

# Parkstone Grammar School



## WHISTLEBLOWING POLICY

DATE APPROVED	March 2022
APPROVED BY	Personnel and Training Committee
NEXT REVIEW	March 2025
TYPE OF POLICY	Non-Statutory



# WHISTLEBLOWING POLICY

## WHAT IS THE AIM OF THIS POLICY?

The school is committed to high standards of conduct and to compliance with legal obligations and good practice. It wants malpractice to be pointed out and dealt with and expects its employees, and others who help to deliver its services, to help with that.

This policy encourages employees to raise genuine, serious concerns as “whistleblowers” to the school and provides a procedure for doing so. The school will take any action necessary in proportion to the nature of the complaint. The Policy explains how those who make whistleblowing disclosures reasonably and in the public interest will be protected from detriment such as victimisation or discipline.

The policy complies with the Public Interest Disclosure Act 1998 and the Enterprise & Regulation Reform Act (EERA) 2013 and has the support of the relevant trade unions.

## SAFEGUARDING

The school encourages employees to raise genuine concerns regarding the safety of students and will take necessary action in proportion to the complaint to keep students safe.

Employees should also ensure that they deal with any safeguarding concerns in line with the school Child Protection & Safeguarding Policy.

## EQUAL OPPORTUNITIES

The school believes that every employee has the right to work in an environment that upholds legal obligations and good practice. It works hard to promote equality in the workplace and expects and encourages malpractice to be pointed out.

This policy will be monitored to ensure consistency of application and adherence to the equalities legislation, to ensure that the policy operates in accordance with the duty to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics under the Equality Act 2010.

## CORE SCHOOL AIMS/VALUES

The school want every student and member of staff to show commitment and courage and encourage the identification of malpractice as a result.



## LINKED POLICIES

Code of Conduct for School Employees  
Capability Procedure for Teachers  
Capability Procedure for Support Staff  
Disciplinary Rules and Procedures (Staff)  
Child Protection and Safeguarding  
Grievance (Staff)

## WHO IS PROTECTED / COVERED BY THE POLICY?

You are protected if you work for the school as:

- an employee
- an agency employee
- a trainee
- a worker who provides services on behalf of the school

The policy does **not** apply to raising grievances about an employee's personal situation and thus, does not replace existing procedures for personal differences or conflicts (for instance complaints about breaches of an employee's own contract of employment should be raised as a grievance). If you have concerns in this area you should consult the school's Grievance Policy or your immediate line manager or the Headteacher.

You cannot raise the same issue under both the Whistleblowing Policy and another procedure.

## WHAT AREAS ARE COVERED IN THE POLICY?

- Nature of disclosures
- Expectations of the whistleblower
- False allegations
- How the whistleblower is protected
- Procedure for dealing with disclosures

## WHAT KINDS OF DISCLOSURES ARE COVERED?

The Public Interest Disclosure Act 1998 specifies 'Qualifying Disclosures' as follows:

- a criminal offence
- a breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- deliberate covering up of information tending to show any of the above five matters
- an abuse of power or authority



## **WHAT IS EXPECTED OF THE WHISTLEBLOWER?**

If you make a disclosure to someone within the school, you are expected to:

- reasonably believe that your disclosure is in the public interest
- reasonably believe that the disclosure is correct
- not make the disclosure for personal gain

## **DISCLOSURES TO OTHER ORGANISATIONS**

If you are going to make a disclosure it should be made to the school first as this policy encourages employees to raise genuine and serious concerns to the school. However, if you feel unable to use the procedure described in this policy the disclosure should be made to a prescribed person, so that your employment rights are protected.

If you decide you cannot go to the school with the disclosure first, you should contact a prescribed person or body.

## **FALSE ALLEGATIONS**

Failure to comply with the expectations above, including, making a frivolous or malicious disclosures may result in disciplinary action being taken. A qualifying disclosure that is not confirmed by subsequent investigation will not lead to any action, penalty or detriment against the person making the allegation or disclosure.

However, where employees or other individuals knowingly make malicious or false accusations or allegations, these will be treated as an act of gross misconduct which is incompatible with their duties to the school.

