

# Whistleblowing Policy

Document Control	
Title	Whistleblowing Policy
Policy Number	MHS015
Date	04/05/2022
Supersedes	04/05/2020
Purpose of the policy	Provide all stakeholders with clear route to whistleblowing within the school
Related policies/guidance	Staff Code of Conduct Safeguarding and Child Protection Policy
Review	04/05/2024
Author	School
Date Consultation Completed	May 2022
Date adopted	04/05/2022 at Finance and Resources Committee

## Summary

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act



- upon concerns;
- Provide avenues for you to raise those concerns and receive feedback on any action taken;
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised any concern in good faith.

A full policy is available on request from the school office.

### **Relationship to other policies/procedures**

- Safeguarding including Child Protection Policy
- Financial Management Standard Framework.
- Staff Code of Conduct
- Keeping Children Safe in Education DFE September 2020
- Working Together to Safeguard Children DFE March 2015
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### **Roles and responsibilities**

All employees have a responsibility for whistleblowing.

The DfE guidance also states that the Governing Body should: -

1. minute and record the adoption of their whistleblowing policy and procedure
2. inform every employee of the school's whistleblowing arrangements
3. appoint at least one member of staff (in this instance the Headteacher) and at least one governor, who other members of staff can contact if they wish to report a concern.

### **Arrangements for monitoring and evaluation**

The Head teacher will ensure that this policy is disseminated to all Employees so that they are aware of this policy and the procedures within it, taking action where necessary. The Designated Governor for Safeguarding will do occasional spot-checks, to ensure that employees are aware of this Policy and the procedures within it. Findings from investigations will be presented in a written report by the Headteacher (or Chair of Governors).



**Date approved by Full Governing Body:**

**Date for review: July 2022**

## **Introduction**

An employee may be the first person to realise that there could be something seriously wrong within the school. However, they may feel that speaking up would be disloyal to 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.

The purpose of this policy and procedure is to make it clear that employees can raise concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. Employees are encouraged to raise serious concerns in the first instance within the school rather than overlooking a problem or ‘blowing the whistle’ outside, and it is preferred that the matter is raised when it is just a concern rather than waiting for proof.

The school (and the Local Authority for maintained schools) is committed to the highest possible standards of openness, integrity and accountability. The Governing Body expects employees, and others involved in the work of the school, who have serious concerns about any aspect of the school’s work to come forward and voice those concerns.

This policy and procedure applies to all employees and those contractors working for the school on school premises, for example, agency staff, builders and drivers. It also covers suppliers, those providing services under a contract with the school and organisations working in partnership with the school.

This policy and procedure has been prepared in accordance with the Public Interest Disclosure Act 1998 and Government guidance on the issue.

<https://www.gov.uk/government/publications/the-public-interest-disclosure-act/the-public-interest-disclosure-act>

The policy has been formally adopted by the Governing Body and publicised widely to all those who may wish to use it.

The school recognises that employees may wish to seek advice and be represented by their trade union representative when raising a concern and acknowledges and endorses the role



trade union representatives play in this area. Trade union representatives acting in accordance with the policy and procedure will not suffer detriment in their employment with the school.

There are existing procedures in place to enable employees to lodge grievances relating to their employment. This policy and procedure is intended to cover concerns that fall outside the scope of other procedures, including the school's complaints procedure. This policy therefore includes concerns about: -

- any unlawful act, whether criminal or a breach of civil law;
- maladministration, as defined by the Local Government Ombudsman
- breach of any statutory code of practice
- breach of, or failure to implement or comply with, Financial Regulations or Standing Orders
- any failure to comply with appropriate professional standards
- fraud, corruption or dishonesty
- actions which are likely to cause physical danger to any person, or to give ● rise to a risk of significant damage to property loss of income to the school ● abuse of power, or the use of the school's powers and authority for any unauthorised or ulterior purpose
- discrimination in employment or the provision of education
- any other matter that employees or contractors consider they cannot raise by any other procedure

\* Complaints relating to harassment of, or discrimination against an employee will be dealt with under the specific procedures relating to those matters.

It should be emphasised that this policy and procedure is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the school nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

All employees are expected to adhere to this policy and procedure in line with their obligations under equality legislation. The Headteacher (or other appropriate manager) must ensure that all reasonable adjustments or supportive measures are considered to allow



equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

## 1. Purpose and Status of This Document

1.1 This policy outlines the governing body's approach to employee disclosures on "whistleblowing". The governing body is committed to providing a working environment to protect the health, safety and welfare of all its employees. The governing body is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrong doing. It is therefore committed to a policy which seeks to protect individuals who make disclosures with regard to any instance of malpractice or wrong doing in the public interest.

