

Technical learning with local professional partners



# **Whistleblowing Procedures**

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# QEStudio

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## WHISTLEBLOWING PROCEDURES

### 1. Definitions

Where the word employee is used, this applies to all employees (paid and unpaid) working in one of our schools including agency workers, contractors, self-employed contractors, trainees, work-experience placements and volunteers.

### 2. Introduction

Employees are often the first to realise that there may be something seriously wrong within the School. Their concerns might relate to matters that could affect the School itself, the Trust Board and/or their employees or the wider public. However, employees 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. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

QESTudio School (hereinafter referred to as 'the School') is committed to the highest possible standards of:

- Openness and inclusiveness
- Accountability
- Integrity
- Upholding fundamental British values

In line with the above commitment, employees and others with serious concerns about any aspect of the School's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This procedure makes it clear that employees can do so without fear of reprisals. This procedure is intended to encourage and enable employees to raise serious concerns within the School rather than overlooking the problem.

These procedures are not a substitute for other Policies and procedures on such matters as personal grievances, bullying and harassment or health and safety. The procedures should not be used to raise matters relating to an employee's own terms and conditions of service and are intended to cover concerns that fall outside the scope of these other Policies and procedures. School employees who wish to raise a concern or grievance about their own employment, should refer to the school's grievance procedures.

### 3. Aims

The aims of this procedure are to:

- encourage those working in the school 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;
- provide guidance on how to raise concerns;
- provide avenues to raise those concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and are aware of how to pursue them if they are not satisfied; and
- reassure those raising concerns that they are able to raise genuine concerns 'made in the public interest' without fear of reprisals, even if they turn out to be mistaken.

The School's Local Governing Body will provide all reasonable protection for those who raise concerns "made in the public interest".

The School's Local Governing Body will be responsible for ensuring that appropriate personal support is offered both to an employee raising a concern and to any employee against whom allegations have been made under these procedures.



### 4. What is meant by ‘Whistleblowing’?

‘Whistleblowing’ is defined as ‘raising concerns about misconduct within an organisation or within an independent structure associated with it’ (Nolan Committee on Standards in Public Life). In the legislation it is called a protected disclosure. The Public Interest Disclosure Act 1998 (PIDA 1998) protects employees from suffering a detriment in their employment or being unfairly dismissed by their employer if they make disclosures in accordance with the legislation.

An employee has certain common law confidentiality obligations to their employer. However, in a limited set of circumstances, whistleblowing may override these obligations if an employee reveals information about their employment or the work of the School. This procedure sets out the circumstances under which these disclosures may lawfully be made.

Employees must act in good faith and must have a reasonable belief that the information they disclose and any allegations contained in the disclosure are accurate.

A concern must relate to something which:

- (a) is a breach of the School’s Policies or procedures;
- (b) falls below established standards or practice;
- (c) amounts to improper conduct, including something that may be:
  - a criminal offence or a breach of the law;
  - a failure to comply with a legal obligation;
  - a neglect of duty;
  - maladministration;
  - an actual or possible miscarriage of justice;
  - a health and safety risk or action which involves risks to the public (includes pupils) as well as other employees;
  - damaging to the environment;
  - misuse or unauthorised use of public funds;
  - related to employees claiming benefits to which they are not entitled;
  - fraud, corruption or unethical conduct;
  - homophobic, racial, religious, sexual or physical abuse of pupils, students or others, including undermining of fundamental British values or promoting radical and extremist views;
  - breach of the teachers’ standards;
  - deliberate concealment of any of the above matters;
  - any other substantial and relevant concern.

The above issues could have arisen in the past, be currently happening or likely to happen in the future.

Financial procedure rules require employees who suspect fraud, corruption or other financial irregularity to ensure this is reported to the School’s financial Auditors for possible investigation. Normally, the employee must first report any suspicion of such irregularity to their Head teacher or Local Governing Body Chair of Governors who will in turn report it to the School’s financial Auditors.

When it is, or becomes, apparent from the investigation that the person making the disclosure has acted frivolously, maliciously or for personal gain, the School may decide to take action against the employee in accordance with the School’s Disciplinary or Capability procedures. If the disclosure itself amounts to a criminal offence, these procedures will not protect the employee from the consequences of that criminal offence.

### 5. How to raise a concern (‘Whistleblowing’)

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If an employee has a concern they should exercise judgment regarding the person who should be approached with the issue. If the matter is minor, then it should be sufficient to bring it to the attention of the employee who is or who controls the cause for concern. The alternative would be raising the concern directly through normal line management channels.

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect the identity of the person raising the concern if they so wish. Nevertheless, this information will need to be passed on to those with a legitimate need to have this information and it may be necessary for the person raising the concern to provide a written statement or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed first.

Where concerns are expressed anonymously the Head teacher, in consultation with the Chair of Local Governors will decide how to proceed. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented.

