

# BUSHBURY HILL PRIMARY SCHOOL



## WHISTLEBLOWING POLICY



<b>Document Holder</b>	<b>Charlotte Underwood</b>
<b>Date Approved By Governors</b>	<b>November, 2023</b>
<b>Review Date</b>	<b>September, 2024</b>

1. Introduction
2. Who this Policy applies to
3. What sort of activity should be reported
4. Whistleblowing Officers
5. How to Raise a Concern
6. Safeguards
7. How the school will respond
8. The Public Interest Disclosure Act 1998
9. How the Matter Can Be Taken Further
10. Monitoring

## **1. Introduction**

Bushbury Hill Primary School is committed to the highest possible standards of openness, probity and accountability for all its employees/workers. Our core value is honesty and we will treat whistleblowing as a serious matter. In line with that commitment, employees and others, who have concerns have a duty to come forward and voice those concerns. This policy intends to support that duty and seeks to encourage and enable employees to raise concerns so that the Bushbury Hill Primary School can take prompt action.

Employees and others who work within at BHPS are often the first to realise that there may be something wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the employer. Indeed, it may also be the case that someone with a concern is not aware how best to raise concerns. It is important to stress that any concern raised through this policy will be confidential and treated with the utmost seriousness.

This Policy also makes it clear that legitimate concerns raised can be without fear of reprisals. It is human nature to be apprehensive about raising a concern and consequently someone may fear harassment or victimisation for doing so. In these circumstances, despite their concern, someone may find it easier to ignore it rather than report what may be just a suspicion of wrong-doing. BHPS is committed, as part of its overall ethical framework, to provide a process and procedure that encourages freedom of speech so that this does not happen.

To ensure an effective framework for receiving and dealing with concerns, this policy aims to:

- Show who the policy applies to;
- Describe the kind of activity that employees should report through this mechanism;
- Explain how an employee should raise a concern at Bushbury Hill;
- Provide safeguards to protect and support individuals raising concerns and those the subject of concerns;
- Describe how BHPS will respond to concerns brought to its attention;
- Describe how employees will receive feedback on the action taken; and
- Describe how an employee can take the matter further if they are dissatisfied with the response.

## **2. Who this Policy applies to**

The policy applies to all employees of Bushbury Hill Primary School.

Once a concern has been raised, the procedure within this policy must be followed.

The provisions of this Policy are for those individuals referred to above. These arrangements are not directly available to members of the public. BHPS Complaints Procedure should be used where a member of the public wishes to raise a concern.

### **3. What sort of activity should be reported**

It is impossible and inappropriate to try to provide an exhaustive list of activities that would constitute misconduct or malpractice, but broadly speaking, BHPS would expect to receive concerns surrounding:

- A criminal offence, actual or potential;
- A failure to comply with a legal obligation;
- A miscarriage of justice;
- A misuse or theft of money, physical assets or the abuse of working arrangements, time recording or other human resources policies, e.g. recruitment procedures;
- A misuse or abuse of school computers, its systems, data or information;
- An act that breaches the school's financial regulations, contractual arrangements or policies;
- Actions which endanger the health and safety of staff or the public;
- An abuse of power or position;
- Actions which cause damage to the environment;

Suspicious of bribery i.e. an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage;

- Improper conduct; or
- Any action intended to conceal any of the above.

In the event of a dispute concerning an individual's own employment, employees are encouraged to use the provisions of other policies covering disciplinary, grievance, harassment and recruitment and selection procedures.

Where the matter does not relate to your own employment position, it may be appropriate to use the provisions of the Whistleblowing Policy. Equally, where the actions of an employee has an impact on a number of others and directly or indirectly affects the service provision, it may be appropriate to address the concern adopting the Whistleblowing procedures.

This Policy is not for disagreements with School policy. However, if you reasonably believe that in following a policy an action, as listed in paragraph 3.1 above, is likely to occur, you should of course report it. Although it is likely and often appropriate to start a formal investigation into matters raised, it is also possible that a more informal approach maybe recommended subject to the nature of the allegations made. It is important to note that all concerns raised are considered on an individual basis and it is therefore not appropriate to set out any firm or suggested rules for how a particular type of concern is best dealt with.

#### **4. Whistleblowing Officers**

In order to provide employees with a recognised and consistent contact point, the following Whistleblowing Officers have been designated:

• School Office Manager, Jordan McMahon, Headteacher Charlotte Underwood and in the event the allegation is related to the headteacher, then issues will be raised with Alan Japser, Chair of Governors.

