

# Maplewell Hall School



## Whistle Blowing Policy

<b>Policy Created</b>	<b>June 2017 update 2021</b>
<b>Governing Body Committee</b>	<b>Full Governing Body</b>
<b>Date Reviewed by Governing Body</b>	<b>17.06.21</b>
<b>Date of Next Review</b>	<b>June 2022</b>

Adopted from Leicestershire County Council Policy

**This policy applies to all employees, including Head Teachers, Teachers and all Support Staff regardless of whether they are permanent, fixed term, casual, agency or volunteers, this includes Governors, consultants and contractors.**

**The Local Authority has the right to be represented at any hearings and this will normally be a member of the LTS HR team acting in an advisory capacity. The panel must consider any advice offered by the Local Authority when making their decision. Maplewell Hall School must notify both the employee and the LA of their decision where any dismissal takes place.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body.**

**For the purposes of this policy Head Teachers will be referred to as Head Teacher and School will be referred to as school.**

## **1. Purpose**

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1.1 This policy encourages and enables employees to raise promptly (disclose) any serious concerns they may have about the activities of employees, Governors, or external organisations in relation to their dealings with the School, without worrying about doing so. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work.

This policy:

- Enables employees to raise any concerns they may have and to receive feedback about the outcome of any resulting investigation. It is important to note that the employee will not receive detailed information regarding the investigation or any actions taken,
- Allows employees to understand how and where to escalate their concerns if, following the completion of any internal processes, their concerns remain,
- Protects employees from reprisals or victimisation for 'whistleblowing' in good faith.

1.2 This policy is for disclosing matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the School's grievance procedure.

1.3 To qualify as a protected disclosure it may be one of the following that is either already happening, has happened, or is likely to happen in the future:

- A criminal offence or is potentially unlawful,
- A miscarriage of justice,
- Regarding the application of the Schools policies or operating procedures,
- An act of fraud or corruption,
- Seems likely to cause damage or harm to a member of the public, the School, employees or the pupils,
- an act creating a risk to health and safety,
- an act causing damage to the environment,
- Is a breach of any other legal obligation,

**Or**

- Is a deliberate attempt by an individual or group of people to conceal the any of the above.

A full list of disclosures qualifying for protection can be found in the Public Interest Disclosure Act 1998.

## **2. Confidentiality**

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- 2.1 The identity of employees who raise concerns will be protected as far as practicable. However, the investigation may, out of necessity, reveal the source of the information, and statements made by the employee(s) who raised the issue may comprise part of any formal process, for example if a formal process/hearing is required.
- 2.2 Employees are encouraged to put their name to any allegations made. Concerns expressed anonymously will be considered at the discretion of the school, taking into account:
- The seriousness of the issues raised,
  - The credibility of the concern,
  - The likelihood of the allegation being substantiated, and
  - Whether it is considered that the allegations are untrue/false.
- 2.3 Employees who raise an issue in good faith under this policy are protected by the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career. The Act does not protect anyone who is acting maliciously, making false allegations or who is seeking personal gain. The School does not tolerate any form of harassment or victimisation against an individual raising a concern.

## **3. Raising a Concern**

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### **3.1 Who can raise a concern?**

Any individual who currently works for or who has previously worked for the School may raise a complaint. In addition, a complaint may also be raised under the policy by an individual who works for an organisation that provides a service to the School such as agency workers, volunteers and Governors. It is no longer acceptable to turn a blind eye, to not give whistleblowers or victims the right to be heard and believed, to not investigate claims of wrongdoing. That must be demonstrated by the actions of leaders, for one simple reason. Because it is right.

### **3.2 How to raise a concern:**

Concerns can be raised verbally or in writing. It is important that the employee provides as much detail as possible (including specific names, dates and places where known).

### **3.3 Who to raise your complaint with:**

Employees should normally raise concerns with their Line Manager in the first instance. However, this will depend on the nature of the concern, the seriousness and sensitivity of the issue, and who is allegedly involved.

- 3.4 Employees who feel unable to approach their Line Manager may contact the Head Teacher. Where the concerns being raised relate to the Head Teacher, employees may contact a member of the Governing Body. Trade Union members may wish to contact their union representative for assistance or advice on raising an issue.
- 3.5 Where an employee is concerned that the Governing Body is acting or proposing to act unreasonably or has failed to discharge its duties, this can be raised as a whistleblowing concern. Employees who do not wish to raise their whistleblowing concern with the school directly can contact the Director of Children and Family Services at Leicestershire County Council. Alternatively, employees can contact the Secretary of State for Education via the DfE and/or Ofsted (Tel: 0300 123 3155 or via email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)).
- 3.6 Alternatively where concerns are of a serious nature and criminal activity is suspected, employees have the right to raise issues directly with the Police or other relevant agency as they see fit.

## 4. Response

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- 4.1 The action taken will depend on the nature of the concern being raised. For example, the matter may:
- Be investigated internally,
  - Be investigated by a third party (such as HR),
  - Be referred to the School External Auditor,
  - Be referred to the Police, or
  - Form the subject of an independent inquiry.
- 4.2 To protect individuals and the School, initial enquiries will be made to determine whether an investigation is appropriate and what form it should take. Allegations which fall within the scope of specific procedures (e.g. child protection or unlawful discrimination issues) will be dealt with under relevant policies where appropriate.
- 4.3 Some concerns may be resolved by agreed action without the need for investigation.
- 4.4 The person with whom the issue was raised will write to the employee (within 10 working days of receiving the complaint) to:
- Acknowledge that the concern has been raised;
  - Indicate how it is proposed to deal with the matter;
  - Advise whether further investigations will take place and, if not, why not; and
  - Confirm, where possible, an estimate of how long it will take to provide a final response.
- 4.5 If necessary, further information will be sought from the employee regarding the concern. The employee will have the right to be accompanied at any meetings by a Trade Union representative or work colleague.

## 5. Outcome of the Investigation

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- 5.1 If an investigation is warranted, the employee will be informed about the outcome of any investigation but not the detail of the investigation or any action taken against another employee (e.g. disciplinary action).
- 5.2 The employee who raised the concern has no right of appeal against the outcome of the investigation, however, if the employee is not satisfied with the outcome of the investigation and wishes to take the matter outside the school, they may contact:
- For safeguarding issues only, Leicestershire County Council's Allegations Manager (LADO) (Tel: 0116 3054141),
  - Their local Councillor (for employees who live in the area of the school),
  - Relevant professional bodies or regulatory organisations; (Department for Education, EFA, Ofsted, HM Revenue and Customs),
  - The Police,
  - The whistleblowing charity, Protect (Tel: 020 3117 2520),
  - The National Audit Office (Tel: 020 7798 7999).
- 5.3 When taking the matter outside of the School, the employee must ensure that they do not disclose any confidential information about the school or its employees and pupils which is not relevant to the issue.

## 6. Responsible Officer

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- 6.1 The Chair of Governors has overall responsibility for the maintenance and operation of this policy. The Chair of Governors must maintain a record of concerns raised and their outcomes and will report, as necessary, to the Governing Body.