The following steps should be followed:

### 5.1 Step 1

Where a concern is not considered by the employee to be minor i.e. cannot be dealt with by speaking to the person who is causing the concern, where the matter is obviously more significant, or where a previous informal approach has apparently not proved effective or been disregarded, the concern should be raised with the line manager in the first instance. This can be in person or in writing. If, however, the concern relates to the inappropriate behaviour of an adult towards a child, employees must report the concern directly to the Head teacher. If the concern relates to inappropriate behaviour by the Head teacher towards a child, this must be reported to the Local Governing Body Chair of the Governors.

The school recognises that sometimes it may be inappropriate for a line manager to be approached with a concern. In these circumstances, a number of alternatives are available depending on the nature of the concern. If the line manager is not felt to be the right person, any of the following may be contacted:

- Head teacher;
- Local Governing Body Chair of Governors
- The HR department;
- Trade Union representative.

Although employees are not expected to prove beyond doubt the truth of their concerns, they will need to demonstrate that they have sufficient evidence or other reasonable grounds to raise them.

Individuals may wish to obtain advice from a Trade Union representative or a colleague. The person raising the concern may choose to be represented by a Trade Union representative or colleague at any subsequent meetings that are required as long as that Trade Union representative or colleague is independent of the issue.

### 5.2 Step 2

The person with whom the concern has been raised will acknowledge its receipt as soon as possible and will respond, in writing, within 15 working days to advise how the concern will be dealt with. If a more lengthy process is involved, regular feedback on progress will be given in writing to the employee who made the disclosure.

The information a disclosing employee can then expect to receive is:

- an indication of how the concern will be dealt with;
- an estimate of how long it will take to provide a final response;
- whether any initial enquiries have been made;
- whether further investigations will take place, and if not, why not; and
- information about support available to them.

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The person with whom the concern has been raised will, at the same time, notify the School's HR department that a whistleblowing allegation has been made.

Some concerns may be resolved by agreed action without the need for investigation, although in such cases a record of the disclosure and the action taken will be made by the School and a copy of such written report provided to the employee who made the disclosure.

Advice on dealing with concerns is available from the School's HR department or the School's financial or legal advisers.

### 5.3 Step 3

Initial enquiries will be made to decide whether an investigation is appropriate. Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the Headteacher or a governor, which may, for example, take the form of a disciplinary investigation;
- an investigation by the Internal Audit Service;
- a referral to the Police;
- the setting up of an external independent inquiry.

In the case of a concern relating to inappropriate behaviour towards a child, the Designated Officer (DO) appointed by the Local Authority will be informed at the earliest opportunity and a Case Manager will be appointed. (Refer to School Child Protection Policy and procedures for additional information and guidance on the process for referral to the Designated Officer).

### 5.4 Step 4

The person who raised the concern will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

If it is felt that the concern has not been addressed adequately, the person raising the concern may raise it with an independent body such as one of the following as appropriate:

- Trade Union;
- the Citizens Advice Bureau;
- a relevant professional body or regulatory organisation;
- a relevant voluntary organisation;
- the Police;
- the Local Government Ombudsman;
- Local Authority;
- Church of England Diocesan Director of Education;
- Catholic Diocesan Director of Education;
- Equality and Human Rights Commission;
- NSPCC – The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally or who believe that their concerns are not being taken seriously. Staff can call 0800 028 0285 or e-mail [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

The disclosure must be made "in the public interest"; and in the circumstances it must be reasonable for the disclosure to be made.

If there is an issue of an exceptionally serious nature which is believed to be substantially true, then the concern may be disclosed to someone other than those listed above. In determining whether it is reasonable for the disclosure to have been made, the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies specified above may not be protected disclosures under the Act.



Employees have a duty not to disclosure confidential information. This does not prevent employees from seeking independent advice at any stage or from discussing the issue with the charity 'Public Concern at Work' on 020 7404 6609 and <http://www.pcaaw.org.uk/> in accordance with the provisions of the Public Interest Disclosure Act 1998.

## **6. What to do if an issue is raised with you as line manager**

Managers must exercise professional judgement, depending on the nature and seriousness of the concern. While it is essential for problems to be tackled effectively with the aim of rectifying the issues, this may well be best achieved in less serious cases by discussion with the relevant section or employee to secure a commitment to future standards, conduct and corrective action. In taking any corrective action, a Manager must, as far as practicable, respect, as a whistleblower, an employee's request for confidentiality, and avoid the threat of recrimination or reprisals. Managers should notify their own line manager or in the case of a Head teacher, the Local Governing Body Chair of Governors in writing of the action taken.

If there are any doubts about the correct way to deal with the concern, one of the persons named in Step 4 above should be contacted for advice.

All employees acting in good faith must be reassured that their concerns will be treated seriously and sensitively, and that the School will not tolerate harassment and/or victimisation of any employee raising concerns.

## **7. Review and reporting of the Procedures**

These procedures will be reviewed periodically in accordance with any changes to statutory or employer guidance.