## **HOW IS THE WHISTLEBLOWER PROTECTED?**

The law provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures' which are in the public interest.

If you reasonably believe that your disclosure is made in the public interest and you comply with the expectations of this policy, you will be protected from any detriment as a result of making a disclosure. In particular, you will be protected from harassment or victimisation by a colleague.

The school will treat harassment or victimisation of an employee as an act of gross misconduct which is incompatible with their duties to the school. The perpetrator will be held personally liable and the affected whistleblower can bring a claim in an employment tribunal directly against them. In addition, the whistleblower can also bring a claim against the school as the actions by a worker in the course of their employment will be treated as also done by the school as the employer.



Should it not be possible to resolve a concern without revealing your identity, we will discuss with you what steps we will take to protect you from unfair treatment or detriment. This may include agreement to alternative working arrangements during any consequential investigation into the allegations. However, if you want your identity to remain confidential we will where appropriate, respect your decision and not reveal your identity without your consent unless this is unavoidable/deemed necessary (such as a legal requirement to do so). It should be recognised that if there are reasonable grounds for believing the allegations to be true, the public interest will rarely be served by taking no action.

Anonymous disclosures will be considered to the extent that it is reasonable and practicable to do so. It is often difficult to attach equal weight to anonymous allegations due to the investigator's difficulty in confirming or following up evidence. If you are unsure whether an incident should be reported under this policy you may wish to discuss the matter initially with your trade union representative OR line manager.

### **WHAT IS THE PROCEDURE FOR DEALING WITH A DISCLOSURE?**

Disclosures will be dealt with under the following stages. Not all disclosures will follow the full sequence of Stages, subject to the particular circumstances of each case. The action taken by the school will be reasonable and proportionate, depending on the nature of the concern.

#### **Stage 1 – Informal Resolution**

If an individual is aware or concerned about misconduct taking place inside the organisation that he or she thinks may damage or undermine the interests of the wider public they are advised in the first instance to share the details with their line manager to see if it can be resolved without a formal procedure. This may be done orally or in writing.

This complaint should be acknowledged within five days, and a meeting should be offered within 10 days (making allowances for school holiday periods or staff absences).

When making a disclosure, give as much information as possible about:

- the nature of the problem
- the background (with dates if possible)
- who is involved
- the reasons you are concerned

The line Manager should decide on the basis of the information so provided, how the matter can be resolved. This may include informal resolution or formal consideration. The outcome will be explained to the whistleblower.

If the individual is unable to raise the matter with his or her line manager they are advised to speak to the Headteacher who should consider whether the matter can be resolved informally as set out above or referred for formal consideration as detailed below.



Whistleblowers are encouraged to ask questions where they are unsure whether their concern qualifies for protection. They may also want to consult their Union (if applicable), a trade union representative may accompany a whistleblower to any meeting (they may alternatively be accompanied by a work colleague if this is deemed appropriate given the nature of the complaint). There is also a registered whistleblowing charity 'Protect'.

## **Stage 2 – Formal Disclosure**

If the individual feels unable to discuss their concerns with any of the above, or does not accept that the response at the informal stage is sufficient, or it is believed that the Headteacher is involved in the matter of concern, a formal disclosure may be made to the Chair of Governors.

At this stage, the person making the disclosure (the 'whistleblower'), will be asked whether he or she wishes their identity to be disclosed and will be reassured with regard to protection from possible reprisals or victimisation. He or she may also be asked to consider making a written or verbal statement. In the latter case, a brief summary of the interview will be made which will be agreed by both parties.

Details of the disclosure will be considered by the Headteacher or Chair of Governors (who may be supported by the school's HR provider) or their representative, including any recommendations for further action.

