



BETHS GRAMMAR SCHOOL

WHISTLEBLOWING POLICY (Confidential Reporting)

Introduction

1. Whistle blowing is the reporting by employees or ex-employees, of wrongdoing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow employees.

2. Employees are well positioned to know when something wrong is taking place within the school and therefore feel concerned. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the school. They may also fear harassment or victimisation. In these circumstances, they may find it easier to ignore their concern rather than report the matter with a view to remedying the situation. This policy provides a framework for all employees to raise their concerns 'in-house' and in good faith without fear of victimisation, subsequent discrimination or disadvantage.

3. Beths Grammar School is committed to achieving the highest possible standards of service and ethics. In line with that commitment the school and governing body encourages employees and others with serious concerns about any aspect of their work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis so that the position of the whistleblower can be protected. This policy is intended to encourage and enable people to raise serious concerns within the school rather than overlooking a problem or "blowing the whistle" outside.

Aims of this Policy

4. This Policy aims to:

- Encourage employees to feel confident in raising concerns and to question and act upon their concerns
- Establish a fair and impartial investigative procedure
- Provide avenues for employees to raise concerns and receive feedback on any action taken
- Ensure that employees receive a response to concerns and are aware of how to pursue them if they are not satisfied
- Ensure that employees will be protected from any reprisals or victimisation from the school, provided that there is reasonable belief that the matter disclosed tends to show wrongdoing and that the disclosure has been made in an appropriate manner and in good faith.

Scope

5. This policy applies to all employees and those contractors working for the school on school premises. This includes employees working on a temporary basis, casual or sessional workers and trainees. It also covers agency workers and suppliers and those providing services under a contract with the school in their own premises.

6. The Whistleblowing Policy is designed to sit alongside the Beths Grammar School Grievance Policy and Complaints Procedure. As a guideline, concerns that should be raised through these routes are as follows:

- Employment related issues should be raised through Staff Grievance Policy
- Concerns from those not employed by the school should be raised through the School's Complaints Procedure

7. This policy is intended to cover reasonably serious concerns that may fall outside the scope of other procedures, and include the following:

- Failure to comply with a legal obligation to which a person is subject (this may include breaches of statutory codes of practice); or
- Conduct which is an offence or a breach of the law; or
- Conduct that is contrary to the Beths Grammar School's policies (this may include conduct that falls below established standards or practice); or
- Disclosures relating to possible miscarriages of justice; or
- Conduct that endangers the health and safety of other employees or members of the students. (This would include abuse – whether physical, verbal or sexual – or ill treatment of any service user, family member, friend or advocate) or;
- Conduct that involves damage to the environment; or
- The unauthorised use of public funds.

8. The above does not represent an exhaustive list of areas covered by this policy. Any serious concerns that employees may have about any aspect of service provision or the conduct of the schools staff and governors acting on behalf of the school can be reported under this policy.

Equal Opportunities

9. The whistleblowing procedure must always be applied fairly and in accordance with employment law and the School's Equality Policy.

Responsibilities

10. The Governing Body of Beths Grammar School is responsible for maintaining fair, consistent and objective procedures for matters related to whistle blowing.

11. The Headteacher has overall responsibility for the internal organisation, control and management of the school.

Safeguards

Harassment or Victimisation

12. The governing body is committed to good practice and high standards and wants to be supportive of all its employees.

13. The school recognises that the decision to report a concern can be difficult to make, not least because of the fear of reprisal from those responsible for the malpractice. Beths Grammar School will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith. If they raise a genuine concern under this policy, they will not suffer any detriment in connection with their employment. Therefore, providing they act in good faith, it does not matter if they are mistaken. However, this does not mean that, if an employee is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of the disclosure.

Confidentiality

14. The governing body will use its best endeavours to protect an employee's identity when he/she raises a concern and does not want his/her identity disclosed.

15. If the employee asks the Beths Grammar School to protect their identity, the school will not disclose it without the employee's consent or unless instructed by a Tribunal or Court. If the situation arises where Beths is not able to resolve the concern without revealing the employee's identity (e.g. a statement that may be required as part of the evidence) the school will discuss with the employee whether and how they can proceed.

16. If whistleblowers are required to give evidence in criminal or disciplinary proceedings, the governing body will arrange for them to receive advice and support.

Anonymous allegations

17. This policy encourages employees to put their names to any allegation. A concern expressed anonymously is much less powerful and it is often difficult to gather sufficient evidence and check its veracity. It is perhaps more likely that malicious allegations will be made anonymously. It is possible to keep one's identity confidential without being anonymous.

- Anonymous allegations, however, may be considered at the discretion of the governing body.

18. In exercising discretion, the factors to be taken into account would include:

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

Untrue or Malicious Allegations

19. If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, the employee makes malicious or vexatious allegations, disciplinary action may be taken against them.

