



WHISTLEBLOWING POLICY

Policy Details	Whistleblowing Policy
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Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to the following:

Public Disclosure Act 1998

Employment Rights Act 1996

ESFA 2021 'Academy Trust Handbook 2021'

DFE 2022 'KCISE 2022'

GOV.UK 2012 'Whistleblowing for employees'

Sir Robert Francis 2015 'Freedom to speak up report'

1. Introduction

1.1 Employees are often the first to realise that there may be something seriously wrong within a school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances, they may feel it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 REACH School insists on having an open and honest culture and is committed to the highest possible standards of probity and accountability. In line with that commitment, we encourage employees with serious concerns about any aspects of the organisation's work to come forward and voice those concerns. Confidentiality will be maintained as far as is possible. It is guaranteed at the point of making a protected disclosure and will be maintained during investigations and hearings, other than when there is a need for disclosure of identity due to cross examination of the staff member as a witness in any subsequent procedure.

1.3 This policy is intended to encourage and enable employees to raise serious concerns within the school generally, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally. It does not override workers' legal rights to make a protected disclosure to certain third parties under the Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996.

2. Aims and Scope of this Policy

2.1 This policy aims to:

- provide avenues for staff to raise concerns and receive feedback on any action taken
- allows staff to take the matter further if dissatisfied with the management response, and
- reassures employees that they will be protected from reprisals or victimisation for confidential reporting in good faith

2.2 This policy is intended to cover concerns which fall outside the scope of the grievance or other procedures.

2.3 This policy applies to temporary, casual and agency staff, as well as employees.

2.4 Concerns must be raised when employees reasonably believe that one or more of the following has occurred, is in the process of occurring, or is likely to occur:

- a criminal offence
- a failure to comply with a legal obligation
- improper unauthorised use of public funds or other funds
- a miscarriage of justice
- maladministration, misconduct or malpractice
- endangering of an individual's health and safety or welfare ▪ damage to the environment
- deliberate concealment of any of the above

2.5 Where the nature of the disclosure is not included in the above list, advice may be sought on the use of the appropriate policy from a trade union or professional association.

3. How to Raise a Concern

3.1 Employees' concerns must be raised with his/her line manager in conjunction with their trade union or professional body. The line manager should report it to the Headteacher within the school or if the matter is regarding the Headteacher, then to Malcolm Weaver, the Chair of Governors, contact details : malcolmweaver@virginmedia.com

3.2 Concerns should be raised in writing. The letter should set out the background and history of the concern giving names, dates and places where possible, and the reason why the employee making the disclosure is particularly concerned about the situation. If the employee does not feel able to put his/her concerns in writing, the employee should arrange to meet with the Headteacher/Chair of Governors as above.

3.3 The earlier and the more detailed the concern, the easier it will be to take action.

3.4 At this stage the employee is not expected to prove the allegation but s/he will need to demonstrate to the person contacted that there are sufficient grounds for concern.

4. How REACH School will respond

4.1 The action taken by the school will depend on the nature of the concern. The matters raised may:

- be investigated by the Headteacher/Chair of Governors or an independent third party as appropriate, either in conjunction with other The REACH School or alone
- be investigated internally by an appropriately skilled and experienced individual, knowledgeable in the area concerned
- be referred to an External Auditor
- form the subject of an independent enquiry

4.2 In order to protect individuals, the School's initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination) will normally be referred for consideration under those procedures.

4.3 Some concerns may be resolved by agreed action without the need for investigation.

4.4 Within ten working days of a concern being received (excluding anonymous concerns) the individual with whom the employee raised the matter will write to the employee:

- acknowledging the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling the employee whether any initial enquiries have been made, and
- telling the employee whether further investigations will take place, and if not, the reason why

4.5 The amount of contact between the individual(s) considering the issues and the employee who made the protected disclosure will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee in a discreet manner.

4.6 When any meeting is arranged, the staff member has the right to be accompanied by a union or workplace representative. The meeting can be 'off site', if requested.

4.7 The school/ governors will take steps to minimise any difficulties which the staff member may experience as a result of raising a concern and provide any appropriate support. For instance, if the employee is required to give evidence in disciplinary or criminal proceedings, the school/ governors will advise the worker about the procedure.

4.8 The school accepts that the employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, s/he will receive information about the outcomes of investigations. In addition s/he will be informed as to what action has been taken to correct working practices where they have been found to be at fault by the investigation.

5. Safeguards - Harassment or Victimisation

5.1 The school 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. It will therefore not tolerate harassment or victimisation and will take action to protect the staff member when s/he has raised a concern. The Public Interest Disclosure Act 1998 protects whistleblowers from detrimental treatment by their employer.

5.2 This does not mean that if the whistleblower is already the subject of an unrelated disciplinary or redundancy procedures, those procedures will be halted as a result of confidential reporting.

6. Confidentiality

6.1 The school will respect confidentiality and all steps will be taken to ensure that confidentiality is maintained throughout the process. However, it must be appreciated that the investigation process may reveal the source of the information and that a statement by the employee may be required as part of the evidence.

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7. Anonymous Allegations

7.1 This policy encourages employees to put their name to their concerns. Concerns expressed anonymously are less capable of being followed up effectively, but they will all be considered.

7.2 In such circumstances the school/governors will take the following factors into account when establishing the scope and depth of the investigation:

- the seriousness of the issues raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from attributable sources and information

8. Untrue Allegations

8.1 If an employee makes an allegation, but it is not confirmed by the investigation, no action will be taken against that employee.

8.2 If, it is suspected however, that an employee has made malicious or vexatious allegations, consideration will be given to use of the Disciplinary Policy. An investigation may be held with a possible outcome of disciplinary action being against him or her.

8.3 In determining whether an employee has acted maliciously and/or vexatiously the investigator will consider whether the employee was motivated to make the allegation(s) simply out of a desire to pursue a personal vendetta or grudge.

9. How the Matter Can Be Taken Further

9.1 This policy is intended to provide staff with an avenue to raise concerns within the school/ with governors. We hope anyone invoking this procedure will be satisfied with the response given. We encourage direct communication of any serious issue with the Chair of Governors prior to disclosure to any external bodies. Where possible, whistle blowing to an external body without first going through the Chair of Governors is not encouraged. If the staff member feels it is right to take the matter outside the organisation, the following are possible contact points:

- The DfE
- Member of Parliament
- National Audit Office
- Health and Safety Executive
- the relevant ombudsman
- the employee's solicitor
- the Charities Commission
- the police
- Public Concern at Work: 020 7404 6609 www.pcaw.co.uk
- trade union/professional association
- Public Concern at Work ((PCaW) is an independent authority on public interest whistleblowing. PCaW focuses on the responsibility of workers to raise concerns about malpractice and on the accountability of those in charge to investigate and remedy such issues. It offers free advice to people concerned about danger or malpractice in the workplace but who are unsure whether or how to raise the matter)
- There is now also an NSPCC Whistleblowing helpline- 0800 028 0285