

FERNDOWN Upper School



FERNDOWN UPPER SCHOOL

WHISTLEBLOWING POLICY

Policy first adopted 25th February 2008

To be reviewed annually/every two years from Sept 2014

Reviewed 11th May 2009

Reviewed 3rd July 2012

Reviewed 7th May 2013

Reviewed 13th May 2014

Reviewed 19th April 2016

Reviewed 10th October 2017

Reviewed November 2019

Reviewed February 2022

Reviewed February 2024

Reviewed July 2024

PROTECTED DISCLOSURES (WHISTLEBLOWING)

A REPORTING POLICY AND PROCEDURE FOR SCHOOL EMPLOYEES AND OTHER WORKERS (amended 2024)

1. Introduction

- 1.1 The Whistleblowing Policy and Procedure describes the School's commitment to supporting and protecting whistleblowers; the steps that an employee or other school worker should take if they wish to blow the whistle on serious wrong-doing in the workplace (known as making a "protected disclosure"); and how the School will respond.
- 1.2 The School is committed to achieving high standards of integrity and accountability and expects the same commitment from all of its employees and others working for and with the school.
- 1.3 The School aims to provide an open environment so that employees and those working for the School can raise issues that they believe to be in the public interest, with the confidence that they will be acted upon appropriately. In doing so, the School is committed to a culture in which individuals can feel confident that in raising those issues or concerns that they will be protected from any detrimental treatment, such as victimisation and/or harassment. Employment will be protected by the School on the strict assumption that any disclosures or allegations are not malicious in nature.

2 Scope

- 2.1 This policy and procedure applies to all School employees and other workers; including freelance staff; temporary and agency staff; trainers; volunteers; consultants; and contractors. It complies with the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.
- 2.2 It is recommended for all school Governing Bodies for adoption.
- 2.3 The Local Authority will not accept liability for any actions, claims, costs or expenses arising out of a school's decision not to follow this recommended policy or procedure where it is found that the school's Governing Body has been negligent or has acted in an unfair or discriminatory manner.

3 What is a Protected Disclosure?

- 3.1 The Public Interest Disclosure Act 1998 was introduced to facilitate the early detection of malpractice within the workplace. Employees are often the first to realise that there may be something seriously wrong within their place of work but do not express their concerns for fear of reprisal or victimisation.
- 3.2 The Act sets out a framework for public interest 'whistleblowing' which provides individual employees and workers with full protection from victimisation and dismissal where they raise genuine concerns about malpractice i.e. make a qualifying disclosure.
- 3.3 Concerns raised under this policy can include:
 - Failure to observe health and safety regulations, or actions which involve risks to the public or other employees;

- Financial irregularities - including fraud, corruption or unauthorised use of public funds;
- Conduct which is unlawful;
- Action causing major harm to the environment;
- Employees claiming benefits to which they are not entitled;
- Sexual, racial, physical or other abuse of service users;
- Other causes of malpractice, negligent, unprofessional or unethical behaviour;
- Concealment of any of the above.

3.4 The School will support and protect whistleblowers who raise a concern under this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act. Allegations should only be made where the whistleblower reasonably believes that the disclosure is in the public interest.

3.5 All reported wrong-doings will be treated in absolute confidence, with every effort made by the School not to reveal a whistleblower's identity if they so wish. However, it may be necessary for a whistleblower to become an identified witness at an appropriate time, particularly if it has not been possible to substantiate the allegations by other means. The implications of this, together with the appropriate support/protection arrangement, will be discussed with the whistleblower.

3.6 Whistleblowers are encouraged to put their name to allegations. Anonymous allegations will be investigated but are much less powerful and are more difficult for the School to act upon.

3.7 It is recognised that the decision to report a concern can be a difficult one to make. The Governors will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action in order to protect employees and other school workers who raise a concern in good faith.

3.8 The Act only protects those making disclosures which are considered to be in the public interest. As such, the School reserves the right to take action against any employee where an inappropriate external disclosure is made in accordance with disciplinary policies. This would include, for example, cases when an allegation has made maliciously or for personal advantage or direct to the media without any attempt to address issues through the whistleblowing policy and procedure.

3.9 This policy is not a substitute for the School's other policies and procedures on matters such as personal grievances, bullying and harassment, health and safety, safeguarding issues or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.

4 How to raise a concern

4.1 There is an obligation on every one of us to raise serious issues of concern so that they can be addressed. This procedure describes how employees and other school workers should do this if they wish their concerns to be treated as a "protected disclosure".

4.2 When raising an issue, this must be done in writing. Issues can be raised in writing anonymously but the Whistleblowing Policy and Procedure is intended to give employees and those working for the School the confidence to put their name to their concerns.

4.3 It is important to make it clear that the issue is being raised under the Whistleblowing Policy. Concerns such as complaints or safeguarding issues should be raised under those specific policies.

- 4.4 Employees and those working for the School should inform the Headteacher immediately if they have any serious concerns that they consider fall within the scope of this policy. This applies to all concerns and especially to concerns about child safety.
- 4.5 If the whistleblower believes that the Headteacher or other senior staff at the school may be involved in the matter of concern, an approach may be made direct to Governors.
- 4.6 In some situations, the whistleblower may wish to take advice from and/or involve a colleague or Trade Union representative. The School welcomes this involvement as it can help to give the whistleblower the confidence to raise concerns that they might not otherwise feel able to disclose.
- 4.7 Any written concerns should set out:
 - The background and history of the concern (giving relevant names, dates and places where possible)
 - The reason why they are particularly concerned about the situation
 - Details of any other possible witnesses to the concern
- 4.8 Although the whistleblower is not expected to prove, beyond doubt, the truth of an allegation, they will need to demonstrate to the person they contact that there are sufficient and reasonable grounds for the concern.
- 4.9 Where a concern relates to possible criminal activity, these can be raised directly with the Police.
- 4.10 The law recognises that in some circumstances it may be appropriate for concerns to be reported directly to an external body such as a regulator and it will be for the employee or other school worker to decide whether to follow that route. It will very rarely, if ever, be appropriate to alert the media.

