



## The Eliot Bank and Gordonbrock Schools Federation



# Whistleblowing Policy

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|--------------|----------------|-------------------|--------------|
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## 1. Introduction

Employees are often the first to realise that there may be something seriously wrong within the Federation / Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the Federation or to the Authority. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Governing Body and the Local Authority are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others working with us, who have any serious concerns about any aspect of the Federation's or the Local Authority'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 makes it clear that employees can voice any concern they may have without fear of reprisal, victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the Federation or the Local Authority rather than overlooking a problem or 'blowing the whistle' outside.

## 2. Who does this policy apply to?

This policy applies to all employees or other workers who provide services to the school in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers. It also applies to:

- authorised volunteers;
- those on work experience;
- members of the Governing Body.

This policy has been written in line with government guidance on whistle-blowing, also taking into account the Public Interest Disclosure Act 1998. This policy has been discussed with the recognised Teacher Associations and Trade Unions and has their support.



### **3. Other complaints procedures**

This policy does not replace and is separate from the Federation's Concerns and Complaints Policy and other statutory reporting procedures.

This policy does not replace and is separate from the Federation's / Local Authority's existing procedures in place to enable you to lodge a grievance etc. relating to your own employment.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **4. Aims and scope of this policy**

This policy aims to:

- encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected;
- let all staff in the school know how to raise concerns about potential wrongdoing in or by the school;
- set clear procedures for how the school will respond to such concerns;
- let all staff know the protection available to them if they raise a whistle-blowing concern;
- assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

### **5. Definition of whistle-blowing**

Whistle-blowing covers concerns made that report wrongdoing that is 'in the public interest.' Examples of whistle blowing include (but are not limited to):

- criminal offences such as fraud or corruption;
- pupils' or staff health and safety being put in danger;
- failure to comply with a legal obligation or a statutory requirement;
- breaches of financial management procedures;



- attempts to cover up the above, or any other wrongdoing in the public interest;
- damage to the environment.

A whistle blower is a person who raises a genuine concern relating to the above.

Not all concerns about the school count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, they should consider whether it would be better to follow our staff grievance or complaints procedure.

Protect (formerly Public Concern at Work) has:

- further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure;
- a free and confidential advice line.

## **6. Raising a concern**

### **6.1 When to raise a concern**

Staff should consider the examples in section 5 when deciding whether or not their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

### **6.2 Who to report to**

Staff should report their concern to the Head of School/Executive Headteacher. If the concern is about the Head of School/Executive Headteacher or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of Governors. If the person raising the concern believes that the Governing Body is involved in the suspected malpractice they should approach a senior officer of the Local Authority. If the person believes the officers of the Local Authority are involved in the suspected malpractice they should approach the Chief Executive or in the case of a financial issue, the Director of Resources / Internal Audit.



### 6.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

## 7. How the School / Governing Body / LA will respond to a Concern

When a concern is received by the Head of School/Executive Headteacher/Chair of Governors – referred to from here as the ‘responsible person’ the following will happen:

- Within a reasonable timeframe of a concern being raised, the responsible person will write to you to:
  - acknowledge that the concern has been received;
  - indicate how it is proposed to deal with the matter;
  - tell you whether any initial enquiries have been made;
  - supply you with information on staff support mechanisms (where appropriate);
  - tell you whether further investigations will take place and if not, why not.
  - give an estimate of how long it will take to provide a final response to the matter.
- Where the responsible person is outside the management of the Federation they will notify the Chief Executive for registration, monitoring and annual reporting purposes.

### 7.1 Investigating a concern

When a concern proceeds to an **initial investigation**, the responsible person will:

- meet with the person raising the concern within 10 days. A trade union or professional association representative may join the person raising the concern.
- get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent, the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.



- reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.

- establish whether there is sufficient cause for concern to warrant **further investigation**.

If there is:

- the responsible person should then arrange a further investigation into the matter. If appropriate, in some cases, they may need to bring in the Local Authority to investigate. In other cases, they may need to report the matter to the police.
- the person who raised the concern should be informed of how the matter is being investigated and given an estimated timeframe for when they will be informed of the next steps.

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.

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

## **7.2 Outcome of the investigation**

Once the investigation - whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Head of School and Executive Headteacher, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.



Whilst the school cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

### **7.3 Contact**

The amount of contact between those considering the issues and the person 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 will be sought from the person raising the concern.

### **7.4 Support**

The Governing Body / Local Authority will take steps to minimise any difficulties which the person may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, arrangements will be made for them to receive advice about the procedure.

As previously stated in this policy, the Governing Body / Local Authority will not tolerate any harassment or victimisation (including informal pressures) of a person who raises a concern in good faith and will take appropriate action to protect them.

## **8. The Responsible Officer**

The Chief Executive has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally outside the management of the Federation. That officer maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the Council. In respect of concerns raised internally within the school the Head of School/Executive Headteacher will maintain a record of concerns raised and the outcome and will report as necessary to the Governing Body.

## **9. Malicious or vexatious allegations**

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.



If, however, an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the person making the allegation.

## **10. Escalating Concerns**

This policy is intended to provide you with an avenue within the Local Authority to raise concerns. The Governors / the Local Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Local Authority, the following are possible contact points:

- Protect Advice Line - 020 3117 2520 - is a charitable organisation providing free, confidential whistle-blowing advice;
- the external auditor;
- your Trade Union / Teacher Association;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- or the police.

If a person with a concern decides to take the matter outside the school / Local Authority, the person should ensure that they do not disclose any confidential information. If they are in any doubt, they should check with the contact point.

## **11. Conclusion**

Existing good practice at the Federation in terms of internal control both financial and non-financial and the external regulatory environment in which the school operates ensure that cases of suspected fraud or impropriety rarely occur.

This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and, if necessary, outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned.