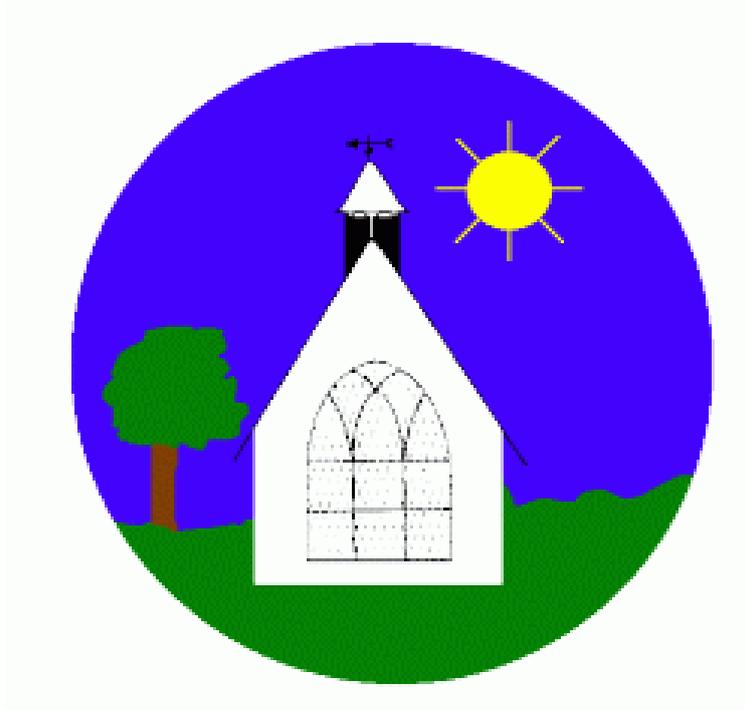


# Shine as Lights in the World



St. Michael's Woolmer Green C of E Primary School

## Whistleblowing Policy

To be issued annually to ALL staff

***Date of review:***  
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## 1. Introduction

St. Michael's Woolmer Green School is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of school staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

This policy applies to all employees of the school, workers, agency staff, contractors, service providers, volunteers, and Governors of the School.

## 2. Scope

If an employee's concern relates to how they have been treated this should be raised under the grievance or bullying and harassment policies.

The whistleblowing policy will not replace any existing policies or procedures. If misconduct is discovered as a result of any investigation under this policy the School's disciplinary policy will be used.

The School encourages individuals to disclose any concerns they may have regardless of whether they are covered by this or another policy.

## 3. What is whistleblowing?

Whistleblowing means the reporting of information which relates to actual or suspected wrongdoing. This is called a "qualifying disclosure".

Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice

- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

If a worker is going to make a disclosure it should be made to the employer first, or if they feel unable to use the organisations procedure the disclosure should be made to a prescribed person, so that employment rights are protected.

It is not necessary for a whistleblower to have proof of such an act for the protections of this policy to apply.

Potential whistle-blowers are encouraged to seek support from a senior manager or their trade union representative if they are unsure whether to make a disclosure or to access support in making a disclosure, regardless of whether it is qualifying or not.

#### **4. Protection for whistleblowers**

This policy has been written to take account of the Part IVA of the Employment Rights Act 1996 which protects workers making protected disclosures.

A qualifying disclosure made to the worker's employer is a protected disclosure. A qualifying disclosure made by a worker under this policy will also be a protected disclosure.

A whistleblower who makes a protected disclosure has the right not to be dismissed (if they are an employee) or subjected to any other detriment, because they have made a protected disclosure.

Dismissing, or subjecting a whistle-blower to any other detriment for raising a protected disclosure will be a disciplinary offence.

The School will not determine that anyone should cease to work at the school on the basis that they have made a qualifying disclosure in accordance with the law and this policy.

Whistle-blowers may seek support and advice from organisations such as the whistle blowing charity Protect (<https://protect-advice.org.uk> / 020 3117 2520) or ACAS ([www.acas.org.uk](http://www.acas.org.uk)).

#### **5. Obligations for the whistleblower**

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistleblower who is told not to raise or pursue any concern, even by a person in authority, should not agree to remain silent.

Whistleblowing to an external agency without first using the procedure below may be considered a breach of the School's Code of Conduct.

It is not appropriate to whistle blow to the media except in limited circumstances and where those circumstances do not apply such whistleblowing may be considered gross misconduct.

