



Whistleblowing and Reporting Procedure Policy

Scope of Policy

This policy is designed to enable employees or other members of the Bearwood Primary and Nursery School to raise concerns or disclose information at a higher level which the individual believes shows malpractice.

This policy encourages employees to raise genuine, serious concerns as “whistleblowers” to the Council or ‘regulators’ (the Local Government Ombudsman, External Audit, Standards Board for England, or Police), and provides a procedure for doing so.

The Council and Governors will take any action necessary in proportion to the nature of the complaint. This policy explains how those who make whistleblowing disclosures reasonably and in the public interest will be protected from detriment such as victimisation or discipline.

A number of policies and procedures are already in place including grievance, discipline, complaints and guidelines for dealing with harassment. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the using of such procedures.

Purpose

Bearwood Primary and Nursery School is committed to the highest standards of openness, probity and accountability. In line with this commitment, our school encourages employees with serious concerns about the school’s work to come forward and voice those concerns. This also applies to concerns about the activities of staff, governors and external organisations in their dealings with the school.

Members of staff may be the first to spot anything that is seriously wrong within the school. However, they might not say anything because they think this would be disloyal, or they might be worried that their suspicions are not justified. They may also be worried that they or someone else may be victimised. Members of the public (for example, parents of pupils) may also share some of these concerns.

We are committed to being open, honest and accountable, and this policy aims to make sure that if you want to raise any concern, you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

What types of action are covered by the policy?

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following:

- Fraud and corruption
- Children or pupils being mistreated including any safeguarding concerns
- Unauthorised use of public money
- An unlawful act
- Any danger to health and safety
- The environment being damaged (for example, by pollution)
- A person abusing their position or any unauthorised use of their position for personal gain
- A person deliberately not keeping to a Local Authority policy, an official code of practice, any law or regulation, or any procedures agreed by the local authority or governing body
- A person failing to meet appropriate professional standards
- A person being discriminated against because of their race, colour, religion, ethnic or national origin, disability, age, sex, sexuality, class or home life

To whom does this policy apply?

This policy applies to all staff working in schools and educational establishments as well as contractors working on school premises (for example, agency staff,

builders and drivers). It also covers suppliers and people who provide services to the school.

These procedures build upon our complaints procedure and other reporting procedures applying to various departments. Headteachers and other senior managers are responsible for making all relevant people aware of these procedures.

What is not covered?

You cannot use this policy to deal with serious or sensitive matters that are covered by other procedures. Such procedures include the following:

- Staffs' complaints about their employment. These complaints are dealt with through our Grievance Procedure.
- Customers' complaints about our services. These complaints are dealt with through our Complaints Procedure.

Protecting You

If your allegation is true, you have nothing to fear, but we understand that deciding to blow the whistle is not easy.

If you raise a concern which you believe is true, we will take appropriate action under the Public Interest Disclosure Act 1998 to protect you from any harassment, victimisation or bullying.

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

1. a criminal offence;
 2. a breach of a legal obligation;
 3. a miscarriage of justice;
 4. a danger to the health and safety of any individual;
 5. damage to the environment;
- Or deliberate covering up of information tending to show any of the above five matters.

We will keep your concerns confidential if this is what you want. In this case we will not reveal your name or position without your permission or unless we have to do so by law. We would explain this at the time you raise a concern so you can decide whether or not to proceed.

If you work for the Local Authority, you should also know that any allegation you make will not influence, or be influenced by any unrelated disciplinary action against you or any redundancy procedures that may affect you.

Anonymous Allegations

As explained above, we will protect you so encourage you to give your name when you make an allegation. Concerns raised anonymously tend to be far less effective and if, for example, we do not have enough information, we may not be able to investigate the matter at all.

Untrue Allegations

If you make an allegation which you believe is true, but it is not confirmed by our investigation, we will not take any action against you.

However, if you make an allegation which you know is untrue, we will take appropriate disciplinary or legal action against you.

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, 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.

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. 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, Line Manager, Headteacher, HR, Internal Audit, or one of the Statutory Officers.

What school and college staff should do if they have concerns about another staff member?

If staff members have concerns about another staff member, then this should be referred to the Headteacher. Where there are concerns about the Headteacher, this should be referred to the Chair of Governors. Staff may consider discussing any concerns with the Bearwood Primary and Nursery School's Designated Safeguarding Lead and make any referral via them.

Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – lines are available from 8:00am to 8:00pm, Monday to Friday and email: help@nspcc.org.uk

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 Council 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.

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. If the relevant manager cannot deal with the matter, he or she will refer the concern to the Head of Human Resources.

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 senior management is involved in the matter of concern, a formal

disclosure may be made to one of the Statutory Officers (Governing Body, Monitoring Officer, Head of Legal & Democratic Services, Head of Financial Services or the Chief Executive).

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 Statutory Officer or his Representative, including any recommendations for further action.

Stage 3 – Initial Response to a Formal Disclosure

The Statutory Officer 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 Statutory Officer, may be one or more of the following:

- A management investigation
- A disciplinary investigation in accordance with Council Policies
- A referral for consideration under another Council Procedure
- Referral to the Police
- Referral to External Audit
- 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.

Stage 4 – Management Investigation

Where the decision has been made to carry out a Management Investigation, a senior manager or other person will be appointed as an Investigating Officer.

He or she will agree terms of reference with the Statutory Officer 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 e.g. counselling/chaplaincy will be available as required, to the whistleblower, accused and any others affected.

Stage 5 – Responding to Management Investigation

The Statutory Officer 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/councillor 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 this policy, the Council and Governors will ensure that they suffer no reprisals or victimisation, as far as is reasonably practicable.

Considerations will include the Council and Governor'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 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.

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

Agreed by Chair of Governors:

Date reviewed: July 2020

Review date: September 2020

SIGNED

HEADTEACHER

DATE:

SIGNED

CHAIR OF GOVERNORS

DATE: