



# The Eliot Bank and Gordonbrock Schools Federation



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# Whistleblowing Policy

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Policy Agreed January 2010  
Policy Reviewed June 2014  
Policy Reviewed September 2016

## **1. Introduction**

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

The Governing Body and the Local Authority are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others working with us, who have any serious concerns about any aspect of the Federation's or the Local Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy makes it clear that employees can voice any concern they may have without fear of reprisal, victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the Federation or the Local Authority rather than overlooking a problem or 'blowing the whistle' outside.

## **2. Who Does This Policy Apply To?**

This policy applies to:

- all employees
- to those designated as casual / temporary workers
- agency staff,
- authorised volunteers
- work experience,
- Governors;
- contractors working for the Federation or the Local Authority on Federation or the Local Authority's premises, for example, agency staff, builders, drivers; and
- suppliers and those providing services under a contract with the Local Authority in their own premises.

This policy has been discussed with the recognised Teacher Associations and Trade Unions and has their support.

## **3. Other Complaints Procedures**

This policy does not replace and is separate from the Federation's Concerns and Complaints Policy and other statutory reporting procedures.

This policy does not replace and is separate from the Federation's / Local Authority's existing procedures in place to enable you to lodge a grievance etc. relating to your own employment.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

#### **4. Aims And Scope Of This Policy**

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken; ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

This policy is intended to cover major concerns that fall outside the scope of other procedures

These include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public/pupils as well as
- other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of pupils; and
- other unethical conduct.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of Federation's staff, governors, officers or members of the Local Authority or others acting on behalf of the Federation and the Authority can be reported under this policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the governors and the Authority subscribe to;
- is against the Council's Standing Orders and policies;
- falls below established standards of practice; or
- amounts to improper conduct.

## **5. Safeguards**

The Governing Body and the Authority are committed to good practice and high standards and want to be supportive of employees.

### **5.1 Victimisation**

It is recognised that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Governing Body / Local Authority will not tolerate any harassment or victimisation (including informal pressures) of a person who raises a concern in good faith and will take appropriate action to protect them.

### **5.2 Confidentiality**

All concerns will be treated in confidence and the Governing Body / Local Authority will, where possible, protect the identity of the person who raises a concern. However this may not be possible in all circumstances as the very fact of the investigation may serve to reveal the source of the information and the statement of the person who has raised a concern may be needed as evidence or they may be called as a witness.

### **5.3 Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful. In the event of an anonymous allegation being received the Federation / Local Authority will determine whether or not it is possible / appropriate for the allegations to be examined. This will be determined on a case by case basis with reference to;

- the seriousness of the issues raised;
- the credibility of the concern; and
- and the likelihood of confirming the allegation from attributable sources.

## **6. Untrue Allegations**

Just as this policy aims to protect those who raise concerns in good faith, so it aims to protect those against whom claims are made which turn out to be unfounded.

If a person makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against that person. If, however, it is deemed that a person makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against that person.

## **7. How To Raise A Concern**

### **7.1 General**

- Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
  - the background and history of the concern (giving relevant dates); and
  - the reason why you are particularly concerned about the situation.
- The earlier you express the concern the easier it is to take action.
- Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- Obtain advice / guidance on how to pursue matters of concern from the Federation's Human Resources Officer at the Local Authority.
- Before raising a concern the person may wish to consider discussing the concern with a colleague first as it may be easier to raise the matter if there are two (or more) people who have had the same experience or concerns.
- You may invite your Trade Union, Teacher Association, representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- As previously set out in this policy, if the person raising the concern makes a specific request for their name not to be released during examination of the complaint, all efforts will be made for this information to remain confidential. However if the person who raised the concern is required to participate in the investigation process as a witness, it may not be possible for their name to be withheld.

### **7.2 Raising a Concern**

As a first step, you should normally raise concerns with the Executive Headteacher / Head of School. If this is not appropriate, for example where it is suspected that the Executive Head Teacher / Head of School may be involved in the malpractice, the person wishing to raise the concern should do so to the Governing Body.

If the person believes that the Governing Body is involved in the suspected malpractice they should approach a senior officer of the Local Authority.

If the person raising the concern believes the officers of the Local Authority are involved in the suspected malpractice you should approach the Chief Executive or in the case of a financial issue, the Director of Resources / Internal Audit.

## **8. How The School / Governing Body / LA Will Respond To A Concern**

If a person confirms their wish to raise concerns formally under this policy, a responsible person will be designated by the Federation management, where appropriate, or by the management of the Local Authority, to co-ordinate the response to the concerns you have raised. The responsible person will respond to you in the following way;

- Within ten working days of a concern being raised, the responsible person will write to you to:
  - Acknowledge that the concern has been received;
  - Indicate how it is proposed to deal with the matter;
  - Give an estimate of how long it will take to provide a final response;
  - Tell you whether any initial enquiries have been made; and
  - Supply you with information on staff support mechanisms (where appropriate), and telling you whether further investigations will take place and if not, why not.
- Where the responsible person is outside the management of the Federation he/she will notify the Chief Executive for registration, monitoring and annual reporting purposes.

### **8.1 Investigating a Concern**

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Federation management / the Local Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Where appropriate, the matters raised may:

- be investigated by Federation / Authority management, internal audit,
- through the disciplinary process;
- be referred to the external auditor;
- referral to the police; or
- form the subject of an independent inquiry.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

## **8.2 Contact**

The amount of contact between those considering the issues and you 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 you.

Where any meeting is arranged, away from Federation premises if you so wish, you can be accompanied by a Trade Union or Teacher Association representative or a friend.

## **8.3 Support**

The Governing Body / Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings arrangements will be made for you to receive advice about the procedure.

As previously set out in this policy the Governing Body / Local Authority will not tolerate any harassment or victimisation (including informal pressures) of a person who raises a concern in good faith and will take appropriate action to protect them.

It is accepted that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

## **9. The Responsible Officer**

The Chief Executive has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally outside the management of the Federation. That officer maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the Council. In respect of concerns raised internally within the school the headteacher will maintain a record of concerns raised and the outcome and will report as necessary to the Governing Body.

## **10. How The Matter Can Be Taken Further**

This policy is intended to provide you with an avenue within the Local Authority to raise concerns. The Governors / the Local Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Local Authority, the following are possible contact points:

- Public Concern at Work (Tel:0171 4046609), a registered charity whose services are free and strictly confidential;
- the external auditor;
- your Trade Union / Teacher Association;
- your local Citizens Advice Bureau;

- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation; or
- the police.

If a person with a concern decides to take the matter outside the school / Local Authority, the person should ensure that they do not disclose any confidential information. If they are in any doubt they should check with the contact point.

## **11. Conclusion**

Existing good practice at the Federation in terms of internal control both financial and non-financial and the external regulatory environment in which the school operates ensure that cases of suspected fraud or impropriety rarely occur. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned.