



Stafford Manor High School

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Signed by Chair (V Evans/FGB)	<i>V Evans</i>
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Whistleblowing Procedures Policy

Stafford Manor High School is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to our policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The aim of this policy is to encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

Any colleague raising a concern under this policy will not be treated less favourably for raising concerns as outlined in this procedure. This means that any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so.

This policy applies to employees of Stafford Manor High School, referred to in this policy as colleagues including agency workers, trainees or anyone working on a casual basis.

The policy and procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.

What is whistleblowing?

Whistleblowing is when a worker reports suspected wrongdoing at work. As outlined by The Public Interest Disclosure Act 1998 (PIDA), qualifying disclosures pertain to when any of the following take place.

- A criminal offence has been committed, is likely to be committed or is being committed; and/or
- A miscarriage of justice has occurred, is occurring or is likely to occur; and/or
- The environment has been, is being or is likely to be damaged; and/or
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject; and/or
- The health and safety of any individual has been, is being or is likely to be endangered; and/or
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

A colleague can report things that are not right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistleblower and is protected under this policy.

The school will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The school will also treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).

Rights of the Whistleblower

All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the named Monitoring Officer.

Victimisation of a whistleblower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the school believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Staff Grievance

An exception to this will be when the matter of concern arises from the colleague's own treatment at work that is arising from the whistleblowing matter they have raised previously.

Making a Whistleblowing Complaint

To make a whistleblowing complaint the whistleblower has to meet certain conditions. If the disclosure is made to the school, it must be in the public interest and the person making the complaint ("the whistleblower") has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.

If the disclosure is made to a regulatory body then as well as satisfying the conditions required for disclosure to the school, the whistleblower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true.

For example, a colleague will be eligible for protection if:

- they honestly think what they're reporting is true
- they think they're telling the right person
- they believe that their disclosure is in the public interest

If the disclosure is made to other external bodies then as well as satisfying the conditions required for to the council, in all circumstances of the case it must be reasonable for them to make the complaint. Further the whistleblower must:

- reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,
- reasonably believe that evidence is likely to be concealed or destroyed or,
- have already raised the concern with the council and/or relevant regulatory body and,
- reasonably believe that the information they provide and any allegations contained therein are substantially true.

If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which could include, say, the alleged abuse of children or corruption then the whistleblower will not be required to:

- have raised the matter concerned internally first
- believe that they will be subject to a detriment for raising the disclosure internally
- believe that the evidence is likely to be concealed or destroyed.

Procedure

When raising concerns, individuals will express them in writing to the Headteacher. This should be in a sealed envelope addressed to the Headteacher and marked: 'PIDA – Strictly Private and Confidential'. E-mail cannot be guaranteed as a secure medium and it's not recommended as a channel for reporting issues related to this policy.

If an individual is raising a concern about the Headteacher, they should express their concern in writing to the Chair of Governors. Where this is the case, the Chair of Governors will take on the Headteacher's duties as outlined in Next Steps

When individuals raise their concern, they will include the following information as far as possible

- The background history of the concern
- Any relevant names, dates and places

SMHS Whistleblowing

- The reasons for the concern

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website address is <https://www.protect-advice.org.uk/>, or they can be contacted on 020 3117 2520.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, eg. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

Next Steps

The Headteacher will write to the individual within 5 working days of the initial disclosure to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Headteacher will establish if

- There are grounds for a concern and that it is genuine
- The concern was raised in accordance with this policy

During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The Headteacher will write a summary of the concern if the individual is unable to put it in writing.

The Headteacher will explain the following to anybody raising a concern

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the governing board will do everything in their power to protect the complainant from discrimination.
- That, if the concern is not confirmed, no disciplinary action will be taken against the complainant, if the concern is genuine.
- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's record retention guidelines.

It may be possible for the concern to be resolved simply, by agreeing the necessary action or explaining procedures to the alleged wrongdoer; however depending on the severity and nature of the concern, it may

SMHS Whistleblowing

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.
- Any combination of the above.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, to monitor any patterns of concerns across the school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

What the school asks of you

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers

- Do not take the concern outside of school e.g. gossiping
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

Appeal Process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Policy.

Unfair Treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

Further information can be sought from the Citizens Advice Bureau, the whistleblowing charity Protect or from an individual's trade union.

Any claims of unfair dismissal needs to be made within 3 months of the investigation ending.

Monitoring and Review

The governing board will review this policy annually, ensuring that all procedures are up to date.

Any changes made to this policy will be communicated to all members of staff.