These Officers will, as described in subsequent sections of this Policy, be the initial points of contact for employees who wish to use the Whistleblowing procedures. The Whistleblowing Officers will seek to assist an employee to raise a concern effectively.

Concerns about exceptionally serious issues may be raised outside the organisation, for example to the Press, Police or other external body. For this to be deemed a protected disclosure under the legislation, however, the individual making the disclosure through an external route must show

- there is reasonable belief that raising the issue internally will result in the individual suffering a detriment
- that evidence will be destroyed or concealed
- that they have previously made a disclosure of substantially the same information to the employer or a prescribed person.

The employer will maintain a register of complaints lodged under the policy, report those complaints to the relevant body and will make available for external inspection, such reports/statistical information as may be required. The relevant body may be, for example: The Financial Services Authority, the Regional Schools Commissioner, Local Professional Association Trade Union, and Exam Board or the Local Authority.

Where applicable, data should be kept in line with the employer's retention schedule. Retention of data will be proportional to the purpose for which the data is collected, whilst taking into account any legal or statutory requirements in terms of retention periods.

#### **5. How to Raise a Concern**

Anyone wishing to raise a concern under the policy may, in the first instance, wish to discuss the issue informally, in confidence, with a colleague, other senior manager, trades union/professional association representative or a HR representative. If, after initial consideration, an individual decides to pursue the issue formally, under the policy, ongoing advice and support can be accessed through the same resources and/or additional external advice, if necessary. The whistleblower has the right to consult with and be accompanied by a trade union representative, during the operation of the procedures under the policy. If the whistleblower is not an employee they also have the right to consult with and be accompanied by a trade union representative, during the operation of the procedures under the policy. A free, confidential employee helpline service (tel: 020 3117 2520) is provided by the independent charity "Public Concern at Work" which offers independent advice to anyone worried about malpractice in the workplace. Further information is available online at [www.pcaw.org.uk](http://www.pcaw.org.uk). For staff who do not feel able to raise concerns regarding child protection

failures internally, staff are now able to report their concerns via the NSPCC whistleblowing helpline on 0800 028 0285 or by email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Bushbury Hill Primary School through the provisions of this Policy encourages employees to raise concerns as early as possible to make it easier to take effective action. Normally and preferably, employees should raise concerns with a member of the Senior Leadership Team. In certain instances, this may not be appropriate because of the seriousness or sensitivity of the issues involved or indeed the involvement of certain persons in the alleged wrongdoing.

When reporting a concern, employees are urged to carefully consider who, given the nature of the concern, they should report it to. When raising a concern, employees are also encouraged to set out the background and history of the concern, giving names, dates, places and amounts where possible, and the reason for their concern.

Absolute proof is not required as long as you can demonstrate reasonable grounds for the allegation. It is more important that concerns are raised, than seeking to provide all the available evidence at the outset. If further information is needed this can be obtained if necessary by further investigation. Specialist Officers maybe appointed to assist in an investigation. Individuals raising a concern are, therefore, not permitted to undertake their own investigations, surveillance or to interview or visit any 'witnesses' as this could jeopardise a formal investigation. BHPS recognises that employees may wish to seek advice from their Trade Union and indeed may invite their trade union (or professional association) to raise a matter on their behalf.

Employees are encouraged to give their name when raising a concern. If an employee chooses to raise a concern anonymously, it will be actioned further at the discretion of the designated Whistleblowing Officers. In exercising this discretion, certain factors will be taken into account:

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

## **6. Safeguards**

### **6.1 Harassment or Victimisation**

BHPS recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. BHPS will not tolerate harassment or victimisation and will take the appropriate action to attempt to protect employees who raise a concern in good faith. However, this does not mean that if an employee raising a concern is already the subject of other employment procedure, e.g. disciplinary or redundancy, that those procedures will be either halted or suspended.

BHPS will take steps to minimise any difficulties that the employee(s) may experience as a result of raising a concern. An employee might as a last resort, be required to give evidence in Court or in disciplinary hearings. BHPS will advise and support the employee about this, if necessary, to reduce any anxiety they may have.

