



The Ecclesbourne School
“Learning together for the future”

Whistle Blowing Policy

July 2019

Purpose

The Ecclesbourne School is committed to achieving the highest possible level of service and ethical standards. The purpose of this policy is the promotion of an open culture where employees are encouraged to raise concerns in an appropriate manner to ensure the health, safety and welfare of all our employees and the children and young people at our school, and to ensure that the school works effectively and efficiently within legal and ethical boundaries.

The School recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the School.

The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term “whistle blowing” to mean the confidential raising of problems or concerns to matters of impropriety e.g. a breach of law, school procedures or ethics within an organisation by a member of staff.

This policy has been introduced in line with the Public Interest Disclosure Act 2018. The policy enables employees to raise issues of concern in an appropriate manner.

This policy aims to:

- Ensure the school operates ethically and within the law;
- Protect the health and safety and welfare of students and staff;
- Promote an open culture in which we encourage members of staff to feel confident in raising concerns;
- Establish a fair and impartial investigative procedure;
- Provide avenues for members of staff to raise concerns and receive appropriate feedback;
- Ensure that members of staff receive a response to concerns and are aware of how to pursue them if they are not satisfied;
- Ensure that members of staff are appropriately protected under the law in bringing a concern to the attention of the school.

1. Introduction

- 1.1** Confidential reporting is the disclosure or communication of information about possible malpractice by individuals or organisations. Disclosure can be either internal within the organisation or external to an outside authority. The act was brought in to protect workers in the public, private and voluntary sector.
- 1.2** This confidential reporting code is intended to enable employees to disclose information about malpractice internally and to provide employees with protection from subsequent victimisation, discrimination or disadvantage. This will assist in detecting and deterring malpractice and, by demonstrating the School's accountability, maintain public confidence and the School's good reputation.

2. Purpose

- 2.1** Employees are often the first to realise that there may be evidence of malpractice within the School. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation.
- 2.2** In line with the School's commitment to high standards of openness, integrity and accountability, the School expects employees who have a reasonable belief that malpractice is taking place within the School to come forward and voice those concerns internally. This may be an awareness of suspected irregularity, wrongdoing or a failure of standards. This policy provides the means for employees to make such disclosures.
- 2.3** An employee's concerns about malpractice may include a reasonable belief that one or more of the following has occurred or is likely to occur:
- Conduct which is an offence or a breach of law,
 - Miscarriages of justice,
 - Health and safety risks, including risks to the public as well as other employees,
 - Damage to the environment,
 - The unauthorised use of public funds,
 - Fraud and corruption,
 - Sexual or Physical abuse of pupils,
 - Other unethical conduct.

2.4.1 Under this policy employees should make disclosures about possible malpractice to:

- The Headteacher
- Where this is inappropriate, the Chair of Governors.
- Where both of these are inappropriate, The Director of Children's Services or the Assistant Director of Finance (Audit Services).

It is recognised that most cases will have to proceed on a confidential basis.

- 2.5** It is in the interests of all parties that disclosures are dealt with properly, quickly and discreetly. The overriding consideration for the School and the employee is that it would be in the public interest for any malpractice found to be corrected and, where appropriate, sanctions applied.
- 2.6** The code provides employees with a procedure to make disclosures of irregularity or wrongdoing without fear of adverse treatment as a result. The School will not tolerate any harassment or victimisation of employees making disclosures (including informal pressures) and will take action to protect employees when they make a disclosure in good faith.

Review Date: July 2022

Responsibility: Head Teacher

2.7 The code addresses major concerns that fall outside the scope of other procedures and where the interests of others or of the School are at risk. It has been developed within the following legislative and policy framework:

It takes into account the requirements of the Public Interest Disclosure Act 2018.

It is complementary to the School's Code of Conduct which makes clear the standards of propriety and good practice expected of employees.

It is complementary to the School's Discipline, Grievance and Harassment Procedures. Together they form a framework which allows employees to be disciplined, to seek personal redress, to raise personal complaint and to disclose malpractice where appropriate.

The code is in addition to the School's complaints procedures and other reporting procedures, for example child protection procedures.

3 Scope

3.1 This code applies to all employees in the school. It is also applicable to:

- contractors working for the School on School premises, for example, agency staff, builders, drivers.
- suppliers and those providing services under a contract with the School in their own premises.

4 Procedure for Making A Disclosure

4.1 Introduction

4.1.1 This code provides you with a procedure for making disclosures internally about suspected wrongdoing, irregularity or a failure of standards within the School. Its aims are:

- To encourage you to feel confident in raising serious concerns and to question and act upon concerns about possible malpractice within the School.
- To provide a means for you to disclose those concerns and receive feedback on any action taken.
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them further if you are not satisfied.
- To reassure you that you will be protected from possible reprisals or victimisation and from subsequent discrimination or disadvantage.

4.1.2 Any serious concerns that you have about an aspect of service provision or the conduct of employees or Governors of the School or others acting on behalf of the School can be reported under this code. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the School subscribes to.
- is against the School's policies.
- falls below established standards of practice.
- amounts to improper conduct.

Examples of these are given in paragraph 2.3.

