



**Malbank School & Sixth Form College**

**Whistleblowing Policy**

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## Whistleblowing Policy

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# Malbank School and Sixth Form College

## Whistleblowing Policy

### 1. Introduction

**Malbank School and Sixth Form College** expects the highest standards of conduct from all staff and will treat seriously any concern that is raised about illegal or improper conduct.

Employees are expected to share concerns about any impropriety or breach of procedure with the Headteacher or Governing body without fear of recrimination.

#### **Whistleblowing has been defined as:**

‘The disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employee or his/her fellow employees’

(Public concern at work guidelines 1997, updated in Jan 2007)

The school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the school’s work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so, without the fear of victimisation, subsequent discrimination, or disadvantage.

### 2. Aims Of This Policy

- encourage and enable you to raise serious concerns within the school rather than overlooking a problem or ‘blowing the whistle’ outside. Premature or unnecessary publicity may damage the school’s reputation, impede proper investigations, or hurt individuals unnecessarily.
- provide staff with avenues to raise concerns.
- cover the reporting of a malpractice, the information that will need to be recorded and the steps that need to be followed to ensure that you do not suffer any recriminations or victimisation.
- supplement, rather than replace, existing school policies and procedures (for example the school’s anti bullying policy) whereby employees of the school may already raise complaints or matters of genuine concern with the school. They are therefore designed to provide for those instances where the person reporting the matter feels that, for any reason, they cannot make use of other procedures.
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken

### **3. Contractors, Suppliers And Consultants**

In your dealings with the school, you will often work very closely with school employees and governors. You will also operate under the school's procedures and policies. The school is fully aware that if you notice anything suspicious, or come across malpractice, you may be concerned about your relationship or future relationship with the school if you raise this. As with employees and governors, the school wants to encourage you to voice any concerns you may have, secure in the knowledge that the matter will be taken seriously and investigated, and that you and your organisation will not suffer any disadvantage.

### **4. Examples Of Illegal And/Or Improper Conduct**

- Unlawful conduct
- Miscarriages of justice in the conduct of statutory or other processes
- Failure to comply with a statutory or legal obligation
- Potential maladministration, misconduct, or malpractice
- Health and safety issues
- Action that has caused or is likely to cause damage to the environment
- Abuse of authority
- Unauthorised use of public or other funds
- Fraud or corruption
- Breaches of financial regulations or policies
- Mistreatment of any person
- Action that has caused or is likely to cause physical injury to any person or risk serious damage to school property
- Unfair discrimination
- Racial incidents or acts
- Any attempt to prevent disclosure of any of the issues listed

### **5. Child Protection Concerns**

All employees and volunteers are expected to report any safeguarding and child protection concerns to the Designated Safeguarding Lead (Chris Yew Assistant Head) as stated in the safeguarding policy.

Such concerns may relate to:

- The physical, sexual, emotional abuse or neglect of a child.
- An inappropriate or improper relationship between an adult and a pupil.

### **6. Procedure For Whistleblowing:**

A disclosure is protected if you have an honest and reasonable suspicion that a malpractice has occurred, is occurring or is likely to occur. As an employee you can raise the matter either verbally or in writing with your line manager who will refer it to one of the named below, or if you prefer direct to: -

- The Head teacher

- Deputy Head teacher
- Strategic Business Manager
- Any Member of the Senior Leadership Team

If you feel you cannot express your concerns within school, it is open to you to raise your concern with someone outside the school such as:

- The Chair of Governors
- Local Authority Designated Officer (LADO) if the matter is about child protection or safeguarding issues.
- Police
- Health and Safety Executive
- Relevant professional bodies or regulatory organisations
- Department for Education
- Ofsted

If you write, mark the envelope 'personal, private and confidential' and address it to the Head teacher. If the concern is of a serious nature, hand deliver the envelope to the person you wish to report the matter to.

Whichever way you choose, please give as much information as you can. Remember also to give your name, job, and say if you do not want to be contacted at work (if so, give your home address and phone number).

You should include the following: -

- background information
- information as to why you are concerned
- details of any other procedures which you have already used, and what happened
- the names of the employee/governors involved and where they work (if applicable)
- dates or periods of time relating to the matter
- the names and jobs of any other employees/governors who may support your concern.

The earlier you express your concern, the easier it will be to take-action. Although you will not be expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for the concern. You may find it easier to raise the matter jointly if there is another employee/governor who has the same concern and will support your allegation.

## **6. Confidentiality**

All concerns raised will be treated in confidence and every effort will be made not reveal the identity of a whistleblower. However, in certain cases it may not be possible to maintain confidentiality if a whistleblower is required to come forward as a witness.

## **8. Anonymous Allegations**

Allegations can be made anonymously. This policy encourages you to put your name to an allegation. This is because concerns expressed anonymously are much less powerful and are more difficult to investigate. For example, we may need to contact you for further information. Anonymous allegations will, however, be considered at the discretion of the school.

The factors to be taken into account, when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised
- the credibility of the concern and
- the likelihood of confirming the allegation from other attributable sources.

## **9. Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, as an employee you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **10. Harassment Or Victimisation**

The school is committed to good practice and high standards and wants to be supportive of employees. The school recognises that the decision to report a concern can be a difficult one to make. It will not tolerate any harassment or victimisation and will protect you if you raised a concern in good faith. If you happen to be involved in any disciplinary or redundancy procedures these will be kept separate from the investigation of your complaint.

## **11. How The School Will Respond**

The appointed person dealing with your concern will:

- Provide a written response acknowledging receipt of the concern and notifying what will happen next (unless an anonymous allegation has been made)
- Look into the allegation – seeking evidence and interviewing witnesses as necessary.
- In order to protect individuals accused of a possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will take place before an investigation is undertaken.
- Maintain confidentiality wherever possible.
- If appropriate, bring the matter to the attention of the Local Authority appointed person dealing with complaints about the financial management of schools.

- If appropriate, for concerns of criminal behaviour refer the matter to the police.
- If appropriate, for concerns of child protection, refer the matter to the LADO.

You may be interviewed by the person investigating the matter. You are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

The target is to complete the inquiry within 10 working days from the date of the initial written response and write to all relevant parties to keep them informed of what is happening (if appropriate)

## **12. What You Will Be Told**

The person to whom you have raised your concern will contact you in writing within 10 working days detailing the following:

- acknowledging that the concern has been received
- indicating how the school intends to deal with the matter
- giving an estimate of how long it will take to provide a final response
- detailing any initial enquiries that have been made; and
- informing you whether further investigations will take place (and if not, why not).

The amount of contact you have with the people considering the matter will depend on the type of concern, the potential difficulties of the investigation and the availability of information. Wherever possible, you will be told the final outcome of any investigation.

The school will take steps to minimise any difficulties you may experience as a result of raising a concern. For example, if required to give evidence in criminal or disciplinary proceedings, the school will arrange for you to receive advice about the procedure.

Signed by:

Headteacher \_\_\_\_\_

Chair of Governors \_\_\_\_\_

To be reviewed: