AYSCOUGHFEE HALL SCHOOL

WHISTLEBLOWING POLICY

Ayscoughfee Hall School believes this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Employment Rights Act 1996
- Public Interest Disclosure Act 1998
- Public Interest Disclosure (Compensation) Order 1999
- Public Interest Disclosure (Prescribed Persons) Order 1999
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003
- Equality Act 2010
- Enterprise and Regulatory Reform Act 2013
- Data Protection Act 2018

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
- Data Protection: a toolkit for schools (DfE)

We are aware that the Brexit transition period ended on 31 December 2020 and, therefore, UK organisations that process personal data must now comply with the:

- DPA (Data Protection Act) 2018 and UK GDPR (General Data Protection Regulation) if they process only domestic personal data;
- DPA 2018 and UK GDPR, and the EU GDPR if they process domestic personal data and offer goods and services to, or monitor the behaviour of, EU residents.

Related Policies

This policy should be read in conjunction with the following school policies:

- Grievance Complaints Policy (Staff)
- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Staff Disciplinary Policy and Procedure

Introduction

The school is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the school's policies and procedures. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. The school actively promotes a culture of openness, transparency and safeguarding vigilance. All staff have a professional responsibility to speak up where they believe children, staff, the school or the public may be at risk.

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We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010. We all have a responsibility to ensure equality permeates into all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance/Complaints Policy (Staff) and the Disciplinary Policy and Procedure. This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance, then it must be raised through the Grievance/Complaints Policy; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

Concerns regarding the conduct of adults working in school may be managed under the school's Low-Level Concerns procedures, allegations management procedures, safeguarding procedures or this Whistleblowing policy, depending on the circumstances.

Aims of the Policy

- To encourage staff to report suspected wrongdoing as soon as possible, with the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistake.

This policy does not form part of an employee's contract of employment and is not intended to have a contractual effect. It is provided for guidance to all members of staff at the school and the school reserves the right to amend its content at any time.

This policy reflects the school's current practices and applies to all individuals working at all levels of the organisation, including the Governors, Headteacher, members of the Senior Management Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content. No volunteer, governor, contractor or worker will suffer disadvantage, detriment or adverse treatment for raising concerns in good faith.

What is Whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- Criminal activity;
- Child protection and / or safeguarding concerns;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;

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- Failure to comply with any legal or professional obligation or regulatory requirements;
- Financial fraud or mismanagement;
- Negligence;
- Breach of the school's internal policies and procedures including its Code of Conduct;
- Conduct likely to damage the school's reputation;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the school's activities (a whistleblowing concern) you should report it under this policy. This policy should not be used for complaints relating to staff's own personal circumstances, such as the way you have been treated at work. In those cases, you should follow the Grievance/Complaints Policy.

If staff are uncertain whether something is within the scope of this policy, they should seek advice from the Headteacher, Chair of Governors, a trade union representative, Protect (the whistleblowing charity) or another appropriate independent source.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body:

- has delegated powers and responsibilities to the Headteacher to ensure all school personnel and school volunteers are aware of and comply with this policy;
- will provide support for a member of staff who has raised a concern;
- will ensure appropriate oversight of investigations and that relevant parties are kept appropriately informed, subject to confidentiality requirements;
- will provide support for a member of staff against whom allegations have been made;
- will take no action against a member of staff if, after investigation, their concern has not been confirmed;
- will take disciplinary action if a concern is raised frivolously, maliciously or for personal gain;
- has responsibility for ensuring that the school complies with all equalities legislation;
- has responsibility for ensuring funding is in place to support this policy;
- has responsibility for ensuring this policy and all policies are maintained and updated regularly;
- has responsibility for ensuring all policies are made available to parents;
- has responsibility for the effective implementation, monitoring, and evaluation of this policy.

Role of the Headteacher

The Headteacher will:

- ensure all school personnel and volunteers are aware of and comply with this policy;
- work in conjunction with the Senior Leadership Team to ensure all school personnel and volunteers are aware of and comply with this policy;
- encourage all school personnel to raise any concerns they have regarding actual or potential breaches of duty or a failure by the school;
- provide support for a member of staff who has raised a concern;
- provide support for a member of staff against whom allegations have been made;
- keep both parties informed of all progress during any investigation;
- work closely with the Governing Body;
- provide leadership and vision in respect of equality;
- provide guidance, support, and training to all staff;
- monitor the effectiveness of this policy by speaking with school personnel, parents and governors;
- annually report to the Governing Body on the success and development of this policy.

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Role of School Personnel

School personnel have a duty to speak out against and report any:

- criminal offence that has been committed, is being committed or is about to be committed;
- person who has failed, is failing or is about to fail compliance with any legal obligation that they are subject to;
- miscarriage of justice that has occurred, is occurring or is likely to occur;
- health and safety issue that has endangered, is endangering or is likely to endanger any person;
- damage to the school environment that has been committed, is being committed or is about to be committed.

School personnel, who speak out against and report any of the above, will receive support from the Governing Body. The Governing Body will give support to any member of the school personnel against whom allegations have been made. However, school personnel must be aware that if they are treated unfairly after blowing the whistle they should consider taking their case to an employment tribunal.