## **Stage 3 – Initial Response to a Formal Disclosure**

The Headteacher or Chair of Governors or representative who has received the disclosure will take any necessary urgent action and then decide how to respond to the disclosure, having regard to all the circumstances, including the evidence available. Preliminary inquiries may be made to help decide how best to respond in the public interest. Depending on the nature of the issue raised, the response, in the judgement of the Headteacher or Chair of Governors, may be one or more of the following:

- a management investigation
- a disciplinary investigation in accordance with school policies
- a referral for consideration under another school procedure
- referral to the Police
- an independent investigation
- amend procedures
- take no action due to lack of sufficient evidence or non-relevance / significance to this policy

The whistleblower will be notified of the intended response to the disclosure and the reasons for it. The investigation will usually be completed within 15 days (making allowances for school holiday periods or staff absences).



#### **Stage 4 – Management Investigation**

Where the decision has been made to carry out a Management Investigation, a senior leader or other person will be appointed as an investigating officer. He or she will agree terms of reference with the Headteacher or Chair of Governors or representative and identify a date by when the investigation will be completed.

The investigation will be carried out under the strictest confidentiality. The investigation is essentially a 'fact finding' exercise, to establish what further action may be necessary and make recommendations accordingly.

The Investigating Officer will have regard to the human rights of any individuals affected by the investigation. The investigation may serve as the information gathering part of the school's disciplinary procedure. In such cases this will be made clear to any people who may be subject to such investigation and the usual right to be represented will be made clear. Normal support arrangements will be available as required, to the whistleblower, accused and any others affected.

#### **Stage 5 – Responding to Management Investigation**

The Headteacher or Chair of Governors or representative will decide whether any further action is necessary as a result of the investigation report and recommendations. If the result of the investigation is that there is a case to be answered by any individual, the recognised procedure will be followed.

The amount of contact between the officers considering the issues and the employee raising the 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 may be sought from the person raising the concern.

Where there is no case to answer, but the whistleblower held a genuine belief and acted in accordance with the expectations of this policy, the school will ensure that they suffer no reprisals or victimisation, as far as is reasonably practicable. Considerations will include the school's duty to provide a healthy and safe working environment for all.

Where it is established that false allegations have been made and the whistleblower has not acted in accordance with the expectations of this policy, disciplinary actions may be taken against the whistleblower.

#### **Stage 6 – Confirmation of the Outcome**

So far as legally possible and subject to rights of confidentiality, the whistleblower will be informed of the outcome of the investigation and how the matter has been resolved. If he or she is dissatisfied with this response the whistleblower may take the matter further with the prescribed persons or organisations where justified under this procedure. Guidance is available at: <https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures>



The outcome of the investigation will be recorded on the confidential investigation log maintained by the school.

### **WHAT KEY ACTIONS IS THE SCHOOL TAKING TO ENFORCE THIS POLICY?**

The responsibility for ensuring that the school adheres to this Policy rests with all line managers and Governors. The policy will be shared with all staff through the shared staff network drive, list in staff handbook and annually in the September staff meeting.

This policy will be monitored to ensure consistency of application and adherence to the equalities legislation, to ensure that the policy operates in accordance with the duty to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics under the Equality Act 2010.

### **WHAT MUST EVERYONE DO TO ENFORCE AND UPHOLD THE POLICY?**

#### **Governors**

- Agree and approve the whistleblowing policy.
- Ensure that high expectations and the adherence to school policies is given high priority.
- Promote an ethos of openness and be accessible to any stakeholder who may wish to express a concern.

#### **Headteacher / LG**

- Formulate the draft whistleblowing policy and carry out appropriate consultation.
- Ensure that high expectations and the adherence to school policies is given high priority.
- Promote an ethos of openness and be accessible to any stakeholder who may wish to express a concern.
- Report any whistleblowing appropriately to the governors.

#### **Staff**

- Set an example for high expectations and the adherence to school policy.
- Promote an ethos of openness and reporting of malpractice.

#### **Students**

- N/A

#### **Parents**

- N/A





**HOW DO WE KNOW THAT THE POLICY IS WORKING AND IS BEING UPHELD?**

- Governors will receive appropriate information on concerns expressed through this policy, will take any and all appropriate action and will monitor trends.

**WHO SHOULD PEOPLE CONTACT IF THEY HAVE A QUESTION ABOUT THIS POLICY OR A SUGGESTION FOR IMPROVEMENT?**

- The Headteacher or Deputy Headteacher
- The Chair of the Personnel and Training Committee