



Townlands C of E Primary Academy

Whistle Blowing Policy

Approved by: Marie Noble (Chair of Governors)

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This policy applies to all employees and workers, including Head Teachers, Teachers and all Support Staff regardless of whether they are permanent, fixed term, casual, agency or volunteers, this includes Governors, consultants and contractors.

This policy will be implemented in accordance with the schools Scheme of Delegation and Articles of Association.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body.

1. 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
- Set clear procedures for how Townlands 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 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)

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

2. Legislation

This policy has been written in line with the government guidance on whistle-blowing.

3. Definition of whistle-blowing

Whistleblowing is the disclosure of information which relates to suspected wrongdoings or dangers at work. Such disclosures are referred to as "Protected Disclosures".

To qualify as a Protected Disclosure, an individual raising the concern must reasonably believe that one of the following specific categories is either already happening, has happened, or is likely to happen in the future **and** that the disclosure being made is in the public interest:

- A criminal offence, for example fraud
- An act creating a risk to health and safety of others
- An act causing damage (or risk of damage) to the environment
- A miscarriage of justice
- Is potentially unlawful or a breach of, or failure to comply with any other legal obligation

Or

- Is a deliberate attempt by an individual or group of people to conceal the any of the above
- A full list of disclosures qualifying for protection can be found in the Public Interest Disclosure Act 1998

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns 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 our staff grievance or complaints procedures.

4. Procedure for staff to raise a whistle-blowing concern

4.1 When to raise a concern

Staff should consider the following examples when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or Townlands procedures, put people in danger or was an attempt to cover any such activity up.

Concerns about: -

- any unlawful act, whether criminal or a breach of civil law
- maladministration, as defined by the Local Government Ombudsman
- breach of any statutory code of practice
- breach of, or failure to implement or comply with, Financial Regulations or Standing Orders
- any failure to comply with appropriate professional standards
- fraud, corruption or dishonesty
- actions which are likely to cause physical/mental/psychological danger to any person, or to give rise to a risk of significant damage to property
- loss of income to the school
- abuse of power, or the use of the school's powers and authority for any unauthorised or ulterior purpose
- discrimination in the provision of education
- any other matter that staff consider they cannot raise by any other procedure

4.2 Who to report to

Staff should report their concern to the Headteacher or in the absence of the Headteacher a member of SLT. If the concern is about the Headteacher, 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 Governors, or a governor in the absence of the Chair of Governors.

4.3 How to raise the concern

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.

4.4 Confidentiality

The identity of those who raise concerns will be protected as far as practically possible. However, the investigation may out of necessity, reveal the source of the information and statements made by those who raised the issue may be used as part of any formal process, for example, if a formal process/hearing is required, thus revealing the source of the concern.

Individuals' are encouraged to put their name to any allegations made, however, the school will consider concerns expressed anonymously. Any action taken in respect of anonymous concerns will be considered at the discretion of the school, taking into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of the allegation being substantiated, and
- Whether it is considered that the allegations are untrue/false.

Individuals who make a Protected Disclosure under this policy are protected by the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career. The Act does not protect anyone who is acting maliciously or making false allegations. The school does not tolerate any form of harassment or victimisation against an individual raising a concern.

5. Townlands procedure for responding to a whistle-blowing concern

5.1 Investigating the concern

When a concern is received by the Headteacher or member of SLT - referred to from here as the 'recipient' - 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.
- Get as much detail as possible about the concern at this meeting, and record the information.
- To protect individuals and the school, initial enquiries may be made to determine whether an investigation is appropriate and what form it should take. Allegations which fall within the scope of specific procedures (e.g. child protection or unlawful discrimination issues) will be dealt with under relevant policies where appropriate.

- 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 purpose of the investigation is to establish the facts and collate appropriate and relevant information in relation to the concern(s) being raised. Further enquiries may also be necessary in order to gather evidence relevant to the situation and to ensure the matter has been thoroughly considered. This may include the collation of documentary evidence and/or witness.
- The recipient should then arrange a further investigation into the matter, involving the Headteacher and Chair of Governors, 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.

Within 10 working days: the person with whom the concern is raised will write to the individual who submitted the complaint to:

- Acknowledge that the concern has been raised
- Indicate how it is proposed to deal with the matter
- Advise whether further investigations will take place and, if not, why not; and
- Confirm, where possible, an estimate of how long it will take to provide a final response

5.2 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 Headteacher, Governors and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

The individual who raised the concern has no right of appeal against the outcome of the

investigation, however, if the individual is not satisfied with the outcome of the investigation and wishes to take the matter outside the school, they may contact:

- For safeguarding issues only, Leicestershire County Council's Allegations Manager (LADO) (Tel: 0116 3054141),
- Their local Councillor (for those who live in the area of the school),
- Relevant professional bodies or regulatory organisations; (Department for Education, EFA, Ofsted, HM Revenue and Customs),
- The Police,
- The whistleblowing charity, Protect (Tel: 020 3117 2520),
- The National Audit Office (Tel: 020 7798 7999).

When taking the matter outside of the school, the individual must ensure that they do not disclose any confidential information about the school or its employees and pupils which is not relevant to the issue.

6. Malicious or 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, then Townlands will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Links to other policies

- Safeguarding Policy
- Keeping Children Safe in Education 2023
- Staff grievance policy
- Complaints procedure

8. Welfare Service

It is acknowledged that raising a concern can be difficult therefore where a worker raises a concern, consideration should be given on how best to support them. Advice on how to support individuals can be sought from the schools HR Adviser.