West Hill School

*Aiming High Since 1927*

# Whistleblowing Policy

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This policy is updated every two years.

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## Introduction

West Hill School takes its responsibilities for good governance seriously, the delivery of effective public services and the appropriate and efficient use of public money and resources. Individuals who have a concern that might fall within the scope of this document are encouraged to report the matter, as appropriate. The school is committed to the highest possible standards of transparency and accountability. The school is also committed to improving the performance of all its functions. This policy is intended to encourage and enable serious concerns to be raised within the school by setting out the process to make a disclosure under the Public Interest Disclosure Act 1998. The school accepts that individuals may prefer to do this in a confidential way to avoid any public disclosure of their identity. This code makes it clear that concerns of illegal or improper conduct can be raised without fear of victimisation, subsequent discrimination or disadvantage. This policy applies to all employees and Trustees of the school. Other individuals performing functions in relation to the school, such as agency workers or work placements are encouraged to use it too.

## What is a whistleblower?

A whistleblower is a worker who reports certain types of wrongdoing. This will usually be something seen at work, though not always.

The wrongdoing disclosed must be in the public interest. This means it must affect others, for example the general public.

As a whistleblower, you are protected by law – and should not be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, presently or you believe will happen in the near future.

## Aims and Scope

As an individual connected to West Hill School, this code aims to:

- Encourage you to feel confident in raising serious concerns of illegal or improper conduct, and to question and act upon concerns about practice
- Provide a way for you to raise those concerns and to be told of any action taken to address concerns
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if internal processes are not successful
- Reassure you that you will be protected from possible reprisal or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

## Qualifying Disclosures

The law provides protection for individuals who raise legitimate concerns about specified matters. These are called "qualifying disclosures". This code is not designed to replace or be used as an alternative to the grievance procedure.

A qualifying disclosure is one made in the public interest by an individual who has a reasonable belief that one of the following is being, has been or is likely to be committed:



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- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- unauthorised use of public funds
- an act of fraud or corruption
- Sexual or physical abuse of pupils
- a breach of any other legal obligation
- concealment of any of the above.

## Complaints that do not count as whistleblowing

An employee disclosure about breach of their employment contract or an individual work concern will generally not be protected; these concerns should be raised using the school complaints and grievance procedure.

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

Report these under the Staff Grievance Policy.

Contact the Advisory, Conciliation and Arbitration Service (ACAS) for help and advice on resolving workplace dispute alongside any union representatives.

**NB**. *Any general concerns about a colleague's professional capability should not be dealt with using this procedure.*

## Protected Disclosures

The school is committed to good practice and high standards and wants to be supportive. Any disclosure of information as detailed above will only be a protected disclosure if it is made in the reasonable belief of the worker that the disclosure is in the public interest.

An individual who uses this procedure in the reasonable belief that the disclosure is in the public interest will not be penalised for doing so. An individual has the right not to be subjected to a detriment by any act or deliberate omission by another at the school on the ground that they have made a protected disclosure.

The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect individuals when they raise a concern that they believe is in the public interest to disclose. Any individual that is found to have made an allegation frivolously, maliciously or for personal gain may be subject to disciplinary procedures.



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## Confidentiality and Anonymous Disclosures

A concern reported under this code will be treated confidentially. Unless the individual agrees, their identity will not be disclosed by the school in dealing with their concern within this code. However, this code encourages individuals to put their name to allegations whenever possible. Concerns expressed anonymously will be considered at the discretion of the school.

In exercising this discretion, the factors to be taken into account include:
- The severity of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

In the event of a concern disclosing alleged criminal activity, the individual may be asked to help the police or other appropriate enforcement agency. In the event of disciplinary action taken by the school the individual may be asked to give evidence under the disciplinary procedure.

If an individual believes that the claim was made in the public interest, but the claim is not confirmed following investigation, no action will be taken against the individual. However, maliciously making a false allegation is a disciplinary offence. If a claim is made frivolously, maliciously or for personal gain, then disciplinary action may be taken.

Please note, complainants will not be given any information regarding possible sanctions against an employee if concerns were raised about a colleague.

## How to raise a concern

As a first step, individuals should raise concerns with the Headteacher. However, if the individual believes that the Headteacher is involved within the concern being raised, they should approach the Chair of Trustees.

The earlier a concern is expressed, the easier it is to take action.

Depending on the nature of the concern, the complainant will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Concerns may be raised verbally or, preferably, in writing. Individuals who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates)
- The reason why you are particularly concerned about the situation
- Why you think this concern is in the public interest to disclose.

Advice/guidance on how to pursue matters of concern may be obtained from any of the names listed at the back of this policy.

Individuals may invite a trade union representative, or a work colleague, to be present during any meetings or interviews in connection with the concerns that they have raised.

## How the school will respond

Initially, all concerns raised under this code will be referred to the Headteacher/Chair of Trustees who may take legal and professional advice as required. The reported matter may:

- be investigated by management, Internal Audit, or through the disciplinary process
- be referred to the police



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• be referred to the external auditor
• form the subject of an independent inquiry.

In order to protect individuals and those accused of illegal or improper conduct, 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 the Board of Trustees without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted. Within a reasonable period (usually within 5 working days - excluding periods of school closure) of a concern being referred to the Chair of Trustees, they will write to the complainant:

• Acknowledging that the concern has been received
• Indicating how the matter is to be dealt with
• Giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made
• Telling you whether further investigations will take place and if not, why not.

The school accepts that the complainant expects to be assured that the matter has been properly addressed. The Chair of Trustees, subject to any legal constraints and data protection, will inform you of the outcome of any investigation that may take place.

## The Responsible Officer

The Chair of Trustees has overall responsibility for the implementation of this code.

## Next Steps: How the matter can be taken further

This Code is intended to provide a way within the school to raise concerns. The school hopes individuals will be satisfied with any action taken. If they are not, and feel they wish to take the matter outside the school, the following are possible contact points:

• The school's external auditor
• The Audit Commission (confidential reporting for suspected fraud)
• A trade union
• Local Citizens Advice Bureau
• Relevant professional bodies or regulatory organisations
• A relevant voluntary organisation
• The police
• The NSPCC whistleblowing helpline, available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

If an individual chooses to disclose the matter outside the school, they must ensure that confidential information is not disclosed to any person who is not authorised to receive it.

An untrue allegation that a person has committed a criminal offence, may be defamatory. Concerns raised within the school will normally be protected by qualified privilege as a defence to defamation proceedings unless made maliciously.



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## If staff are treated unfairly after whistleblowing

Staff can take a case to an employment tribunal if they feel they have been treated unfairly because they have blown the whistle.

Staff can get further information from the Advisory, Conciliation and Arbitration Service (ACAS), Citizens' Advice, the whistleblowing charity Protect or a trade union.

If a reported concern was done so anonymously, it may find it harder to argue that unfair treatment has been received as a result of whistleblowing.

Staff must raise any claim of unfair dismissal within 3 months of the employment ending.

Staff must notify ACAS if they request for ACAS to take a case to an employment tribunal.



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