

HENDON SCHOOL



Learning Together Across the World

Whistleblowing Policy

Date of Ratification:	July 2021
Date of Next Review:	July 2023
Governor Committee:	Staffing Committee
School Staff Responsible:	AHT with responsibility for HR
Nominated Governor:	Chair of Staffing Committee
Policy Held:	School Policy File Clerk to the Governors School HR Office

Version control

The table below summarises the changes that have been made to the policy at this review (version 1.1) and will be updated going forward:

Version	Update	Section Number
1.	Addition of Trustee and nominated member of staff	7.2

Introduction

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

1.2 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.

1.3 This Whistleblowing policy explains how the school will meet their obligations in relation to the Public Interest Disclosure Act (PIDA) 1998 and the Enterprise and Regulatory Reform Act 2013. Both Acts aim to protect employees against victimisation if they make a protected disclosure.

1.4 Keeping Children Safe in Education also applies a statutory duty for schools to provide a mechanism in which individuals are able to raise concerns about poor or unsafe safeguarding practice.

2. Purpose

2.1 The aims of this policy are:

- To assist staff in feeling confident about raising concerns regarding fraud, malpractice and improper conduct within the school.
- To ensure workers using this policy are protected from reprisals or victimisation if they have a reasonable belief that they have made a disclosure which is in the public interest.
- To ensure that there is a clear process for whistleblowing concerns to be raised and addressed.
- To ensure that workers receive a response to their concerns; and that workers are aware of how to pursue them if they are not satisfied.

3. Scope

3.1 This policy may be used by all workers at the school to raise concerns of wrong doing in the workplace that is in the public interest.

4. Definitions

4.1 **Worker.** The term 'Worker' is used in this policy to broadly include employees, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the school.

4.2 **Whistleblowing** 'Whistleblowing' takes place when a Worker discloses information regarding a wrongdoing in the workplace that is in the public interest. This could involve an individual or group of individuals involved in breaking the law in the workplace or an individual attempting to cover up an unlawful act.

4.3 It is distinct from the grievance procedure which should be used if an employee has a complaint relating to their personal circumstances in the workplace. Personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistleblowing legislation, unless a particular case is in the public interest. Such complaints should be raised by employees under the grievance policy.

4.4 Concerns about wrongdoing within the school such as malpractice, breach of health and safety law or any other illegal or unethical act either on the part of management, the governing body or by fellow employees may be raised using this procedure.

4.5 The PIDA1998 lists six concerns which can be raised . The worker must disclose information that relates to one of these six types of "relevant failure":

- A criminal offence has been committed, or is likely to be committed.
- A person has failed or is likely to fail to comply with any legal obligation to which they are subject. For example, a breach of contract, or a breach of statutory requirement.
- A miscarriage of justice has occurred or is likely to occur.
- The health and safety of an individual has been or is likely to be endangered.
- The environment has been or is likely to be damaged.

- Information regarding any of the above has or is likely to be deliberately concealed.

4.6 Any malicious allegations made under the whistleblowing policy may result in an internal investigation by the school and possibly an investigation by the police. Similarly, any inappropriate behaviour from other employees due to the whistleblowing policy being used may be subject to conduct procedures.

4.7 Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in the public interest 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, staff are encouraged to report such concerns internally first.

5. Fraud

5.1 Disclosures regarding fraud should be reported to the Headteacher or Chair of Governors. Alternatively, if the whistleblower considers the matter too serious or sensitive to raise within the school, the matter should be directed to

Director of Academies
South East London
Education Skills Funding Agency
10 Victoria Street,
London,
SW1H 0NB

6. Assurances to Whistleblowers

6.1 If a worker makes a disclosure of information on one or more of the matters listed in 4.5 above and they have a reasonable belief that the information shows one of the six relevant failures the Worker will not suffer any detriment (including dismissal), even if after investigation it transpires that the concern is unfounded. The school will not tolerate the harassment or victimisation of any worker raising a genuine concern and will take appropriate action, including conduct procedures, to protect workers raising a concern which is in the public interest.

6.2 If a Worker requests that their identity is protected, the school will try and protect their anonymity as far as is possible. If the situation arises where the school is unable to

resolve the concern without revealing the worker's identity (for instance because the Worker's evidence is needed in court), the school will discuss with the Worker how the matter should proceed. However, it must also be stated that if a Worker chooses not to disclose their identity it will be much more difficult for the school to look into the matter or to protect an individual's position or to give feedback.

6.3 The complainant is encouraged to put their name to any allegations as a result. Please note that:

- Staff must believe the disclosure of information is in the public interest;
- Staff must believe it to be substantially true;
- Staff must not act maliciously; or knowingly make false allegations; and
- Staff must not seek any personal gain.

7. Procedure for Making Complaints

7.1 In the first instance Workers should raise their concerns with the Headteacher, Deputy Headteacher, line manager or Trade Union Representative. There must be reasonable grounds for any suspicions, and as much detail as possible provided.

7.2 There may be a case where it is not appropriate for a Worker to raise concerns with their Headteacher/Manager. In those cases, Workers should report their concerns orally or in writing to the Governing Body, to the governor Ian Bailey or Brian Moates the nominated member of staff.

7.3 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 member of staff raising the concern may be required to attend additional meetings in order to provide further information. At these meetings they may be accompanied by a union representative or work colleague.

7.4 The school will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale, unless the report is made anonymously.

7.5 Any member of staff 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 conduct action under the school's Conduct Policy

has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

7.6 There are no rights of appeal against any decisions taken under this procedure. The school will keep a log of whistleblowing complaints and provide this to the Council on request.

7.7 Workers should feel confident in raising any concerns under the whistleblowing policy, as long as there is a reasonable belief they are acting in the public interest. However, in cases where allegations are found to be malicious, made in bad faith or for personal gain (for example made due to an employee holding a grudge against another employee), the employee may be subject to disciplinary action under the school's Conduct Policy.

8. External Advice

8.1 The law encourages workers to make an internal disclosure as the primary method of Whistleblowing, however, the school fully recognises that staff may wish to seek advice and support from their trade union before deciding to make a whistleblowing complaint.

8.2 In certain circumstances it may be appropriate to raise concerns outside of the school to the appropriate 'prescribed regulator'. It is recommended that this only done after a Worker has attempted to address concerns directly with the school or Council and through the whistleblowing policy.

8.3 The concern raised must be in the genuine interest of the public and the individual must also believe the information to be substantially true, i.e. more than just suspicion. The Worker is advised to discuss his/her concerns with a legal advisor or trade union before taking the step of reporting concerns outside of the school.

9. Concerns raised by Children

9.1 The school works hard to ensure that children know how to seek help if they are worried about anyone's behaviour or conduct towards them. The child protection policy, for dealing with allegations against other children and conduct policy for allegations against staff should be referred to when dealing with safeguarding concerns.

9.2 If an allegation about a member of staff or volunteer is related to the safety or wellbeing of a child the school's child protection policy should be referred to and the LADO (Local Authority Designated Officer) will be contacted if necessary.

9.3 The Department For Education "Keeping Children Safe in Education" documentation includes guidance on safeguarding of children in schools. The document can be found via the link below: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

10. Monitoring and Review

10.1 The school will maintain a log of all reported whistleblowing and review this policy at least every two years. The Governors are responsible for formally adopting this policy. The Headteacher should ensure that the policy is consequently implemented and all workers are aware of how to access the policy.