## 6.2 Confidentiality

BHPS will do its best to protect the identity of an employee who raises a concern and does not want his or her name to be disclosed to colleagues and/or the person(s) under investigation. Where an investigation takes place, the investigating officers will not disclose your identity unless they are required to do so by law. This might happen if a formal, written statement is needed as evidence for example or where the matter is referred to a third party such as the Police for investigation. In no circumstances will the employee's identity be revealed before he or she is consulted.

## 6.3 Untrue or Malicious Allegations

BHPS's intention in having a Whistleblowing Policy is to encourage employees to raise legitimate concerns. Consequently if an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. Where, however, an employee is shown to have made malicious or vexatious allegations, or indeed undertaken their own investigations, surveillance or interviewed or visited witnesses, disciplinary action may be taken.

## 7. How BHPS will Respond

The action taken by BHPS will depend on the nature of the concern. In order to protect individuals, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection, disciplinary or discrimination issues) will normally be referred for consideration under those procedures. The matters raised will be investigated internally to establish basic facts. At that stage a decision will be made on whether:

- To complete the investigation internally;
- To refer the matter to the our External Auditor;
- To refer the matter directly to the Police;
- To contact the LADO;
- Take no action.

Some concerns may be resolved by agreed action without the need for a formal investigation. BHPS will inform the employee who raised the concern where possible, practical and appropriate within 10 working days of a concern being received either in writing or by other means as appropriate:

- Acknowledging that the concern has been received;
- Indicating how it proposes to deal with the matter;
- Stating whether any initial enquiries have been made;
- Stating if further investigations will take place, and if not, giving reasons.

The amount of contact between the Officers considering the issues and the employee(s) who raised the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. Initial contact with the employee(s) may be outside of the work place to protect their identity and, if necessary and mutually acceptable, subsequent meetings may be held away from work and/or outside normal working hours.

When any meeting is arranged, the employee(s) who raised the concern may be accompanied by a Trade Union or professional association representative, colleague or other representative of their choice as long as that person is not involved in the concern being discussed. The Trust accepts an employee who raised a concern may need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, he/she will receive information about the outcomes of any investigations. It is recognised that instances may arise where a concern has been raised but not proven, that results in the whistle blower and accused resuming a working relationship together. This in turn may give rise to concerns of potential victimisation or harassment.

## **8. The Public Interest Disclosure Act 1998**

This Act became Law on 2nd July 1999. Its purpose is to protect employees from victimisation that may result from raising a concern in good faith. It does this by affording protection to employees who raise concerns in accordance with certain criteria.

Similarly, the Act also describes where protection will not be available when a disclosure is made in certain ways.

### **8.1 Protected Disclosures**

Protection will be afforded to an employee where the concern is made in good faith and has been raised in the first instance within BHPS or to a Solicitor in the process of obtaining legal advice.

Protection would also be afforded albeit in exceptional circumstances, where the employee raised a concern outside BHPS where they have a real and reasonable fear that they would suffer victimisation or that the information would be concealed or indeed the matter is exceptionally serious. In the event of an employee being dismissed or victimised, the Act allows that employee the right to compensation at an employment tribunal.

### **8.2 Unprotected Disclosures**

Any disclosure not meeting the criteria for protection will be unprotected. This means for example that an employee making a malicious disclosure or one made hastily to the media will not be protected.

This Act is a complicated piece of legislation. Employees are however encouraged to seek specific advice from their Trade Union or own solicitor.

The provisions of the 1998 Act address the implications that an employee may otherwise face under their contract of employment from making a disclosure. Employees should also be aware that any person about whom a disclosure is made may have rights under the common law of defamation if that disclosure contains anything that is not accurate. However, the common law defence of defamation will normally apply where any person in making a disclosure that is not accurate acts in good faith and without malice. Again, any specific legal advice as to an employees' own position should be obtained independently.

## **9. How the Matter Can Be Taken Further**

This policy is intended to provide employees with an avenue to raise concerns within the school. However, should an employee feel dissatisfied with BHPS's response, and feels it is right to take the matter further then they have the right to do so independently. It should be remembered that failing to raise the matter within BHPS first may result in the disclosure being unprotected within the provisions of the Public Interest Disclosure Act 1998.

Employees who are in any doubt regarding the provisions of the Policy should contact the HR or their Trade Union or staff union representative. Advice as to whether or how a matter should be raised should be sought by contacting one of the Whistleblowing Officers.

#### **10. Monitoring**

BHPS along with the Governors will review this Policy and consider its effectiveness through a process of annual review.