5 How the School will respond

- 5.1 The Headteacher or Governor who has been notified of a concern by a member of staff has a responsibility to ensure that the concern is fully considered and that appropriate action is taken. Advice can be sought initially from the Local Authority HR Advisory team.
- 5.2 To protect the employee and the school an initial investigation may be carried out to decide whether a full investigation is appropriate and, if so, which form it should take. This will normally be undertaken by the Headteacher unless the concerns raised are about him/her in which case it will be undertaken by the Chair of Governors. In some circumstances it may be appropriate for an investigation to be undertaken by a third party.
- 5.3 If an investigation is required, a decision will be made as to whether the matter will be addressed internally and by whom, be referred to the Police or to the school's internal audit provider or form the subject of an independent inquiry. In cases where the safety of a child may be at risk, it may be more appropriate to follow the Child Protection Policy or procedure for 'Dealing with Allegations of Abuse against Members of Staff and Volunteers' and to refer the concern to the Local Authority Designated Officer.
- 5.4 All initial enquires will be made on a sensitive and confidential basis to decide whether an investigation is appropriate and, if so, what form it should take. However, if a situation arises where a concern cannot be resolved without revealing the identity of an employee or other school worker, this matter will be discussed further with the individual concerned before any further action is taken.

5.5 If any meeting is held in connection with the concerns raised by the whistleblower, they are entitled to be accompanied by a work colleague or Trade Union representative. They can also request that this meeting is held away from their place of work.

5.6 If urgent action is required (e.g. suspension of another member of staff) this will be taken before any investigation is carried out. Alternatively, where immediate suspension is not deemed appropriate, the decision to suspend can be taken at any point during the investigation.

5.7 It should also be noted that some concerns may be resolved by agreed action without the need for a full investigation.

5.8 Within 10 working days of a concern being raised, the Headteacher or Governors will let the whistleblower know in writing:

- That the concern has been received
- How they propose to deal with the matter
- Give an estimate of how long it will take to provide a final response

5.9 If the decision is that no investigation is to take place, the reasons for this will be explained to the whistleblower.

5.10 Depending on the nature of the matters raised and the clarity of information provided, it may be necessary to ask the whistleblower for further information relating to the concern.

5.11 The Governors will support and protect whistleblowers who raise a concern under this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act. The Governors will take steps to minimise any difficulties that the employee may experience as a result of raising a concern and take all reasonable action to support and protect them from, for example, victimisation.

5.12 The Governors recognise that the whistleblower needs to be assured that the matter has been properly addressed. Subject to legal constraints they will be advised of ongoing progress and kept informed about the outcomes of any investigation and remedial action proposed. In certain circumstances, For instance where disciplinary action under the school's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

6 Taking the matter further

6.1 It is expected that employees and other school workers who have concerns will follow the internal routes available first. If however, they are not satisfied with the action taken by the Governors or the Headteacher they can approach the Executive Director for Children's Service within Dorset Council. The Executive Director for Children's Services has the overall responsibility for education within the County. Where there are safeguarding concerns, an individual can contact the Local Authority Designated Officer who is responsible for dealing with allegations or concerns about people who work with children.

6.2 The Executive Director for Children's Services has access to the Dorset Council Chief Financial Officer and the Monitoring Officer who are responsible for financial, legal and compliance within the Local Authority and ensuring that maintained schools operate delegated budgets within the scheme prescribed by the Local Authority.

6.3 Where the whistleblower follows this route for reporting concerns, the Executive Director will need to consider what action to take and whether to contact the school's Governing Body. Every effort will be made to maintain the anonymity of the whistleblower but it may

not be possible to do that. In circumstances where it would not be possible to do so, the employee will be told.

6.4 Where an investigation is required, a decision will be made as to whether the matter will be referred to the school for investigation, be referred to the police, be passed to an external auditor or form the subject of an independent inquiry. In cases where the welfare of a child may be at risk it may be more appropriate to follow the procedure for 'Dealing with Allegations of Abuse against Members of Staff and Volunteers' in conjunction with the Local Authority Designated Officer.

7 Monitoring and Review

7.1 The Governors have a responsibility for registering the nature of all concerns raised and recording the outcome.

7.2 This policy and procedure will be kept under periodic review and any amendments will be subject to full consultation with trade union representatives.

7.3 Policy review will be aligned with the Dorset Council **Whistleblowing Policy and Procedure**.

Next review due – May 2025

Service Manager for Assurance
Legal & Democratic Services
Dorset Council

Internal Contacts

Director for Children's Services 01305 224166	Local Authority Designated Officer (safeguarding) 01305 221122
--	---

Possible External Contact Points

Police 01202 222222	A solicitor or legal adviser
Your Trade Union Rep	The Local Government Ombudsman 0845 602 1983
Local Citizens Advice Bureau 08444 111 444	Public Concern at Work (registered charity that provides free confidential advice) 0207 404 6609
Relevant professional bodies or regulatory organisations, e.g. Children's Commissioner	The Health and Safety Executive 01202 634400
Relevant voluntary organisation	