON WEBSITE: | No |
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| DATE AGREED BY FINANCE, HR & AUDIT COMMITTEE: | 11 MAY 2022 |
| FREQUENCY OF REVIEW: | 3 YEARLY |
| NEXT REVIEW: | MAY 2025 |

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| APPROVED BY: | GOVERNING BOARD |
| DATE APPROVED AND ISSUED: | 23 MAY 2022 |
| SIGNATURE: |  DAVID PACKER CHAIR OF GOVERNORS |

In reviewing this policy, the Finance, HR & Audit Committee has taken into account the provisions of the Equality Act 2010.

Introduction

This policy enables Vandyke Upper School to conform to the requirements of the Public Interest Disclosure Act 1998. The purpose of the Act is to enable an employee, where there is malpractice which threatens the public interest, to raise concerns in a responsible way. Such issues may include (but are not limited to):

- corruption
- acts or omissions which create a hazard to health, safety or the environment
- embezzlement
- financial malpractice
- fraud
- serious maladministration arising from improper conduct
- unethical and/or unprofessional practices (not necessarily of a criminal nature)

Principles

The Governing Board is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others that we deal with who have serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. *This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or 'blowing the whistle' outside. However, it is recognised that there are occasions when this may not be appropriate.*

The policy applies to all employees and those contractors working on school premises, for example agency staff or builders. It also covers suppliers and those providing services under a contract with the school or the Authority.

These procedures are in addition to any complaints procedures and other statutory reporting procedures.

Aims

This policy aims to:

- encourage anyone to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for anyone to raise those concerns and receive feedback on any action taken
- ensure that those raising concerns receive a response to their concerns and are aware of how to pursue them if not satisfied
- reassure those raising concerns that they will be protected from possible reprisal or victimisation. They will also be protected from disciplinary procedures if the disclosures have been made appropriately and in good faith

Procedures

The procedures outlined below are separate from the school's grievance and disciplinary procedures and should not be used as an alternative procedure for employees to raise private grievances, nor do they replace the school's complaints procedure.

1. Concerns should normally be raised with the Headteacher. However if the concern is with the Headteacher this should be raised with the Chair of Governors and if the concern is with the Chair of Governors any other Governor or the Department for Education may be approached.
2. Concerns may be raised orally or in writing. Staff who wish to make a written report are invited to use the following format:
 - the background and history of the concern (giving relevant dates)
 - the reason why the member of staff is particularly concerned about the situation

This policy encourages names to be put to the allegation. Concerns expressed anonymously will be considered at the discretion of the Headteacher, Governing Board or DfE, taking into account the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.

3. The earlier the concern is expressed, the easier it is to take action.
4. Although a member of staff is not expected to prove beyond doubt the truth of an allegation, it will need to be demonstrated to the person contacted that there are reasonable grounds for the concern.
5. The member of staff may wish to consider discussing the concern with a colleague first and it may be easier to raise the matter if there are two (or more) colleagues who have had the same experience of concerns. A complaint may be raised via the Professional Association/ Trade Union rather than personally, for example to maintain confidentiality or protect identity.
6. A Trade Union representative or a friend may be invited to be present during any meetings or interviews in connection with the concerns raised.
7. All concerns will be treated in confidence and every effort will be made not to reveal an individual's identity if that is the wish of the individual. At the appropriate time, however, the member of staff may need to come forward as a witness.
8. The Governing Board will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an individual when concerns are raised in good faith in accordance with the agreed code of practice on harassment and victimisation.

9. Any investigation into allegations of potential malpractice will not influence any disciplinary or redundancy procedures that may already affect an individual.
10. If an allegation is made in good faith but is not confirmed by the investigation, no action will be taken against an individual. However, if an allegation is made maliciously or for personal gain, disciplinary action may be taken against the individual.

How the Headteacher (or Governing Board/ DfE) will respond

1. The Headteacher (Governing Board or DfE) will respond to an individual's concerns. Do not forget that testing out the concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised will:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the Governing Board
- be referred to the DfE
- be referred to the Police
- be referred to the external auditor
- form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Governing Board will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

2. The appropriate person under the policy with whom the concern has been raised will write within **ten** working days of a concern being raised:
 - acknowledging that the concern has been received
 - indicating how it is proposed to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - stating whether any initial enquiries have been made
 - supplying information on staff support mechanisms, and
 - stating whether any further investigation will take place and, if not, why not
3. The Governing Board accepts that individuals need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the individual will be informed of the outcomes of any investigation, normally in writing, in the context of the specific allegations.
4. If the Department for Education has not been directly involved in the investigation of the matter, the Headteacher or Chair of Governors will notify the authority's monitoring officer of the matter and its outcome, as that officer maintains a record of all concerns raised (but in a form which does not endanger the confidentiality of the individual).

How the matter can be taken further

1. This policy is intended to provide individuals with an avenue to raise concerns and it is hoped that members of staff will be satisfied with any action taken. If an individual is not satisfied and feels it is right to take the matter outside those who have been considering it, the following are possible contact points:
 - the external auditor
 - an individual's Trade Union
 - the local Citizen's Advice Bureau
 - relevant professional bodies or regulatory organisations
 - the Police
2. If the matter is taken outside the Governing Board or the DfE, it should be ensured that confidential information is not disclosed.