



Ousedale School

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Whistleblowing Policy

Reviewed and approved by Personnel Committee	19/01/2022
Approved by Full Governors	21/03/2022
Next due for review by	January 2025

Policy Statement

Ousedale School seeks to run all aspects of its activities with full regard for high standards of conduct and integrity. We are committed to ensuring that malpractice is prevented and, should it arise, immediately dealt with. Employees should be fully aware to whom they can and should report public interest issues. We encourage employees to raise their concerns about any malpractice internally at the earliest possible stage and this procedure sets out the correct method for raising such concerns and the general principles of how matters should be handled. It does not, however, confer any contractual rights.

The Public Interest Disclosure Act (1998) "PIDA" defines whistle-blowing as 'the disclosure by an individual or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees'.

The Act is intended to encourage you to raise your concerns in a responsible way where there is a practice within an organisation which threatens public interest and to make you aware that if you do raise a concern you will be protected from subsequent victimisation, provided that you follow the steps laid down in this procedure.

Safeguarding

Nothing within this policy is intended to prevent employees from complying with their statutory obligations in accordance with Keeping Children Safe in Education.

- Safeguarding and Child Protection Policy: You should raise any initial safeguarding concerns about a child with the Designated Safeguarding Lead in accordance with the Safeguarding and Child Protection Policy.
- Safeguarding – member of staff: You should raise any concerns about another staff member with the Headteacher or if the concern is about the Head, with the Chair of Governors (without first notifying the Head) in accordance with the procedures in line with the Safeguarding and Child Protection Policy.
- Whistleblowing Policy: You should follow this procedure to raise concerns about poor or unsafe practices at the School or potential failures by the School or staff to properly fulfil its safeguarding responsibilities.

Safeguarding Against Reprisal, Harassment and Victimisation

We will not tolerate harassment or victimisation of any employee when a matter is raised in accordance with the PIDA provisions. Any such instances of harassment or victimisation shall be dealt with under the relevant school policies eg; Disciplinary policy

1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff know how to raise concerns about potential wrongdoing in or by the school
- Set clear procedures for how the school will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern

- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the school in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.

This policy has been written in line with the above document, as well as government guidance on whistle-blowing. We also take into account the Public Interest Disclosure Act 1998.

This policy complies with our funding agreement and articles of association.

3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest".

Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staffs' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the school count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance procedure.

Complaints relating to breaches of an employee's own contract of employment or personal circumstances in the workplace should be raised as a grievance.

4. Procedure for staff to raise a whistle-blowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

4.2 Who to report to

Staff should report their concern to the headteacher. If the concern is about the headteacher or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the chair of the governing board.

4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

4.4 Wherever possible, we will respect the confidentiality and anonymity of the discloser and will, so far as is reasonably practicable, protect the identity of the discloser. However, it must be recognised that in certain circumstances it will be difficult for us to pursue a complaint or to tackle an alleged wrongdoer without the discloser's identity becoming known.

5. Procedure for responding to a whistle-blowing concern

5.1 Investigating the concern

When a concern is received the 'recipient' will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. The clerk to the governors, or another appropriate member of the school's support staff, can be used for arranging meetings and minute-taking.
- If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the headteacher and/or chair of governors, if appropriate. A member of the senior leadership team may be asked to investigate. In some cases, an external, independent body may be brought in to investigate. In other cases, the matter may need to report the matter to the police.
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, governors and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Escalating concerns beyond the school

The school encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff may wish to raise concerns with, when appropriate, is included below.

The Protect advice line can also help staff when deciding whether to raise the concern to an external party.

8. Approval

This policy will be reviewed every three years by the personnel committee and agreed at a full governing board meeting.

9. Links with other policies

This policy links with our policies on:

Grievance policy

Complaints procedure and policy

Safeguarding and child protection policy

Code of Professional Conduct and Practice for Ousedale School Staff

Further action

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. The law recognises, as does the school, that in some circumstances it may be appropriate for you to report your concerns to a relevant outside body including:

- The local authority's Designated officer;
- Children's Social Care;
- The NSPCC;
- The Health and Safety Executive;
- The Environment Agency;
- The Information Commissioner;
- The Department for Education
- The Police;
- OFSTED

Staff are strongly encouraged to use the internal processes above before reporting a concern to anyone external.