



SUTTON COLDFIELD GRAMMAR SCHOOL FOR GIRLS

WHISTLE-BLOWING POLICY

DATE: MARCH 2018
REVISION DATE: MARCH 2020

Whistle-Blowing Policy

Purpose

Whistle-blowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This document sets out the school's policy and procedure for dealing with such concerns raised by employees.

Background

As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Governing Body is committed to the highest possible standard of openness, probity and accountability. In line with that commitment, employees and others with concerns about any aspect of the school's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise concerns within the school rather than overlooking a problem or blowing the whistle outside in an inappropriate way.

This policy should be cross-referenced with the Staff Code of Conduct, Safeguarding and Child Protection policy, Health and Safety policies and procedures, Finance-related policies and procedures.

Aims and Scope of the Policy

This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
- allow employees to take the matter further if they are dissatisfied with the Governing Body's response.

This policy explains how any school employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g., grievance, disciplinary, harassment and safeguarding / child protection procedures.

Concerns which fall within the scope of the whistleblowing procedure may be about something that is unlawful; or is against the Governing Body's policies; or falls below established standard or practice; or amounts to improper conduct. If an employee has any genuine concerns related to suspected wrongdoing or danger affecting any of the school's activities (a whistleblowing concern) he/she should report it under this policy. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures

- conduct likely to damage the school's reputation;
- unauthorised disclosure of confidential information;
- public examination fraud
- the deliberate concealment of any of the above matters.

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, volunteers or outside agencies.

Concerns raised by employees about their own conditions of service, should be addressed via the school's Grievance Procedure or, if the matter relates to salary, the salary review procedures documented in the Pay Policy.

Safeguards

Harassment or Victimisation

The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistleblowing Policy.

Confidentiality

The Governing Body will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

How to raise a Concern

As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Headteacher or Chair of Governors. An employee (including the Headteacher and members of the Senior Leadership Team) can by-pass the direct management line and the Governing Body if s/he feels the overall management and Governing Body of the school is engaged in an improper course of action. In this case please refer to section below on raising concerns outside the school.

Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.

The earlier an employee expresses the concern, the easier it is to take action.

Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

The role of the Senior Leadership Team

A member of the Senior Leadership Team may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone. The member of the Senior Leadership Team will respond by arranging to meet with the employee to discuss the concern(s) – either on the same or the next working day.

Stage One:

At the initial meeting the member of the Senior Leadership Team will establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-blowing Policy.

The member of the Senior Leadership Team will ask the employee, to put their concern(s) in writing, if s/he has not already done so. They will make notes of the discussions with the employee. The employee's letter and/or notes made by the member of the Senior Leadership Team will make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The

member of the Senior Leadership Team will positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The member of the Senior Leadership Team will explain to the employee:

- what steps s/he intends to take to address the concern;
- how s/he will communicate with the employee during and at the end of the process; and that a written response will be sent out within ten working days of that meeting.
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately; and
- that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

The senior leader should explain to the employee, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

Stage Two:

Following the initial meeting with the employee, the member of the Senior Leadership team should consult with the Headteacher or Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record will be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior leaders should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the school's external auditor;
- form the subject of an independent enquiry.

Senior leaders will use their knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice will be sought from the school's personnel advisers as appropriate.

Stage Three

Within ten working days of a concern being received, the senior leader receiving the concern will write to the employee in order to:

- acknowledge that the concern has been received;
- indicate how they propose to deal with the matter;
- give an estimate of how long it will take to provide a final response; and/or

- tell the employee whether any initial enquiries have been made; and
- tell the employee whether further investigations will take place, and if not why not; and/or
- let the employee know when s/he will receive further details if the situation is not yet resolved; and
- provide the employee with details of whom to contact should s/he be dissatisfied with this response (see below).

Stage Four

Members of the Senior Leadership Team will continue to deal with the matter as appropriate including the involvement of any external agencies. The Chair of the Governing Body will be kept informed. The employee will be kept informed of the action being taken.

Raising Concerns outside the school

This policy is intended to provide employees with a procedure for raising concerns and resolving these within the school. If an employee is not satisfied with the Governing Body's response, the member of the Senior Leadership Team will ensure that s/he is made aware with whom s/he may raise the matter externally:

- 'Public Concern at Work' <http://www.pcaw.co.uk> tel no 0207 404 6609;
- recognised trade union;
- the school's external Auditor;
- relevant professional bodies or regulatory organisations;
- NSPCC whistle blowing helpline 0800 028 0285 or email: help@nspcc.org.uk;

a solicitorThe member of the Senior Leadership Team will inform the employee that if s/he chooses to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

Monitoring and Review

The Headteacher is responsible for monitoring the implementation and effectiveness of this policy. The policy will be reviewed by the Governing Body every two years or sooner should the need arise.

Appendix 1: Summary of Whistle-blowing procedures

The school's commitment

The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns



Stage 1- Making a disclosure

A senior leader may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone. An initial meeting takes place with a member of the Senior Leadership Team, either on same day or the next working day.



Stage Two: Meeting with a member of the Senior Leadership Team

Following the initial meeting with the employee, the senior leader consults with the Headteacher or Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record is made of the decisions and/or agreed actions which are then followed up as appropriate. If the matter is to be dealt with under another school policy, this will be noted.



Stage Three: Maintaining communication with the employee

Within ten working days of a concern being received, the member of the Senior Leadership Team receiving the concern writes to the employee: acknowledging the concern and providing details on how the matter is be dealt with. The employee is informed when s/he will receive further details if the situation is not yet resolved. In addition, the employee is provided with details of whom to contact should s/he be dissatisfied with this response.



Stage Four: Resolving the issue / maintaining communication

Members of the Senior Leadership Team will continue to deal with the matter as appropriate, including the involvement of any external agencies. The Chair of the Governing Body is kept informed. The employee is kept informed of the action being taken.

INITIAL EQUALITY IMPACT ASSESSMENT FORM

Name of policy/activity/project:

Whistle Blowing Policy

Is this a new or an existing policy/activity/project?

Revision of existing policy

Scope/timescales for project or activity (including review date):

Reviewed in March 2018 and to be reviewed in March 2020, or earlier if needed.

Policy/project lead:

Dr B. Minards (Headteacher)

Outline of main aims of this activity/policy/project:

To advise members of staff of the procedures to be followed if they wish to draw attention to issues of serious concern, which fall outside existing complaints procedures. To provide assurance that any issues raised will be dealt with in a correct and confidential manner.

Who will benefit/be affected by this policy/activity?

All employees of the school, the Governing Body, contractors, agency staff, suppliers etc.

If an existing policy/activity, do you have any data of use by or impact on different groups which may raise concerns over an equality impact?

No issues raised to date.

Does the activity have the potential to impact differently on groups due to a protected characteristic (race/ethnicity, gender, transgender, disability, religion & belief, age, sexual orientation, maternity/paternity) for :

No

(a) Students and members of the community? Which groups are likely to be affected?

The Governing Body, students, contractors, visitors, hirers of the premises, agency staff and suppliers

(b) Employees?

All members of staff

Does this activity make a positive contribution to the School's general or specific duties under the Equality Act 2010? If yes, please detail.

Yes – the Policy applies to all sectors of the school community equally

Having reviewed the potential impact of the policy/activity listed above, I believe a full impact assessment is **NOT required**.

Justification:

The policy is of equal benefit to all members of the school community, regardless of gender, race, religion, maternity/paternity, sexual orientation etc.

Name: Dr B. Minards Date: March2018