



THE BISHOPS' BLUE COAT CHURCH OF ENGLAND HIGH SCHOOL

WHISTLEBLOWING POLICY

All of the policies that shape our lives and daily practice at Bishops` are informed by our Christian vision and values: to know, nurture and inspire our students to be the best version of themselves, so that they can live 'life in all its fullness' (John 10: 10)

Is this policy statutory?	Yes
Review Period	3 Years
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Approval Committee	Resources Committee

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Statement of intent

The Bishops' Blue Coat Church of England High School is an exciting place to be. We know, nurture, and inspire our community to be the best version of themselves through a better understanding of the Christian faith, our core values and a rich set of opportunities. Students achieve academically whilst growing personally and spiritually. Through their engagement in society, at Bishops' and beyond, our students make a positive difference through wise action, resilience and a sense of responsibility. Our community is enabled to live a life guided by Jesus, to flourish and have "life in all its fullness" (John 10:10).

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:

<https://bishopschester.co.uk/about-our-school/policies-procedures/>

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
- ESFA (2021) 'Academy trust handbook 2022'
- DfE (2022) 'Keeping children safe in education 2022'
- GOV.UK (2012) 'Whistleblowing for employees'

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 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.

3.6

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.

4. Definitions: What is a whistleblower?

4.1

Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

As outlined by the PIDA qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.
- The environment has been, is being or is likely to be damaged

- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

4.2

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

4.3

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

4.4

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

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

When raising concerns, individuals will express them in writing to the Headteacher. 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 of this policy.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

6.2

Individuals who would like to seek professional and confidential advice can contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520. Alternatively confidential advice can be sought anytime from the Head of Safeguarding at CWAC council of 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.

6.3

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

6.4

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.

6.5

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

6.6

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

6.7

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

6.8

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: Interview and Investigation

7.1

The individual contacted will write to the complainant within 10 school days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

7.2

During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The headteacher will write a summary of the concern if the individual is unable to put it in writing.

The Headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the governing board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

7.3

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

7.4

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

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

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 that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

7.6

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 to monitor any patterns of concern across the school and to assist in monitoring the procedure.

7.7

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.

8. What the school asks 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

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.