4.2 Confidentiality

4.2.1 All disclosures will be treated in confidence and wherever possible, every effort will be made not to reveal your identity. However, you may need to come forward as a witness and you will be given every support from management at that time.

4.3 Anonymous Disclosures

4.3.1 You should put your name to your disclosure whenever possible. Disclosures made anonymously will still be considered at the discretion of the School. However, it is helpful to have your name in case further information is required.

4.3.2 In exercising its discretion, the School will take into account:

- the seriousness of the issues raised.
- the credibility of the disclosure.
- the likelihood of confirming what is alleged from attributable sources.

4.4 Untrue Disclosures

If you make a disclosure in good faith that you reasonably believe is in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If however, your allegation is frivolous, malicious or for personal gain, you may be subject to disciplinary action. Deliberately false or malicious accusations made by a member of staff will be dealt with under the Staff Disciplinary Procedure.

4.5 Stage 1 - Employee Action

4.5.1 As a first step, you should normally raise your concerns with your Headteacher. If you believe your Headteacher is involved, you should approach the Chair of Governors. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If you believe that the Headteacher and Chair of Governors are involved, you should approach the Director of Children's Services or, if the concern is regarding financial irregularities or fraud then you should contact the Assistant Director of Finance (Audit), Derbyshire County Council.

4.5.2 You may raise your concern either verbally or in writing. The earlier you express the concern, the easier it is to take action. You should provide:

- details of your concerns, including the nature, dates and location of any relevant incidents.
- reasons why you feel concerned about the situation.

4.5.3 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

4.5.4 You may invite your trade union or other representative to be present during any meetings or interviews in connection with the concerns you have raised.

4.5.5 The amount of contact between you and the person considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the School will seek further information from you.

4.6 Stage 2 - Action Taken by the School

The meeting

The assessor/investigator (usually the Head Teacher) will interview the reporting member of staff, in confidence, as soon as practically possible and within ten working days, or earlier if there is an immediate danger of abuse, loss of life or serious injury and will:

- Obtain as much information as possible from the member of staff about the grounds for the belief of malpractice;
- Consult with the member of staff about further steps which could be taken;
- Inform the member of staff of appropriate routes if the matter does not fall within the whistle blowing Procedure;
- Report all matters raised under this procedure to the Head Teacher and Chair of Governors.

At the interview with the investigator, the member of staff may be accompanied by a recognised trade union representative or a work colleague. The investigator may be accompanied by a note taker.

- 4.6.1** In order to protect individuals and those accused of possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The over-riding principle the School will have in mind is the public interest. Disclosures for which there are other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 4.6.2** Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any action investigation is conducted.
- 4.6.3** Within 10 working days of a concern being raised, you will receive a response:
- a) acknowledging that the concern has been received;
 - b) telling you whether any initial enquiries have been made;
 - c) indicating how the matter is going to be dealt with;
 - d) giving an estimate of how long it will take to provide a final response;
 - e) supplying you with information on staff support mechanisms;
 - f) telling you why if there is to be no further investigation.
- 4.6.5** The School will take steps to minimise any difficulties you may experience as a result of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings the School will arrange for you to receive advice about the procedure.
- 4.6.4** You will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcomes of any investigation.

4.6.5 Stage 3 Response

The School will respond to your disclosure within ten working days of the investigation meeting. Where appropriate, the investigator will recommend to the Chair of Governors one or more of the following:

- a) investigation by management, by internal audit, or through the disciplinary process;
- b) referral to the Police;
- c) referral to an external auditor;
- d) an independent inquiry/referral to the DfE.

The grounds on which no further action is taken may include:

- The investigator is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur;
- The investigator is satisfied that the member of staff is not acting in good faith;
- The matter is already (or has been) the subject of proceedings under one of the school's other procedures or policies;
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, the external auditors, the DfE or other public authority.

The Head Teacher will inform the Chair of Governors of the investigator's recommendation. Should it be alleged that the Head Teacher is involved in the alleged malpractice, the recommendation will be made directly to the Chair of Governors.

The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Governing Body.

The conclusion of any agreed investigation will be reported by the investigator to the member of staff in writing within ten working days.

The member of staff may at any time disclose the matter on a confidential basis to a solicitor for the purpose of taking legal advice.

4.7 How the Matter Can Be Taken Further

4.7.1 This code is intended to provide you with a route within the School to make disclosures of malpractice. The School hopes you will be satisfied with any action taken. If you are not, and you believe the information you have disclosed is substantially true, possible contact points are:

- Public Concern At Work
- The external auditor
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The Police

4.7.1.1 If you do take the matter outside the School, you should ensure that you do not disclose confidential information. Check with the person dealing with your disclosure within the School before divulging any information.

Useful contacts

Whistle blowing to an external body without first going through the internal procedure is inadvisable without compelling reasons. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the senior managers, serious health and safety issues or possible discrimination. The external bodies which could be used are:

- Local Authority officers
- The Children's Commissioner:
- Ofsted:
- Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive:
- The Information Commissioner's Office: <http://ico.org.uk/>
- The Environment Agency
- The Commissioners for Her Majesty's Revenue and Customs (HMRC):
- The Serious Fraud Office
- Police

If you do not feel able to raise your concern in the ways outlined above, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.