Rights and Responsibilities of Employees

20. All employees are required to report any issue of concern regarding the provision of services or management of those services. In the majority of cases, this will be done through the usual line management channels.

21. Employees are expected to report concerns as soon they arise and avoid any unnecessary delay in doing so.

22. Other than raising concerns in good faith, employees are not required to 'prove' the truth of any allegation. However, a complainant will need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.

23. When any meeting or interview is arranged, employees may, if they so wish, be accompanied by a trade union representative or a workplace colleague.

How to raise concerns

24. As a first step, employees should normally raise concerns with their immediate manager, Headteacher or the Chair of Governors. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice. For example, if the employee believes that senior leadership of the school is involved they should approach the Chair of the Human Resources Committee.

25. Employees should advise if they want to raise the matter in confidence so that the person contacted can make appropriate arrangements.

26. Preferably concerns must be raised in writing without undue delay setting out the background and history of the concern, giving names, dates and places where possible, and the reason for the employee's particular concern. If an employee feels that he/she is not able to raise the concern in writing at this point, he/she may personally raise the matter with the appropriate person. However, at some stage the concern will need to be put in writing although this may be done through his/her representative.

27. Employees can obtain advice and guidance on how matters of concern may be pursued from Lisa Gibson (Business Manager) or their professional association/trade union.

How Beths Grammar School will respond

28. Within ten school days of a concern being received, Beths Grammar School will write to the employee:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving where possible an estimate of how long it will take to provide a final response;
- telling the employee whether any initial enquiries have been made, and
- telling the employee whether further investigations will take place, and if not, why not.

Employees will also be provided with details of support available which will include access to counselling facilities.

29. The action taken by the governing body will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;

- be referred to the external auditor; or
- form the subject of an independent inquiry

30. In order to protect individuals and those accused of possible wrongdoing or malpractice, initial enquiries will be made by the relevant senior officer to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of any other specific procedures (for example, safeguarding/child protection or discrimination issues) will normally be referred for consideration under those procedures. The overriding principle which Beths Grammar School will have in mind is the public interest.

31. Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required this will be taken before any investigation is conducted.

32. The amount of contact between those considering the issues and the complainant employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

33. When any meeting is arranged, the employee will have the right, if they so wish, to be accompanied by a Trade Union colleague, a work colleague, a professional association representative or a friend who is not involved in the area of work to which the concern relates

34. Beths Grammar School will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if it becomes necessary to give evidence in criminal or disciplinary proceedings, the school advise about the procedure and give whatever practical support that is possible.

35. Beths Grammar School accepts-that employees need to be assured that the matter has been properly addressed.

36. Subject to legal constraints, employees will normally receive feedback about the outcomes of any investigations.

Taking the concerns externally

37. This policy is intended to provide employees with an avenue to raise concerns within the school and to give employees the reassurance they need to raise such matters internally. It is hoped that employees will be satisfied with any action taken under this policy.

38. There may be circumstances where an employee considers that he/she needs to raise the matter externally. This may be because, for example, the need to involve the appropriate external regulatory body, or consider that the matter has not been properly addressed, or that an employee reasonably believes that the matter will be covered up.

39. If employees feel it is right to take the matter outside the school, the following are possible contact points:

- The Department of Education;
- Member of Parliament;
- the external auditor;
- employee's relevant professional bodies or regulatory organisation;
- employee's trade union;
- employee's solicitor;

- the Police;
- Audit Commission;
- The Local Government Ombudsman;
- The Information Commissioner;
- Unison Whistleblowing hotline;
- a relevant voluntary organisation; or Public Concern at Work

40. If an employee is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6009 or at helpline@pcaw.co.uk. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice at work

41. If the employee does not feel able to raise their concern in the ways outlined above, they should consult the Public Interest Disclosure Act for information about other routes by which a disclosure can be made.

42. Beths Grammar School would rather that the employee raised the matter with the appropriate regulator or outside body than not at all. A concern may be raised provided that:

- The disclosure is made in good faith;
- The employee reasonably believes that the information disclosed, and any allegation contained in it, are substantially true;
- The disclosure is not made for purposes of personal gain.

43. Appropriate legal advice should be sought prior to raising a matter externally.

44. If the matter is reported externally, the employee must ensure that confidential information is not disclosed and that disclosure would not be privileged.

The Officer Responsible

45. The Headteacher has overall responsibility for the maintenance and operation of this policy. A record of all concerns raised and the outcomes will be maintained. The Headteacher will report as necessary on the operation of the policy, but not on individual cases, to the Chair of the Human Resources Committee and Governing Body.

46. This policy will be reviewed on a three yearly basis to ensure that the policy remains up to date and to ensure that it remains effective.

*Reviewed: Spring 2020
Next scheduled review date: Spring 2023*