## 2. What Is Whistleblowing

2.1 "Whistleblowing" is the term which has been adopted to describe arrangements which allow persons, usually employees, to express concerns about any types of malpractice which may be occurring in the work place. This could be something that is, or may be: -

- Unlawful or a criminal offence
  - A breach of a legal obligation
  - In disregard of health and safety legislation
  - Against financial regulations
  - Improper conduct
  - Inappropriate or unauthorised use of schools funds
  - A deliberate cover up of information tending to show any of the above.
- Whistleblowing arrangements are closely linked to the creation of a culture which encourages employees to express their concerns without fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and in confidence, and will be fully investigated.
  - Whistleblowing arrangements allow for concerns to be expressed outside the normal line management structure, if necessary. One of the important aspects of Whistleblowing is that it enables employees to speak out in a situation where it is usually employees most closely involved with the particular service area who are most likely to know if malpractices are occurring.

2.2 Employees are often the first to realise that there may be something seriously wrong within the school. However, they may feel that expressing their concerns would be disloyal to their colleagues. It may be easier to ignore these concerns than report what



may just be a suspicion of malpractice. They may also fear harassment or victimisation.

2.3 The Governing Body therefore, will continue to encourage employees and others with serious concerns of misconduct or malpractice to come forward and voice those concerns. This Policy makes it clear that employees or contractors can do so without fear of reprisals or victimisation.

2.4 Whistleblowing arrangements also recognise, however, that it is possible that allegations of wrongdoing may be false or malicious and the arrangements make clear that false allegations will be treated as a serious disciplinary offence.

### 3. The aims of the policy are to:

- Provide a channel and process for individual employees or contractors to raise • genuine and legitimate concerns about incidents of misconduct or malpractice. • Give a commitment that misconduct and malpractice is taken extremely seriously. • Ensure confidentiality, to provide reassurance that employees who raise concerns in • good faith can do so without fear of reprisals or victimisation.
- To provide guidance setting out arrangements and procedures for applying the policy.
- Allow the Headteacher to give guidance where appropriate or to appoint other • appropriate agencies to conduct an investigation into those concerns on behalf of the • Headteacher/Governing Body and to take appropriate action to resolve the situation.

### 4. Confidentiality

4.1 The Headteacher and Governors will do everything possible to protect an employee's identify when a concern is raised and where the individual does not want their name disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence and/or an individual may be a possible witness in any future proceedings.

### 5. Anonymous concerns

5.1 All complaints will be considered/investigated but the level of investigation will depend upon the nature of the allegations; the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegations from attributable sources.



5.2 Concerns expressed anonymously are much less persuasive than when an employee is prepared to come forward formally. It will not of course be possible to report any findings back to the complainant in these circumstances.

## 6. False and malicious allegations

6.1 While encouraging employees and contractors to bring forward matters of concern, the Headteacher and Governors will guard against bogus claims made to deliberately damage the reputation of other employees at the school.

6.2 If an employee or contractor makes an allegation in good faith, but it is not confirmed by the investigation, no action will be considered or taken. However, if an employee makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action may be taken. In the case of a contractor this will be referred to their employing organisation.

## 7. Responsibilities

### 7.1 Employee and Contractor Responsibilities

It is the responsibility of all employees and contractors to ensure that their own behaviour is appropriate to the school as a workplace and does not contribute to an environment in which malpractice or wrong doing is either ignored, condoned or encouraged. All employees should challenge such behaviour if it occurs, or bring it to the attention of a relevant person e.g. a line manager, member of the school's Senior Management team or the Headteacher.

### 7.2 Headteachers' Responsibilities

Headteachers have a duty which they share with others in leadership/managerial roles to establish and maintain a positive and accountable working environment. In particular, Headteachers are responsible for:

- communicating the policy to all employees and contractors in such a way as to
- promote its understanding and making it easily accessible;
- managing employees in a professional and sensitive manner;
- ensuring that the school environment has a culture where malpractice and or wrong doing is unacceptable;
- ensuring that the policy is implemented effectively and efficiently at all levels



- throughout the school;
- taking all concerns raised seriously, ensuring the necessary action is taken to • address the matter promptly, and as sensitively and confidentially as possible; • ensuring that appropriate support is available to complainants during the investigation of their complaint; this may be via a colleague or trade union representative; • making it clear that malicious and vexatious allegations are serious matters and will not be tolerated;
- ensuring that appropriate support is available to witnesses during the investigation of the complaint; this may be via a colleague or trade union representative.

