



# BYRCHALL HIGH SCHOOL

## Whistleblowing Policy

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This policy document, as with all documentation relating to employment matters of the school, will be applied fairly, with a consistent approach, and in accordance with the School's Equal Opportunities commitment.

### Introduction

Employees are often the first to realise that there may be something seriously wrong within their workplace environment. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. 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 of this school are committed to the highest possible standards of openness, prohibit and accountability and to working in close partnership in resolving matters raised through this Whistleblowing Policy.

In line with these commitments, employees with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside. However, the policy does not override any statutory rights an employee may have.

### Aims and Scope of this Policy

This Whistleblowing Policy aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken;
- Allow employees to take the matter further if they are dissatisfied with the school response; and
- Reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.

There are existing procedures in place to enable an employee to lodge a grievance relating to his/her own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures.

A concern within the scope of this policy may be about something that:

- Is unlawful; or
- Is against The Academies Financial Handbook relating to the use of public funds; or
- Contravenes school policy; or
- Falls below established standards or practice; or
- Amounts to improper conduct.

## **Safeguards**

### Harassment or Victimisation.

The Governing Body recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will do what it lawfully can to protect employees when they raise concerns in good faith, including, where appropriate, undertaking disciplinary proceedings against those involved in victimisation or harassment.

This does not mean that if an employee is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of his/her whistleblowing.

### Confidentiality

The Governing Body will do its best to protect the identity of an employee when a concern is raised and the employee does not want his/her name to be disclosed.

However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence, particularly if the Police or External Auditors or the Courts become involved. In order to take effective action, the Governing Body will need proper evidence which may be required to stand up to examination in Courts or Tribunals.

### Anonymous Allegations

This policy encourages employees to put their names to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Governing Body.

In exercising the discretion, the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

### Untrue Allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee raising the concern.

If, however, an employee makes a malicious or vexatious allegation, that is for no other purpose than to cause trouble or annoyance or, without good reason, is made to discredit the school or school employee, an investigation will take place to determine whether disciplinary action is taken.

## **How to Raise a Concern**

As a first step, an employee should normally raise concerns with his/her immediate manager (e.g. Head of Department, a member of the Senior Leadership Team or the Headteacher). This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if the employee believes that management is involved, an approach may be made to the Headteacher or Chair of Governors.

Concerns are better raised in writing. Employees are advised to set out the background and history of the concern, giving names, dates and places, where possible, and the reasons why they are particularly concerned about the situation. If a member of staff does not feel able to put his/her concern in writing, he/she can telephone or meet the appropriate manager.

The earlier an employee expresses a concern, the easier it is to take action.

Although the employee is not expected to prove the truth of an allegation, he/she will need to demonstrate to the person contacted that there is sufficient grounds for the concern.

Advice and guidance on how matters of concern may be pursued can be obtained from the Education Funding Agency.

An employee may invite a companion, who may be from his/her trade union or professional association, or a friend or legal representative to raise a matter on his/her behalf. (S)he may also have such a companion to represent him/her at any meeting which is held relating to his/her concern.

### **How the School will respond**

The action taken by the school will depend on the nature of the concern. The school could decide that the matters raised may:

- Be investigated internally;
- Be referred to the Police;
- Be referred to the External Auditor;
- Form the subject of an independent inquiry.

In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, the school will write to the employee:

- Acknowledging that the concern has been received;
- Indicating how it proposes to deal with the matter, if possible at such an early stage;
- Giving an estimate of how long it will take to provide a final response, if possible at such an early stage;
- Indicating whether any initial enquiries have been made; and
- Indicating whether further investigations will take place, and if not, why not.

The amount of contact between the school manager considering the issues and the employee 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 employee.

Where any meeting is arranged, the employee raising the concern shall have the right if (s)he wishes, to be accompanied by his/her chosen companion who may be a trade union or professional association representative. That person cannot be directly involved in the area of work to which the concern relates.

The school will do what it lawfully can to minimise any difficulties that an employee may experience as a result of raising a concern. For instance, if the employee is required to give evidence in criminal or disciplinary proceedings, an HR officer will advise the employee about the procedure. However, the school cannot provide legal representation for the employee. Where appropriate, counselling may be provided.

The school accept that employees need to be assured that matters they have raised have been properly addressed. Thus, subject to legal constraints, employees will receive information about the outcomes of any investigations.

### **How the Matter Can be Taken Further**

This Policy is intended to provide employees with an avenue to raise concerns within the school. However, if an employee is not satisfied with this internal approach and feels it is right to take the matter outside, the following are possible contact points:

- A local Council member
- The LADO
- The School's External Auditor
- Relevant professional bodies or regulatory organisations including the Education Funding Agency
- A Solicitor
- The Police

It will be safe to raise a concern with any of the above, provided that the employee:

- a) Makes the disclosure in good faith;
- b) Reasonably believes that the information disclosed, and any allegation contained in it are substantially true;
- c) Does not make the disclosure for the purposes of personal gain.

If an employee makes allegations which (s)he has no grounds to believe are true, or maliciously or for personal gain, then the employee could face defamation proceedings or a prosecution for wasting Police time. If an employee decides to address his/her concerns by going to the Press or the media, (s)he may face defamation proceedings if the allegations are unfounded.

If a staff member feels unable to raise an issue with Senior leadership role in school as above or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:

- The NSPCC whistleblowing helpline - Staff can call: 0800 028 0285 from 08:00 to 20:00, Monday to Friday, or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- A member of the governing body: Mrs Tracey Hughes

We recognise that children and young people cannot be expected to raise concerns in an environment where staff fails to do so.

All staff should be aware of their duty to raise concerns, where they exist, about the management of child protection, which may include the attitudes or actions of colleagues. If it becomes necessary to consult outside the school, they should speak in the first instance, to the Area Education Officer / LADO following the whistleblowing policy.

Whistleblowing regarding the Headteacher should be made to the Chair of the Governing Body Mrs Tracey Hughes

It's acknowledged that Whistleblowers have the right to remain anonymous, however identifying yourself may assist with any further investigations.

General advice and guidance can be found at:

<https://www.gov.uk/whistleblowing/what-is-a-whistleblower>

also: <https://www.nspcc.org.uk/fighting-for-childhood/news-opinion/new-whistleblowing-advice-line-professionals/>

- The contents of this document will be brought to the attention of existing and newly appointed staff on a regular basis.
- The document will be available for reference purposes in the school staff room.
- The application of the policy will be monitored by the Governing Body.