



Brentford School for Girls

WHISTLEBLOWING POLICY

<i>Rev</i>	<i>Date</i>	<i>Description</i>
	<i>September 2024</i>	<i>Next review due</i>
5	September 2023	Reviewed
4	September 2022	Reviewed
3	September 2021	Reviewed
2	September 2020	Reviewed
1	September 2019	Initial version

INTRODUCTION

Purpose

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 trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

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

1.1 The purpose of the Whistleblowing Policy is:

- to provide staff with a clear and safe route for reporting concerns
- 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
- to gather information about concerns and, once investigated, to determine whether further action needs to be taken
- 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)

1.2 Where it is decided that further action is necessary, this will be conducted under the appropriate employment policy, not under the Whistleblowing Policy.

Duty to Report

1.3 The school's priorities and its services to the community are severely jeopardised if employees are engaged in any form of wrongdoing. The school is reliant on such matters being reported in order that they can be stopped. It is therefore the duty of all employees to raise any concerns about known, or possible, wrongdoing through this Policy, to include low level concerns as set out in KCSIE 2023.

Protection for Employees

1.4 The Governing Body and School Leadership Team are committed to this Policy. Staff, who reasonably raises a concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result. Providing employees who raise a concern have good reason to believe that that wrongdoing is occurring and are acting in good faith, it does not matter if they are mistaken. If a person is victimised for having raised a concern, this will be treated as misconduct and may lead to disciplinary action being taken against the perpetrator.

Definition of Whistleblowing

1.5 Whistleblowing covers concerns made that report wrongdoing that is 'in the public interest'. Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Students' or staff 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

Where staff are aggrieved about issues directly affecting them, they should use the School's Grievance and Fair Treatment Procedure to pursue their concerns.

Legislation

1.6 In addition to the provisions of paragraph 1.4 above, the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provide staff with further protection from detriment and dismissal for reporting concerns. Employees must comply with this legislation, particularly as regards the nature of the information given and the person or body to whom it is being reported, in order to receive protection. Access to the relevant legislation is set out in section 3, 'Other Relevant Information'.

Financial Irregularities

1.7 Nothing in this Policy overrides the Governing Body's duties and responsibilities as set out in the Academy Trust Handbook and Funding Agreement and the Schools Financial Procedures Manual. **There are also potential implications for the ESFA and they must be informed wherever a concern, regarding financial matters, is reported.** Should a line manager or other recipient of a concern (see paragraphs 2.4 to 2.6) require any advice or be unsure about their obligations with regard to financial matters, they should also contact the schools Responsible Officer (RO) this role is currently undertaken by Alliotts Accountants – Guildford.

PROCESS

Confidentiality

2.1 All concerns reported under the Whistleblowing Policy will be handled sensitively and discreetly. A commitment is given to maintain confidentiality as far as is practicable.

2.2 Obligations rest on all parties involved, including the whistleblower, to do their utmost to protect the identity of any person who reasonably raises a concern under this policy. Should there be any exceptional circumstances where the whistleblower's identity has to be disclosed (for instance, if the case went to court), this would be discussed with them beforehand.

2.3 Any breaches of confidentiality may be considered under the Disciplinary Policy.

HOW TO RAISE A CONCERN

2.4 Step One

Staff who have a concern, including a low level concern about wrongdoing should first raise it with a member of the School Leadership Team including low level concerns (**see paragraph 1.7 for issues regarding financial matters**). 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.

2.5 Step Two

If staff feel unable to raise the matter with a member of the School Leadership Team, for whatever reason, there are other people to whom the concern can be reported:

- The Chair of Governors
- An official of the employee's trade union

(see paragraph 1.7 for issues regarding financial matters)

***Please note if the concern is regarding the Headteacher then this should be raised with the Chair of Governors.**

2.6 Step Three

If an employee feels that the matter is so serious they cannot discuss it with any of the above, they should contact:

- Department for Education (DfE)

(see paragraph 1.7 for issues regarding financial matters)

For employees who feel unable to raise a concern with one of the people listed above, please refer to paragraph 4.

THE RESPONSE

2.7 If the person to whom the concern is notified ("the recipient") is a member of the School Leadership Team, then they will assess the concerns and determine whether or not an investigation is appropriate. If it is decided that the matter will be investigated, then they (in consultation with the Headteacher) will decide whether to carry out the investigation themselves or delegate the role of investigation manager to another appropriate person. Where the investigation is delegated to someone else, the

investigation manager will be provided with a factual report but the identity of the whistleblower will not be disclosed without the whistleblower's consent.

- 2.8 When an issue is reported outside the School Leadership Team, the recipient (i.e. one of the identified contacts set out at paragraphs 2.5 and 2.6) will assess the concerns and determine whether or not further investigation is appropriate. Where further action is required, the recipient will send a factual report to the Headteacher (if the Headteacher is the subject of the complaint on occasions it may be more appropriate that the report is sent to the Chair of Governors). The identity of the whistleblower should not normally be disclosed to the Headteacher/Chair of Governors without the whistleblower's consent.
- 2.9 If the Headteacher (or Chair) is notified of the identity of the whistleblower and the role of investigating manager is delegated to another person, the identity of the whistleblower will not be disclosed to the investigating manager without the whistleblower's consent.
- 2.10 If the whistleblower works in the area concerned, they are likely to be interviewed as part of the investigation. However, neither the investigating manager nor any colleagues will be made aware of their identity. This seeks to preserve the anonymity of the whistleblower while the concerns are investigated.
- 2.11 In certain exceptional circumstances, the recipient may need to refer the concern to an appropriate authority e.g. the Police or the External Auditor (Alliotts Accountants (Guildford)). Where the matter is referred to the DfE/ESFA, they may discuss with the Chair of Governors and/or Headteacher (as appropriate) the support that may be provided by them to undertake the investigation or the possibility of an independent enquiry being commissioned involving people from outside the School.

