

# Netherleigh and Rossefield School

## Whistleblowing Policy

June 2016

*Next due for review: June 2017*

### **1 Introduction**

- 1.1** This policy covers all employees, proprietors, consultants, contractors, volunteers, casual workers and agency workers ("Individuals").
- 1.2** Netherleigh and Rossefield School (the "School") is committed to maintaining the highest standards of honesty, openness and accountability and recognises that all Individuals have an important role to play in achieving this goal.
- 1.3** Individuals will usually be the first to know when someone inside or connected with the School is doing something illegal or improper, but often they feel apprehensive about voicing their concerns. This may be because:
- a they feel that speaking up would be disloyal to their colleagues or to the School itself;
  - b they think that their concerns will not be taken seriously; or
  - c they may be afraid of adverse repercussions.

However, the School does not believe that it is in the interests of anyone who has knowledge of wrongdoing to remain silent. The School encourages Individuals to report suspected wrongdoing as soon as possible, in full knowledge that their concerns will be taken seriously and investigated appropriately.

**1.4** The aims of this policy are:

- a to encourage Individuals to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- b to provide Individuals with guidance as to how to raise those concerns; and
- c to reassure Individuals that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

**1.5** This policy does not form part of any Individual's contract with the School and it may be amended at any time.

**1.6** A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the whistleblowing activities listed below. If anyone has genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (i.e. a "whistleblowing concern") they should report their concerns under this policy.

The School takes all malpractice very seriously, whether it is committed by proprietors, staff, volunteers, contractors, suppliers or other adults connected to the School.

## **2 What sort of activities should be reported using this procedure?**

**2.1** Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. It is impossible to give an exhaustive list of the activities that constitute misconduct or malpractice, but, broadly speaking, the School would expect the following to be reported:

- a an attempt to bribe, a request for a bribe or an agreement to receive or to accept a bribe;
- b the commission of a criminal offence;
- c failure to comply with legal or regulatory obligations;
- d a breach or potential breach of health and safety legislation;
- e danger to health and safety;
- f miscarriage of justice;
- g damage to the environment;
- h financial irregularities;
- i harassment or abuse of a colleague, parent, pupil or supplier, or other individual conduct likely to damage the School's reputation;
- j negligence;
- k unauthorised disclosure of confidential information; and
- l actions which are intended to conceal any of the above

**2.2** It will not always be clear that a particular action falls within one of these categories and an Individual will need to use their own judgement. However, the School would prefer an Individual to report any genuine concerns as soon as possible. If an Individual makes a report in good faith then, even if it is not confirmed by an investigation, the Individual concern will be valued and appreciated. However, if an Individual makes a report falsely, maliciously or for personal gain, then they may face disciplinary action as a consequence.

**2.3** Whistleblowing concerns may sometimes relate to the actions of a third party. The law allows Individuals to raise a concern in good faith with a third party, where they believe that it relates mainly to the third party's actions or is legally their responsibility. However, the School encourages Individuals to report such concerns internally first.

## **3 How to make a report**

**3.1** A report may be made orally or in writing and would normally be raised with one of the following (depending on the seriousness of the malpractice and who the Individual thinks is involved):

- a the Individual's line manager;
- b the Headmaster;
- c a member of the Senior Management Team;

**3.2** If, under the circumstances, an Individual does not feel comfortable about making a report directly to the School management, then the Individual can report instead to:

- a the school-based Proprietor;
- b the non-school-based Proprietor.

- 3.3** Child protection concerns relating to abuse or suspected abuse of children by proprietors, staff, volunteers, contractors or other adults connected to the School should be reported to the Designated Safeguarding Lead (DSL) who will liaise with outside agencies and take allegations forward. However, anyone can make a child protection referral to Bradford children's services using the following contacts:

Social Services Initial Contact Point:	01274 437500
Out of hours Emergency Duty Team:	01274 431010

#### **4 Independent advice**

- 4.1** If an Individual is unsure whether to use this procedure or wants independent advice at any stage, the Individual may contact the independent charity 'Public Concern at Work' on (0207) 404 6609 ([www.pcaw.co.uk](http://www.pcaw.co.uk)).