### 7.3 Governing Body Responsibilities

The governing body has the responsibility to:

- meet its legal duties and responsibilities and act at all times within the legal framework;
- have an up-to-date and comprehensive Whistleblowing policy;
- receive reports from the Headteacher on the application of the procedure; • agree that the Chair of Governors be the contact for complaints made against the Headteacher;
- Agree that in the event of a complaint against the Chair, the vice chair will be the contact.

## 8. How to Raise a Concern

8.1 The Governing Body acknowledge that the decision to report a concern can be a difficult decision for an employee to take, not least because of the fear of reprisal from those responsible for the malpractice. The Headteacher/governors will not tolerate harassment or victimisation and will take appropriate action to protect any person who raises a concern in good faith.

8.2 The Headteacher or relevant person will monitor how an employee or contractor is subsequently treated after raising a matter of concern and will ensure that if they find evidence of harassment or victimisation, this is dealt with under disciplinary arrangements.

8.3 Employees should raise their concerns with their immediate line manager if possible. However, the most appropriate person to contact to report a concern will depend on the seriousness and sensitivity of the issues involved and who is suspected of the





malpractice.

8.4 Where the individual believes that their manager is involved in the matter of concern, they should then contact the Headteacher (or the Chair of Governors if the concern raised is related to the Headteacher).

8.5 Wherever possible, concerns should be expressed in writing, setting out the background and history of the concern, giving names, dates and places where possible, and the reason why the employee or contractor is particularly concerned about the situation. When raising a concern an employee should try to provide the following information:

- the background and reason behind the concern
- whether they have already raised a concern with anyone and the response
- any relevant dates.

This information should demonstrate that there are reasonable grounds for the concern to be acted upon.

8.6 If an employee or contractor does not feel able to put the concern in writing initially, he or she should be allowed to telephone or meet the appropriate person who will make a note of the concerns. The employee or contractor should be asked to sign the note where possible.

8.7 The employee or contractor will need to demonstrate to the person contacted that there are sufficient grounds for concern to enable the matter to be taken forward.

8.9 In the event both the Headteacher and the Chair of Governors are the subject of the concerns the complaint must be made in writing to the Head of Management Support to schools

## **9. How the Matter will be investigated - Informal Stage**

9.1 Allegations will be handled confidentially and discreetly by all who are directly involved in the investigating process.

9.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including who should undertake the investigation. The employee or contractor will be advised within 5 days of the recommendation arising from



the initial enquiries. In some cases, an investigation may be completed without the subject of the complaint being aware of the investigation.

9.3 Some concerns may be resolved by agreed action, without the need for investigation. In these cases, confirmation should be sought from the employee or contractor that they are satisfied that the matter is resolved. This does not preclude matters being raised in the future if further concerns arise.

9.4 If it is determined that the concerns or allegations fall within the scope of specific procedures (for example disciplinary procedures) it should normally be referred for consideration under those procedures. Before any further investigatory action is taken the Headteacher should consult with Management Support to Schools. Manchester Hospital School

9.5 If it is determined that the matter should be dealt with formally, the Headteacher (or Chair of Governors if appropriate) should notify Management Support to Schools before any further action is taken.

9.6 To assist the nominated person's investigation you will find at Appendix 1 a "Record Sheet" to record progress.

## 10. Formal Stage

10.1 The employee or contractor expressing concern will receive a written acknowledgement within 10 working days of the concern being received. This acknowledgement will indicate: -

- how it is proposed to deal with the matter
- an estimate of how long it will take to provide a response
- any initial enquiries which may have been made
- Whether further investigations will take place, and if not, why not.

10.2 Having acknowledged receipt of the concern raised, the Headteacher or (Chair of Governors in the case of the Headteacher) will consult with Management Support to Schools if assistance is required with the investigation. For school purchasing the Management Support to Schools (MSS) SLA such investigations could be conducted on behalf of the Headteacher or Chair of Governors.

n.b. If urgent action is required in response to a concern this may be taken before a full investigation is conducted.



10.3 If necessary, further information will be sought from the employee or contractor at the outset. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.

10.4 At any meeting arranged to discuss the concerns the employee or contractor may if they so wish, be accompanied by a representative or a companion who is not involved in the area to which the concern relates.