Investigation

Outset

- 2.12 The investigating manager must have had no involvement in the issues under investigation and must not be in a position where it could be perceived that they have benefited from the findings.
- 2.13 Should any further information be required from the whistleblower, the investigating manager will discuss this with the named contact (see paragraphs 2.4 to 2.6), who will be responsible for contacting the whistleblower.

Conclusion

- 2.14 At the conclusion of the investigation, the manager may wish to make recommendations or there may be action required under other employment policies.
- 2.15 Where further action is required, which involves the investigating manager's own staff, the manager should proceed accordingly notifying the Headteacher or Chair of

Governors as appropriate.

- 2.16 Where action under the Disciplinary Policy is recommended, the investigating manager will present the management case at the Disciplinary Hearing.
- 2.17 At the conclusion of the case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the schools procedures to help prevent similar events in the future (see KCSIE 2023, part 4, para 421 'Learning Lessons')

Notification

- 2.18 The investigating manager must forward a copy of their report to the person who referred the case to them, along with a note of any further action proposed.
- 2.19 At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there is any improvements to be made to the schools procedures to help prevent similar events in the future (see KCSIE 2023 part 4, para 421 'Learning Lessons')

Contact with the Whistleblower

- 2.20 Once an individual has reported a concern, there should not be a need for any further input from them during the process, except as set out at paragraph 2.9 or 2.12.
- 2.21 The person to whom the whistleblower raises the concern should consider whether further support for or liaison with the whistleblower is appropriate and take any steps necessary.
- 2.22 The whistleblower will be provided with any feedback on the final outcome which is appropriate. This may mean that the whistleblower does not receive any feedback beyond an acknowledgement that their concerns are being considered.

Allegations Not Made in Good Faith

- 2.23 Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action.

Anonymous Reports

- 2.24 Whistleblowers are encouraged to give their name when raising a concern. The identity of whistleblowers will be protected as outlined in paragraph 2.2. A concern expressed anonymously is often more difficult or impractical to investigate thoroughly. Consequently, anonymous reports will be considered at the discretion of the person to whom the matter is reported.

Raising a Concern Externally

- 2.25 The School strongly discourages staff from raising concerns externally in the first instance and instead wishes to foster confidence in the internal reporting mechanisms set out in this Policy.
- 2.26 However, the School would prefer that employees raise issues with an appropriate external contact than not at all. If staff choose to follow this route then, providing that they have a reasonable belief, are acting in good faith and have evidence to back up their concern, they may wish to contact one of the following:
- a relevant prescribed regulatory body (see section Four)
 - the Police
 - the NSPCC Whistleblowing helpline on 0800 028 0285(8am-8pm Mon-Friday) or email help@nspcc.org.uk
- 2.27 Staff should be aware that, should they choose to report a concern externally, there are more stringent criteria which must be complied with if they are to receive the protection offered by the Public Interest Disclosure Act.
<http://www.legislation.gov.uk/ukpga/1998/23/contents>

Confidential Helpline

- 2.28 Public Concern at Work is an independent charity and is the UK's leading authority on whistleblowing. The charity runs an independent, confidential helpline on whistleblowing issues. If employees are unsure about whether or how to raise a concern, or if they want confidential advice, they can contact Public Concern at Work (see section 3, 'Other Relevant Information'). Their lawyers offer free, confidential advice to callers.

Monitoring

- 2.29 A report of whistleblowing monitoring information will be presented to the Governing Body on an annual basis.

If Staff Are Dissatisfied

- 2.30 Whilst the School cannot guarantee that it will respond to all matters in the way which staff reporting them may wish, it will endeavour to handle matters fairly and properly.
- 2.31 If the process set out in the Policy has been followed and staff still believe wrongdoing is continuing, or are unhappy with the response, they can refer to the other levels and named bodies within this procedure.
- 2.32 Staff who are aggrieved about action which has been taken, or considered being taken, against them as a result of invoking this policy have the right to lodge a grievance under the School's Grievance and Fair Treatment Policy.

OTHER RELEVANT INFORMATION

- 3.1 A variety of school policy documents may be relevant. Reference may be made to the school's Staff Handbook.
- 3.2 Other information
- For information on the **Public Interest Disclosure Act 1998** and the **Employment Rights Act 1996** visit the Office of Public Sector Information website at: <http://www.opsi.gov.uk>
 - For information about **Protect** please visit their website at <https://protect-advice.org.uk/> where you can report your concern online or telephone 020 3117 2520 to speak in confidence.

LIST OF RELEVANT 'PRESCRIBED PERSONS'

- 4.1 Staff who feel unable to raise a concern with one of the people listed at paragraphs 2.4 – 2.6, may wish to disclose the matter to a prescribed regulatory body. In doing so, staff must be acting in good faith and have a reasonable belief that the matter is true.
- 4.2 The full list of prescribed regulatory bodies is set out in the 'Public Interest Disclosure (Prescribed Persons) Order' 1999 or as amended <http://www.opsi.gov.uk/si/si1999/19991549.htm>

Links with other policies

Safeguarding Policy
Grievance and Fair Treatment Procedure
Complaints Procedure
Disciplinary Policy