



WESTFIELD SCHOOL POLICY AND PROCEDURE

Whistleblowing and confidential reporting

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Westfield School

Whistleblowing, or confidential reporting

Policy and Procedure

Introduction

The School is committed to conducting its business with honesty and integrity, and expects all employees to maintain high standards in accordance with their contractual obligations and the School's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Employees should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for employees or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a n employee, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if an employee has a personal grievance, then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent employees from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

Aims of Policy

- To encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide employees with guidance as to how to raise those concerns;
- To reassure employees that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of employees at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Governors, Headteacher, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency employees (collectively referred to as "Employees" in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns; * See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to employee's own personal circumstances, such as the way you have been treated at work. In those cases, you should follow the Grievance Policy and Procedure.

If employees are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher, and if the matter is in relation to an alleged wrongdoing by the Headteacher, then employees should seek the advice of the Designated Governor.

Raising a confidential concern

The School hopes that in many cases employees will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer.

They may be able to agree a way of resolving a concern quickly and effectively. In some cases, they may refer the matter to the Governing Body.

On occasions where the matter is more serious, or it is felt that the Line Manager has not addressed the concern, or it is preferred not to raise it with them for any reason, one of the following should be contacted:

The Headteacher

The Governor with responsibility for Whistleblowing matters- currently Andy James or Ceri Hibbert

The Headteacher will arrange a meeting with the whistleblower as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Headteacher will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Headteacher should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Employees may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The School will take notes and produce a written summary of the concern raised and provide the whistleblower with a copy as soon as practicable after the meeting. The School will also aim to give the whistleblower an indication of how it proposes to deal with the matter.

Confidentiality

The School hopes that employees will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that employee's concern to know the whistleblower's identity, the School will discuss this with the individual first.

The School does not encourage employees to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

Any misuse of this policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues, could give rise to action under the School's Disciplinary Procedure. If the Headteacher knows, or has a suspicion that an employee comes into this category then s/he will take advice from the Designated Governor who will help to determine what action should be taken.

If in any doubt advice from Protect, the independent whistleblowing charity, is available, who offer a confidential helpline. Their contact details are:

Protect (Independent whistle blowing charity)

Helpline: 020 3117 2520

Website: protect-advice.org.uk

Concerns against Governors

If a concern against a Governor is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Headteacher with the Chair of Governors who will decide how it should be dealt with.

If the concern is against the Chair of Governors then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Headteacher who will decide in consultation with the Headteacher and the Governor with responsibility for Whistleblowing matters how it should be dealt with. Under normal circumstances such a concern would be referred to the Department for Education for action.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for employees to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage advice to be sought before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of School Employees, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows employees to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, employees are encouraged to report such concerns internally first. Employees should contact one of the other individuals set out above for guidance.

Investigation and outcome

Once a concern has been raised, the School will carry out an initial assessment to determine the scope of any investigation. The School will inform the whistleblower of the outcome of its assessment. The individual raising the concern may be required to attend additional meetings in order to provide further information.

In most cases a panel of three Governors will investigate any issue. In rare cases the School may appoint an investigator or team of investigators including colleagues with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

Any employee raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the

confidentiality and sensitivity of such matters. Any information about the investigation must be treated as strictly confidential.

If the School concludes that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the School cannot always guarantee the outcome an individual is seeking, the School will try to deal with the concern fairly and in an appropriate way. If an employee is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher will have the right to refer any particular case to the Designated Governor for review.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The School aims to encourage openness and will support colleagues who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Employees must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an individual believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied they should raise it formally using the School's Grievance Policy and Procedure.

Employees must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Employees are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher in the first instance.

Safeguarding

If a person suspects that there is a serious safeguarding issue that they feel that the Headteacher is not taking seriously or that they believe there is a serious safeguarding issue involving the Headteacher they should in the first instance contact the Designated Governor.

What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Appendix 1

Don't think what if I'm wrong – think what if I'm right

Reasons for whistle blowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Head Teacher, or the Designated Child Safeguarding Officer.
- If your concern is about your immediate manager/Head Teacher, or you feel you need to take it to someone outside the school, contact The Local Authority
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

Self reporting

There may be occasions where a member of employees has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Employees have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of employees concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

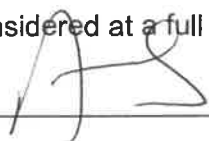
Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, HR department and/or your professional trade union.

This policy is specific to Westfield School, however, can be read in conjunction with Herefordshire Council's **WHISTLEBLOWING POLICY AND PROCEDURE FOR ALL CATEGORIES OF SCHOOL, (HR025)**

This policy was considered at a full governors meeting, and subsequently approved.

Signed



date

3/10/23

ANDREW JAMES

SAFEGUARDING
GOVERNOR