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Whistleblowing Policy

INTRODUCTION

Dania School expects the highest standards of conduct from all employees and governors and will treat seriously any concern raised about illegal or improper conduct. Any individual covered by this policy is expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Headteacher (or the Chair of Board if the concerns relate to the Headteacher) any serious impropriety or breach of procedure. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to enable employees to raise serious concerns within the School rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

1. PURPOSE

1.1 To set out the Governing Body's policy and procedure for dealing with concerns raised by employees.

2. BACKGROUND

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures' A qualifying disclosure is one made in the public interest by the employee who has a reasonable belief that one of the following has occurred, is occurring, or is likely to occur:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- Receiving any gift or advantage, failing to comply with the Bribery Act 2010
- Allowing private interests to override the interests of the school
- A breach of any legal obligation;
- Concealment of any of the above is being, has been, or is likely to be, committed.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the school's responsibility to ensure that an investigation takes place.



2.1 Where the concerns are about safeguarding children or young people, the Headteacher should be informed immediately.

3. PRINCIPLES

3.1 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

3.2 No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern. Dania School - Scandinavian Learning In The Heart Of London

3.3 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

3.4 If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.

3.5 Maliciously making a false allegation is a disciplinary offence.

3.6 An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

4. WHEN SHOULD THIS POLICY BE USED?

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the School's Grievance procedures. Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it cannot amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation

4.1 This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Nor should this policy apply where the employee simply disagrees with the way the school is run.

4.2 Employees must have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour.

4.3 An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns.

4.4 An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed may contact the Governor responsible for Whistleblowing or their Professional Association / Trade Union.



4.5 Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to the EFA for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Headteacher or Chair of Board, who will in turn report it to the Funding Agency.

5. PROCEDURE

This policy describes how any school employee can raise any concerns she or he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti- fraud and corruption, grievance, disciplinary, harassment and child protection procedures.

5.1 As a first step, an employee should normally raise concerns with the Headteacher, or Chair of Board if the concern is about the Headteacher.

5.2 Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why he/she is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, he/she should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that he/she is raising the issue via the whistleblowing procedure.

5.3 The earlier an employee expresses the concern, the easier it is to take action.

5.4 Although an employee is not expected to prove the truth of an allegation, he/she will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

5.5 In some instances it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

6. ROLE OF THE HEADTEACHER/CHAIR OF BOARD

6.1 The Headteacher/Chair of Board will be informed by an employee about concern(s) and that he/she is "blowing the whistle" within the procedure in person; or in writing or over the phone.

6.2 They should respond as soon as possible by arranging to meet with the employee to discuss the concern(s) as soon as possible. The employee may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

6.3 Stage One:

6.3.1 At the initial meeting the senior manager should establish that:

- There is genuine cause and sufficient grounds for the concern; and
- The concern has been appropriately raised via the whistleblowing policy.

6.3.2 The senior manager should ask the employee to put their concern(s) in writing, if he/she has not already done so. The senior manager should make notes of the discussion with the employee. The



employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- The background and history of the concerns
- Names, dates and places (where possible)
- The reasons why the employee is particularly concerned about the situation.

6.3.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

6.3.4 The senior manager should follow the policy as set out above and in particular explain to the employee:

- What steps he/she intends to take to address the concern
- How he/she will communicate with the employee during and at the end of the process; and that a written response will be sent out within ten working days
- That their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed
- That the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation
- That the matter will be taken seriously and investigated immediately
- That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

6.3.4 The senior manager should explain to the employee, as a matter of fact, that:

- If clear evidence is uncovered during the investigation that he/she has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- The investigation may confirm their allegations to be unfounded in which case the governing body will deem the matter to be concluded and he/she will be expected not to raise the concern again, unless new evidence becomes available.

6.4 Stage Two:

6.4.1 Following the initial meeting with the employee, the senior manager should determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- The seriousness of the issue(s) raised
- The credibility of the concern(s)



- The likelihood of confirming the allegation(s) from attributable sources

6.4.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- Be investigated internally
- Be referred to the police
- Be referred to the school's external auditor
- Form the subject of an independent enquiry

6.4.4 Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

6.4.5 The employee raising the concern may be required to attend additional meetings in order to provide further information.

6.5 Stage Three

6.5.1 Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

Acknowledging that the concern has been received

- Indicating how they propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response and/or
- Telling the employee whether any initial enquiries have been made
- Telling the employee whether further investigations will take place, and if not why not; and/or
- Letting the employee know when he/she will receive further details if the situation is not yet resolved; and
- Providing the employee with details of whom to contact should s/he be dissatisfied with this response

6.5.2 Whilst the School cannot always guarantee the outcome a particular employee is seeking, the School will try to deal with the concern fairly and in an appropriate way. If an employee is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined below.

7. SAFEGUARDS

7.1 Harassment or Victimisation

7.1.1 The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.



7.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

7.2 Confidentiality

The Governing Body will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that if the concern raised needs addressing through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

7.3 Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account would include:

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

7.4 Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

7.5 Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

7.6 Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

8. RAISING CONCERNS OUTSIDE THE SCHOOL

8.1 The whistleblowing policy is intended to provide employees with a procedure for raising concerns and resolving these within the School. If an employee is not satisfied with the Governing Body's



response, the manager should ensure that he/she is made aware with whom s/he may raise the matter externally through:

- Public Concern at Work' <http://www.pcaw.co.uk>
- Recognised trade union
- The school's external Auditor
- Relevant professional bodies or regulatory organisations
- A solicitor

8.2 The manager should stress to the employee that if he/she chooses to take a concern outside the School, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

8.3 The School strongly encourages employees to seek advice before reporting a concern to anyone external.

9. MONITORING AND REVIEW

The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Governing Body as necessary.

Equal Opportunities At Dania School

We also recognise the importance of the Equality Act 2010. This replaced and unified all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It aims to ensure that all people (pupils/teachers/parents/family/visitors etc) have equality of opportunity in accessing and experiencing the life of the school. When carrying out our day to day work, we should have regard to the following:

- eliminating discrimination
- advancing equality of opportunity
- foster good relations across all people, whatever their characteristics may be