10.5 Investigation procedures into allegations of malpractice must be independent, skilled and objective. The Investigating Officer appointed must therefore not have had any previous involvement with the case and will be sensitive to the wishes of the complainant wherever possible.

10.6 Where a complaint involves the Headteacher, then an Investigating Officer must be appointed who does not work at, or with the school. In any event, investigating officers must be at an appropriate level of seniority and must have sufficient experience and/or training to allow a thorough investigation to take place. Depending upon the circumstances, external agencies may also be involved in the investigation.

10.7 The investigation should normally be completed within 30 working days of the complaint being registered. Where cases prove to be more complicated and it may not be possible to complete within the time scale, it will need to be extended to accommodate the particular circumstances. Where the timescale will probably exceed 30 working days, the investigating officer will advise the complainant.

10.8 During the investigation every effort will be made to protect the legitimate rights of all parties involved. In particular, the following principles shall be adhered to: • strict confidentiality must be maintained at all times. Any breach of confidentiality may lead to consideration of disciplinary action;

- Throughout the investigation process, the complainant, the alleged perpetrator and any others interviewed are entitled to be accompanied by either a companion or professional association/trade union representative.

10.9 The first step in the investigation to be taken by an Investigating Officer will be to speak to the complainant and then to the alleged perpetrator. Witnesses may be interviewed as part of the investigation and asked to provide a written statement. Where witnesses have been identified by the complainant, and particularly where witnesses are interviewed, it is



important that the witnesses do not suffer any personal detriment as a result, providing that they have acted in good faith.

## 11. Outcome of the Investigation

11.1 The investigation will conclude with a report by the Investigating Officer to the Headteacher, Chair of Governors or other relevant person. This will summarise the Investigating Officer's findings on the allegations and recommend further action which could include:

- A finding that the allegation was unfounded and therefore no action needs to be taken; ● a recommendation to take no further action on the complaint. This will be appropriate if the Investigating Officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue;
- a recommendation to take action in order to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include:
  - o written management advice; and/or
  - o an instruction to the employee to undertake appropriate guidance and/or training; and/or
  - o appropriate changes in working arrangements which must not be to the disadvantage of the complainant;
  - o a recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place.

11.2 The Headteacher/relevant person (Chair of Governors in the case of a Headteacher) will write to the complainant and the alleged perpetrator detailing the findings of the investigation and the action to be taken. This letter will contain an undertaking that the complainant and any witnesses will not be victimised or suffer any detriment as a result of having made the complaint.

11.3 Where a Headteacher/relevant person determines to take no action irrespective of the recommendation made he/she shall give written reasons for this determination to the complainant (and the alleged perpetrator). Failure to give such information will be regarded as a breach of this procedure.

11.4 Where the Investigating Officer considers that a complaint is untrue and malicious he/she will recommend a second investigation of the circumstances. This may lead to consideration of disciplinary action against the complainant. Suspension may be considered necessary but should be seen as a neutral act which does not of



itself imply that any pre-emptive judgement has been reached.

11.5 The Headteacher (or Chair of Governors in the case of the Headteacher) should maintain a confidential central record for a period of five years (seven years for allegations of financial irregularities) and a copy should be held by Management Support to Schools of all Whistleblowing allegations which have been raised and the responses provided.

11.6 In respect of anonymous allegations, should a Headteacher or Chair of Governors consider that further action would be inappropriate, details of the allegation and reason for the decision must still be recorded. These central records will be used to analyse the impact and effectiveness of the arrangements put in place as part of the process of reporting back to members on the effectiveness and outcomes of the Policy and as a record of actions taken in the case of any matters raised under the Public Interest Disclosure Act.

## **12. How the Matter can be Taken Further**

12.1 It is intended that the whistle-blowing Policy and these procedures will enable the governing body to satisfactorily deal with concerns raised by employees. If an employee is not satisfied, and feels it appropriate to take the issue further, the employee may make a protected disclosure to a third party, in accordance with the provisions of the Public Interest Disclosure Act 1998. There is an independent charity "Public Concern at Work" (telephone 0171 404 6609) which provides free advice to employees wishing to express concerns about fraud or other serious malpractices.  
Manchester Hospital School

12.2 The governing body should make every effort to ensure that a satisfactory conclusion is reached to minimise the cases where the employee feels they must resort to these measures. Ultimately, however, the Local Authority does not wish to inhibit the effective investigation of any matters of concern which have been raised in the public interest.

