



Hope Tree School

Where difference is valued

Whistle-blowing Policy 2022

Rationale:

This policy has been designed to operate in accordance with the provisions of the Public Interest Disclosure Act 1998, as updated by the Enterprise and Regulatory Reform Act 2013, which gives protection to people who disclose reasonable concerns about serious misconduct or malpractice at work. This is sometimes known as Whistleblowing.

This policy applies to all staff in the school and is intended to encourage staff to raise concerns within the school as a first priority. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This policy is not a substitute for normal line management processes but an addition to them. Staff should always consider using normal line management for raising concerns. This policy is for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing policies and procedures which are contained within the Grievance and Disciplinary Procedures for staff.

The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish.

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 at 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 victimized for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (although 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. This 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.

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
- 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 any of the above, or any other wrongdoing in the public interest
- Damage to the environment
- Unauthorised disclosure of confidential information.

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 the school’s staff grievance or complaints procedure.

If a staff member is uncertain whether something is within the scope of this policy, they can in the first instance seek advice from the Head of Learning. If the matter is in relation to an alleged wrongdoing by the Head of Learning, then a staff member can contact the Chair of the School’s Advisory Board.

Procedure for staff to raise a whistle-blowing concern:

When to raise a concern:

- Staff should consider the examples above 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.

Who to report to:

- Staff should report their concern to the Head of Learning or the Head of Pastoral Care in the first instance. If the concern is about the Head of Learning 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 Advisory Board.

How to raise a concern:

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

Procedure for responding to a whistle-blowing concern:

Investigating a concern:

When a concern is received by the Head of Learning, they 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.
- All disclosures will be treated in confidence and every effort will be made to preserve anonymity where appropriate.
- Obtain as much detail as possible about the concerns at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the investigator will 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.
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The staff member should then arrange a further investigation into the matter, involving another staff member if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they 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.

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 Head of Learning, Head of Pastoral Care and

members of the Advisory Board will review the relevant policies and procedures in order to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will always address any concerns fairly and in an appropriate way.

Malicious of 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.

Escalating concerns beyond the school.

The school encourages staff to raise their concerns internally, in line with this policy, but recognizes that staff may feel the need to report concerns to the school's Advisory Board or external body.

In the event that an employee feels that their concerns have not been resolved through the above process, a next step would be to write to the Chair of the Advisory Board, if they have not already been involved.

- The employee should explain their concern, the action taken to date and the reasons for their ongoing concern and what resolution they are seeking.
- On receipt of the written request, the Chair of the Advisory Board will acknowledge receipt of the communication and indicate when the board will meet to discuss the matter.
- Provide an estimate of the time it will take to provide a final response.
- The Chair of the Advisory Board will then inform the employee of the outcome of this process.

In the event that the matter cannot be satisfactorily resolved within the school or Advisory Board, an employee can then escalate their concerns further, e.g. member of parliament or legal advisor.

Links with other policies:

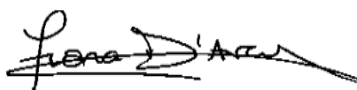
This policy should be read in conjunction with:

- Staff grievance
- Complaints procedure
- Safeguarding and child protection.

Signed:

A handwritten signature in blue ink, appearing to read "P. Sandf".

Head of Learning

A handwritten signature in black ink, appearing to read "Lionel D'Arcy".

Head of Pastoral Care

Date: September 2022

Review Date: September 2023