Maliciously making a false allegation is a disciplinary offence

## 6. Confidentiality

The School encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, the School will make every effort to keep their identity secret.

The person(s) to whom the disclosure is made will consult with the whistleblower before divulging their identity to any party, including an investigator.

The School does not encourage anonymous disclosures as this may make it harder to establish the credibility of an allegation and may make investigation difficult or impossible. Anonymous concerns will be taken seriously and investigated as far as is possible under this policy.

## 7. Roles and responsibilities

The Governing Body will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the Headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the Governing Body include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one Governor and one member of staff to act as points of contact for staff members when reporting concerns.

The Headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.

The Chair of Governors will be responsible for receiving any concerns raised about the Headteacher.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in Section 3 of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## 8. The School's commitment

Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially.

Whilst the person carrying out the investigation will aim to keep the whistle-blower informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed.

## 9. Obligations for the Governing Body

An appropriate representative of the School (Headteacher or the governor named in section 13 (the named Governor)) will inform Hertfordshire County Council as the maintaining authority of any qualifying disclosures at the earliest opportunity.

Concerns regarding financial irregularity will be reported to the Shared Internal Audit Service (SIAS); where concerns relate to child protection these will be handled in keeping with the relevant policy of the School and reported to the Local Authority Designated Officer (LADO) where the threshold is met.

## 10. Whistleblowing Procedure

### 10.1 Stage 1 – Disclosure

The whistleblower should initially raise their concern with their line manager. They may do this orally or in writing. The line manager should inform the Headteacher of the concern.

If the concern relates to the line manager or any person to whom they report (other than the Headteacher) the whistleblower should raise the issue with the Headteacher.

If the concern relates to the Headteacher, the whistleblower should raise this with the named Governor.

When individuals raise their concern, they should include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be at [www.protect-advce.org.uk](http://www.protect-advce.org.uk) or they can be contacted on 0203 117 2520.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO on 0300 123 4043.

### 10.2 Stage 2 – Investigation

The Headteacher will arrange an investigation into the concerns raised, unless the concern relates to the Headteacher, in which case the investigation will be arranged by the named Governor. This will take place as soon as is reasonably practicable.

The investigation may involve the whistleblower and other individuals involved meeting with the investigator and giving a written statement.

At any investigatory meetings the whistleblower is entitled to be accompanied by a recognised trade union representative or a work colleague.

### 10.3 Stage 2 – Report to Headteacher/Governors

The investigator will report to the person who arranged the investigation before any further action is taken. That person will decide on potential outcomes including, but not limited to:

- invoking the School’s disciplinary process, or other relevant policy
- referral to the police, Hertfordshire County Council department, government department or regulatory agency
- no further action.

On conclusion of any investigation, the whistleblower will, as far as is practicable and where it is reasonable to do so, be told the outcome of the investigation and what the Headteacher/,named governor has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

#### 10.4 Stage 4 – Escalation

If, on conclusion of stages 1, 2 and 3 the whistle-blower believes that the appropriate action has not been taken, they should report the matter to the proper authority. The Public Interest Disclosure (Prescribed Persons) Order 2014 (as amended) sets out a number of bodies prescribed by the Secretary of State to which qualifying disclosures may be made. In order for the report to one of these bodies to be a protected disclosure, the whistle-blower must reasonably believe that the matter falls within the matters covered by that body. The whistleblower must also reasonably believe that the information disclosed, and any allegations contained in it, are substantially true.

These bodies include:

- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Health and Safety Executive
- the Environment Agency
- Her Majesty’s Chief Inspector of Education Children’s Services and Skills
- the Secretary of State for Education
- the Office of Qualifications and Examinations Regulation.

A full list can be obtained from the charity, Protect or the BEIS (Department for Business, Energy and Industrial Strategy) list on the [www.gov.uk](http://www.gov.uk) website. The DBEIS list contains a description of the type of matter covered by each prescribed body. Alternatively, a whistle-blower may contact their professional association or trade union representative for guidance.

### 11. What the School asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LA.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

### 12. Data Protection

When an individual makes a disclosure, the Headteacher/named governor will process any personal data collected in accordance with the School’s data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

### 13. Contacts

The School's appointed Governor for this purpose is: Rachel Stringer – Chair of Governors.

The independent whistleblowing charity **Protect**

Helpline 020 3117 2520 Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)