#### **5 External contacts**

- 5.1** Whilst the School hopes that this policy gives Individuals the reassurance that they need to raise such matters internally, it recognises that there may be circumstances (for example, where the wrongdoing is extremely serious) where it may be appropriate for an Individual to report their concerns to a body such as a regulator or the police. An Individual is strongly advised to contact 'Public Concern at Work' (details above) who will be able to advise on such an option and the circumstances in which an Individual may be able to contact an outside body safely. It will rarely, if ever, be appropriate to contact the media.

#### **6 Is proof of wrongdoing needed to make a report?**

- 6.1** The School does not expect an Individual to have absolute proof of any misconduct or malpractice that they may report. However, an Individual will need to be able to show the reasons for their concern.

#### **7 Will the School protect the identity of an Individual who makes a report?**

- 7.1** Individuals should feel able to voice whistleblowing concerns openly under this policy. However, if an Individual wants to raise a concern confidentially, every effort will be made to keep their identity confidential. If it is necessary for anyone investigating the concern to know the Individual's identity, this will be discussed with the individual first.
- 7.2** The School does not encourage Individuals to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from the Individual. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should say so, and appropriate measures can then be taken to preserve confidentiality. If the Individual is in any doubt they can seek advice from Public Concern at Work.

- 7.3** With specific regard to Safeguarding, the Safeguarding Policy states the following:

**7.4** "Confidentiality is essential when dealing with child protection issues. However, professionals can only work together to safeguard children if there is an exchange of relevant information between them. Normally, personal information should only be disclosed to third parties with the consent of the subject of that information. In some circumstances, obtaining consent may not be possible nor in the best interests of the child ... and the law permits the disclosure of confidential information necessary to safeguard children without consent."

## **8 How will the report be investigated?**

**8.1** Once a report has been made, it will be acknowledged within five working days. A meeting will be arranged with the Individual as soon as possible to discuss their concern and they may bring a colleague or union representative to the meeting.

**8.2** There are, of course, two sides to every story and preliminary enquiries will be made in order to decide whether a full investigation is necessary. If such an investigation is necessary then, depending on the nature of the matter reported, the Individual may be required to attend additional meetings. The Individual's concerns will be either:

- a investigated internally by management; or
- b referred to the appropriate external person (for example, the School's external auditors or the police) for investigation.

**8.3** Subject to any legal constraints and confidentiality requirements, the Individual will be informed of the outcome of the preliminary enquiries, the full investigation and any further action that has been taken.

**8.4** If the School concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

## **9 What if the Individual is unhappy with the School's response to the report?**

**9.1** Whilst the School cannot always guarantee the outcome that the Individual is seeking, the School will try to deal with the concern fairly and in an appropriate way. By using this policy an Individual can help the School to achieve this.

**9.2** If the Individual is unhappy with the outcome of an investigation, or the way in which their concern has been handled, the Individual should submit another written report explaining why this is the case to another member of management listed at point 3. The Individual's concern will be investigated again if there is good reason to do so.

**9.3** It may be that the Individual does not think it appropriate and wishes to raise their concern with an external organisation. It is, of course, open for them to do so provided that the Individual has sufficient evidence for their concern.

**9.4** Before reporting a concern externally, Individuals are strongly advised to seek advice from one of the following:

- a the Individual's professional association;
- b the School's external auditors; or

c Public Concern at Work.

## **10 Protection against detriment**

- 10.1** If an individual takes action under this policy they will be protected from any detriment (e.g. dismissal, disciplinary action or threats or other unfavourable treatment connected with raising the concern) in relation to any allegations that are made in good faith (even if they turn out to be mistaken).
- 10.2** Individuals must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct may be subject to disciplinary action.
- 10.3** An Individual who believes that they have suffered any detrimental treatment should inform their line manager, the Headmaster or another member of the Senior Management Team immediately.
- 10.4** If an Individual does not follow the procedure set out in this policy, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against the Individual, which could result in dismissal or termination of an Individual's contract with the School.