

Whistleblowing Policy & Procedure

History of policy changes/review

Author: HR Officer

Authorising Body: Operations Committee

Review Period: Every 3 Years

Date	Page	Details of Change
2017		New Procedure
2020		Charity name change
August 2023		Review and Formatting
March 2025	5	Updated reference to Bribery and Corruption Policy

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Statement of Intent

Briarwood School and its Governing Body is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "blowing the whistle" - a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy. This policy must not be confused with the school's Grievance Policy or Disciplinary Policy.

This policy and procedure will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of school staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the Public Interest Disclosure Act.

This policy and procedure covers school:

- Employees;
- Governors;
- Consultants;
- Those on work experience or work-shadowing;
- Volunteers;
- Casual and/or agency workers.

Where the matter pertains to the Chair of Governors/Governing Body or, exceptionally, the Executive Head Teacher (ie cases where the Governing Body would not be able to deal with the matter) Bristol City Council's Whistleblowing Procedure should be followed.

This policy and procedure:

- Does not form part of any employee's contract of employment;
- May be amended at any time;
- Should not be used for complaints relating to an employee's personal circumstances, such as the way they are treated or treat others at work. In those cases, you should use the school's Grievance Procedure;
- Will be reviewed regularly by the Governing Body.

The Governing Body will regularly monitor the number of Whistleblowing disclosures.

Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- DFE ‘Keeping Children Safe in Education 2022’
- GOV.UK (2012) ‘Whistleblowing for Employees’
- DFE (2014) ‘Whistleblowing procedure for maintained schools’
- Sir Robert Francis (2015) ‘Freedom to speak up report’

The Public Interest Disclosure Act (PIDA)

The Public Interest Disclosure Act 1998 (PIDA - <https://protect-advice.org.uk/who-is-protected-by-pida/>) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The Executive Head Teacher is the first point of contact for whistleblowing queries. If the allegation is related to the Executive Head Teacher, the concern will be raised with the Chair of Governors.

Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The non-employee section of this policy includes further details on how whistleblowing affects non-employees.

What is Whistleblowing - Definitions

Whistleblowing is when an employee reports suspected wrongdoing, dangers, or ‘qualifying disclosures’ in relation to any of the school’s activities to their employer.

As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed;
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- A miscarriage of justice has occurred, is occurring or is likely to occur;
- The health and safety of any individual has been, is being or is likely to be endangered;
- The environment has been, is being or is likely to be damaged;
- Bribery, Fraud, Corruption or financial mismanagement (see BCC Fraud, Bribery and Corruption Policy and Strategy <https://www.bristol.gov.uk/files/documents/1642-bribery-and-corruption-fraud-policy/file> and the School’s Finance; Gifts, Hospitality & Anti-Bribery; Declaration of Interests; and Anti-Fraud and Corruption policies);
- Breach of our internal policies and procedures including the Code of Conduct;
- Conduct likely to damage our reputation or financial wellbeing;
- Unauthorised disclosure of confidential information;
- Negligence;
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

Anyone who is unsure as to whether, or not, to use this procedure, or who wants impartial advice at any stage, should contact the independent charity 'Protect' (formerly 'Public Concern at Work') which operates a confidential helpline. Its advisers will give free, confidential advice. The contact details can be found at the end of this policy and procedure.

Roles and Responsibilities

The Governing Body will be responsible for:

- Establishing and agreeing the whistle blowing policy and procedure.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to the policy.
- Investigating, in liaison with the Executive Head Teacher, any concerns raised.
- Ensuring the policy provides an open and transparent framework where employees can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the Governing Body include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one Governor and one member of staff to act as points of contact for staff members when reporting concerns.

The Executive Head Teacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.

The Chair of Governors will be responsible for receiving any concerns raised about the Executive Head Teacher.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

Harassment and Victimisation of Staff

The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

Non-Employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Policy and Procedure.

Governors and are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

Good Practice Principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report' (<http://freedomtospeakup.org.uk/the-report/>), to ensure that the whistleblowing procedures are fair, clear and consistent.

The school advocates an inclusive and open culture by ensuring the following principles are reflected in our ethos:

- Safety in the school.
- People feel confident with raising concerns.
- Free from bullying.
- Visible leadership.
- Valuing staff.
- Reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the How to Raise a Concern Procedure section of this policy, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The school implements measures to support good practice by ensuring adherence to the following principles:

- Providing the necessary support to staff.
- Being transparent.
- Being accountable.
- Conducting an external review of any concerns raised, where necessary.
- Undertaking regulatory action as required.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

How to Raise a Concern - Procedure

Please complete the form at Appendix A to this policy and procedure and give it to the Executive Headteacher, or Chair of Governors.

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

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

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

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

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. You are strongly encouraged to seek advice before reporting a concern to anyone external. 'Protect', the independent whistleblowing charity operates a confidential helpline and contact details can be found at the end of this policy and procedure.

If a member of staff feels they should report a concern to the Local Authority they should contact Bristol City Council on 0117 922 2000.

Appropriate whistleblowing procedures are in place to investigate concerns about poor or unsafe practice and potential failures in the school's safeguarding system should be raised with the Executive Leadership Team.

If a member of staff feels like they are unable to raise a safeguarding concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 285 or the Local Authority Designated Officer (LADO) or First Response on 0117 903 6444

In cases where the Chair of Governors/Governing Body (or exceptionally the Executive Head Teacher where you believe that the Governing Body would not be able to deal with the matter) is/are part of your concern you can follow Bristol City Council's Whistleblowing Procedure.

Confidentiality

The Governing Body hope that all staff feel able to voice whistleblowing concerns openly under this policy and procedure and discourages you from making an anonymous disclosure.

Completely anonymous disclosures are difficult, or impossible, to investigate, particularly if further information cannot be obtained from the whistleblower. It is also more difficult to establish the credibility of any allegations. If you want to raise a concern confidentially, the Governing Body will make every effort to keep your identity confidential and only reveal it, where necessary to those involved in investigating your concern.

If you choose to raise a concern anonymously, it will be treated in the same way as when a whistleblower's name is known.

Whistleblowers who are concerned about possible reprisals if their identity is revealed are able to contact Protect, the independent whistleblowing charity, which offers a confidential helpline. Contact details are at the end of this policy and procedure.

Interview and Investigation

The Executive Head Teacher will write to the individual within 10 working days of the report being received to confirm receipt, and will 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 Executive Head Teacher 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 Executive Head Teacher will request the individual puts their concern in writing, if they have not already done so. The Executive Head Teacher will write a summary if the concern if the individual is unable to put it in writing.

The Executive Head Teacher 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 their concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the Governing Body will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

A record will be kept of the seriousness of the issues raised and credibility of the concern. All records will be kept confidential and will be stored in line with the General Data Protection Regulations (GDPR).

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

- 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.

If the investigation officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative or a fellow member of staff not involved in the area of work that the concern relates to. The person will provide support only and will not be allowed to become involved in the proceedings. Your companion must respect the confidentiality of your disclosure and subsequent investigation.

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 complainants to monitor any patterns of concern across the school and to assist in monitoring the procedure.

You should treat any information about the investigation as confidential. Accordingly, the need for confidentiality may prevent you being given specific details of the investigation, or its outcome, or any disciplinary or other action taken as a result.

What the School asks of Whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside of school unless it is to report the concern through the proper external channels, e.g. the Local Authority.
- 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 Procedure and Policy.

Protection and Support for Whistleblowers – Unfair Treatment

The governors aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy and procedure, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should raise it formally using the school's Grievance Procedure.

If the matter is not remedied you should raise it formally using the school's Grievance Procedure.

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 Citizen's Advice Bureau, the whistleblowing charity Protect or from an individual's trade union.

Protect (Independent Whistleblowing Charity)

Helpline: 020 3771 2520

Email: whistle@protect-advice.org.uk

Website: www.protect-advice.org.uk

Monitoring and Review

The Governing Body will review this policy every three years.

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

Appendix A
Whistleblowing Disclosure Form

Name(s) of the person(s) that you wish to make a disclosure about		
First Name	Last Name	Position

What is the wrong doing that you wish to disclose?
<p>Please give as much information as possible: Be specific and include: Dates, time and places Names of the people involved The effect that you think that it may have had</p>