School personnel have a duty to the school not to disclose confidential information. However, in accordance with the provisions of the Public Interest Disclosure Act 1998 this does not prevent an employee from seeking independent advice nor discussing their concern with the independent whistleblowing charity Protect.

School personnel should consider reporting any concerns to the Headteacher; Chair of Governors; the local authority; their union or association; ISI; the NSPCC; or the independent whistle blowing charity Protect. But initially they should raise the concern internally before using a public agency.

Raising a Whistleblowing Concern

The school hopes that in many cases staff will be able to raise any concerns with the Headteacher, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree on a way of resolving a concern quickly and effectively. In some cases, they may refer the matter to the Governing Body. However, when the matter is more serious, or you feel that your Headteacher has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Chair of Governors.

The Headteacher will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum, the Headteacher will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible, and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Headteacher should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his / her identity becoming known to enable the concern to be effectively dealt with.

Staff 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.

The school will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The school will also aim to give the ''whistleblower'' an indication of how it proposes to deal with the matter.

Confidentiality

The school hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the school will endeavor to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's'

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identity, the school will discuss this with the member of staff first. The school does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the school cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'whistleblowers' who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy and procedure, e.g. by making malicious or repeated unsubstantiated complaints against colleagues, this could give rise to action under the school's Disciplinary Policy and Procedure. If the Headteacher knows or has a suspicion that an employee comes into this category, then she will take advice from the Governing Body, who will help to determine what action should be taken. If you are in any doubt, you can seek advice from *Protect – Speak up stop harm, the independent whistleblowing charity,* who offer a confidential helpline. Their contact details are:
Protect – Speak up stop harm (Independent whistle blowing charity) Helpline: 020 3117 2520 E-mail: whistle@protect-advice.org.uk *Website: www.protect-advice.org.uk*

Concerns Against Governors

If a concern against a Governor is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Headteacher with the Chair of Governors who will decide how it should be dealt with.

Where concerns relate to the Chair of Governors, staff may report directly to the Independent Schools Inspectorate, Department for Education, Local Authority or other appropriate external agency.

Concerns Against the Headteacher

Any concerns against the Headteacher should be directed to the Chair of Governors.

External Disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, *Protect – Speak up stop harm*, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

Investigation and Outcome

Once a member of staff has raised a concern, the school will carry out an initial assessment to determine the scope of any investigation. The school will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information. Investigations will be conducted by an appropriately qualified person or panel. This may include governors, external investigators, safeguarding specialists or legal advisors.

The school will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to

treat any information about the investigation as strictly confidential. If the school concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' could be subject to disciplinary action under the school's Disciplinary Policy and Procedure.

Whilst the school cannot always guarantee the outcome a particular member of staff is seeking, the school will try to deal with the concern fairly and in an appropriate way. If a member of staff 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 above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher will have the right to refer any particular case to the Governing Body for review. Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the school's Disciplinary Policy and Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

Escalation Outside the School

The School is committed to fostering a culture of openness, accountability and safeguarding. Staff are encouraged to raise concerns internally wherever possible; however, where an individual reasonably believes that a concern has not been addressed appropriately, or that it would be inappropriate to report the matter within the School, concerns may be raised with an external body.

This may include the Local Authority Designated Officer (LADO), the Local Authority, the Department for Education, the Independent Schools Inspectorate (ISI), the Charity Commission, the Health and Safety Executive, the Disclosure and Barring Service, the police or other relevant regulatory or safeguarding agencies, depending on the nature of the concern.

No member of staff will suffer detriment, victimisation or disadvantage for raising a genuine concern in good faith. The School expects all concerns to be raised responsibly and recognises that the public interest and the welfare and safety of children must always take precedence. The School recognises that staff have both a right and a professional duty to escalate concerns beyond the School where necessary, particularly where safeguarding, legal compliance, leadership conduct or pupil welfare may be at risk.

Protection and Support for Whistleblowers

It is understandable that 'whistleblowers' are sometimes worried about possible repercussions. The school aims to encourage openness and will support staff that raise genuine concerns in good faith under this policy, even if they turn out to be mistaken. Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavorable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied, the member of staff should raise it formally using the school's Grievance/Complaints Policy. Staff must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher in the first instance.

Safeguarding Whistleblowing

In accordance with Keeping Children Safe in Education, all staff should feel able to raise concerns about poor or unsafe safeguarding practices and potential failures in the School's safeguarding regime. Such concerns should be taken seriously by the senior leadership team and governing body.

Staff must understand that safeguarding concerns can be raised directly with the Designated Safeguarding Lead, Deputy DSL, Local Authority Designated Officer (LADO), Children's Social Care, Police or through the NSPCC Whistleblowing Helpline where they feel concerns have not been addressed appropriately.

The NSPCC Whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Call 0800 028 0285 between 8.00am to 8.00pm Monday to Friday or email help@nspcc.org.uk

This policy has been updated and will be used in draft form pending formal ratification by the Board of Governor

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Any reference to the word 'School' implicitly includes all its associated clubs/activities including Kids Club. This policy also applies to EYFS

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