



# THE BISHOPS' BLUE COAT CHURCH OF ENGLAND HIGH SCHOOL

## WHISTLEBLOWING POLICY

<b>Is this policy statutory?</b>	<b>Yes</b>
<b>Review Period</b>	<b>3 Years</b>
<b>Date Approved</b>	<b>June 2020</b>
<b>Approval Committee</b>	<b>Resources Committee</b>

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### Statement of intent

The Bishops' Blue Coat CE High School is committed to open and honest communication and the highest possible standards in integrity - we will treat whistleblowing as a serious matter.

In line with The Bishops' Blue Coat CE High School's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. . This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. Such action is termed "blowing the whistle"; this phrase is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy ([Hyperlink?](#))

### **Don't think 'what if I'm wrong' – think 'what if I'm right'**

#### Reasons for whistleblowing

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour
- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated yourself

#### What stops people from whistleblowing

- Starting a chain of events which spirals
- Disrupting the work or project
- Fear of getting it wrong

- Fear of repercussions or damaging careers
- Fear of not being believed

## **1. Introduction**

1.1. Statutory protection for employees who whistleblow is provided by The Public Interest Disclosure Act 1998 (PIDA), which protects employees who speak out about concerns about conduct or practice within the school, which is potentially illegal, corrupt, improper, unsafe, unethical or amounts to malpractice.

1.2. This policy has been written in accordance with the Whistleblowing for Employees guidance document.

1.3. Serious malpractice may involve governors, managers, colleagues/clients or suppliers of goods and services to the organisation, therefore, The Bishops' Blue Coat CE High School has introduced this policy to enable staff to raise concerns, which are in the public interest, through internal trust procedures.

1.4. This policy applies to all school staff, including full and part time, casual, temporary, substitute staff, and to individuals undertaking work experience within the school.

1.5. The purpose of this policy is to provide you with the help and support you need to speak up and be confident that you can do so safely. We will take your concerns seriously and ensure they are dealt with promptly and fairly

1.6. The Headteacher is the first point of contact for whistleblowing queries. In the event that the allegation is related to the Headteacher, then issues will be raised with the chair of governors.

## **2. Legislative framework**

2.1. This policy has due regard to statutory legislation including, but not limited to, the following:

- The Public Interest Disclosure Act 1998
- Employment Rights Act 1996

2.2 This policy operates in conjunction with the following school policies:

- Staff Disciplinary Policy and Procedure
- Complaints Policy
- Data Protection Policy

## **3. Scope**

3.1. This policy will:

- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies, including all areas of safeguarding.
- Provide members and staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

- 3.2. This policy will not be confused with the procedure on dealing with Staff Disciplinary Policy and Procedure.
- 3.3. This policy will complement the aforementioned procedures by covering concerns that fall outside their scope, such as issues relating to:
- Unlawful conduct, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc.
  - Establishment standards of practice.
  - Improper conduct or a miscarriage of justice.
  
  - Risks or damages to the environment.
  
  - Physical abuse of a student
  - Sexual abuse of a student
  
  - Emotional abuse of a student
  
  - Neglect of a student
  
  - An intimate or improper relationships between and adult and a student
- 3.4. The Bishops' Blue Coat CE High School will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the Public Interest Disclosure Act (PIDA). Any member of staff who victimises or harasses another member of staff, as a result of their having raised a concern in accordance with the whistleblowing policy, will be dealt with under the school's staff disciplinary procedures.
- 3.5. If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action will be taken; however, if the inquiry shows that untrue allegations were malicious or made for personal gain, then The Bishops' Blue Coat CE High School will consider taking disciplinary action.

#### **4. What is a whistleblower?**

- 4.1. A whistleblower is an individual who discloses confidential information regarding an employee, which relates to some danger, fraud or other illegal or unethical conduct which is connected with the workplace.
- 4.2. Under this policy, any of the following can raise a concern:
- Employees of the school.
  - Employees of contractors working for the school for example, agency staff, builders and drivers.
  - Employees of suppliers.
  - Voluntary workers working with the school.
  - A trainee, such as a student teacher.

#### **5. Harassment or victimisation**

- 5.1. The Bishops' Blue Coat CE High School recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the

malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith.

- 5.2. Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.
- 5.3. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under The Bishops' Blue Coat CE High School's staff disciplinary procedures.

## **6. Procedure**

6.1. Concerns will be expressed in writing to the Headteacher or Designated Senior Person for Safeguarding and will include: background and history of the concern, names, dates and places where possible, and express the reasons for the concern. Individuals are encouraged to let themselves be known, either in person, or through their union representative, as concerns expressed anonymously are difficult to investigate. Within 48 hours, the individual you have approached to deal with the matter will contact you to arrange to meet you to discuss your concerns. You are advised to take a friend, colleague, or school professional association / union representative with you to the meeting with the nominated individual.

6.2 If an individual is raising a concern about the headteacher, they should express their concerns in writing to the chair of governors. Where this is the case the chair of governors will take on the headteacher's duties outlined in section 7.

6.3. Anyone feeling unsure can seek confidential advice at any time from the Head of Safeguarding at CWAC council or Public Concern at Work, a registered charity which advises on serious malpractice in the workplace. For more information, visit their website or ring them on 020 7404 6609.

6.4. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures.

6.5 In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

6.6 The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

## **7. What happens next**

- 7.1. Once The Bishops' Blue Coat CE High School has been informed of the concern, it is then the responsibility of the school to investigate the matter further.
- 7.2. The individual you approached will write to you within 10 days of the initial meeting in order to confirm that the concern has been received, as well as indicate proposals for dealing with the matter.
- 7.3. If the individual you approached decides that it is appropriate for an investigation to be carried out, this will either be done by them, or by a governor who is asked to investigate – the

investigating officer, However it may sometimes to be necessary for a concern to be referred to the police, an external auditor, or for it to be the subject of an independent enquiry. In addition, where it is established that the complaint involved issues like bullying or unlawful discrimination, it will be necessary to involve HR.

7.4. If an investigation is carried out, the whistleblower will be informed of the final outcome.

7.5. If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend, or a fellow member of staff not involved in the area of work to which the concern relates. This person will provide support only, and will not be allowed to become involved in the proceedings.

## **8. What the school asks of you**

8.1. The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not take the concern outside the school except to the organisations referred to in this document.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **9. At the end of the process**

9.1. A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, in order to monitor any patterns of concern across The Bishops' Blue Coat CE High School, and to assist in monitoring the procedure.

9.2. The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights; where action is not taken, the individual will be given an explanation.

## **10. Appeal process**

10.1. If no action is to be taken, and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under The Bishops' Blue Coat CE High School's complaints procedure.

## **11. If you're treated unfairly after whistleblowing**

11.1. An individual can take a case to an employment tribunal if they have been treated unfairly as a result of whistleblowing.

11.2. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

11.3. Any claims of unfair dismissal needs be made within three months of the investigation ending.

## **12. Monitoring and review**

12.1. The governing body will review this policy every three years, ensuring that all procedures are up-to-date.

12.2. Any changes made to this policy will be communicated to all members of staff.

