

WHISTLE BLOWING POLICY

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In this document, the term “whistle blowing” means the confidential raising of problems or concerns within an organisation by a member of staff. This is not “leaking” information, but refers to matters of impropriety, for example a breach of law, school procedures or ethics.

‘The Public Interest Disclosure Act 1998’ provides the supporting legislation for this policy and is: “An Act to protect individuals who make certain disclosures in the public interest to allow such individuals to bring action in respect of victimisation; and for connected purposes.”

It is not appropriate for whistle blowing arrangements to be used for the raising of a grievance within the school (which would be dealt with under the staff grievance procedures).

Rationale and purpose

The staff and governors of Sandwich Technology School (STS) seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. If members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, STS has this whistle blowing policy; this acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the school’s disciplinary procedure.

STS is committed to tackling fraud and other forms of malpractice and treats these issues seriously. STS recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

Implementing the policy

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle blower should ask a few questions before taking action:

- Is it, or do you believe it to be, illegal?
- Is it, or do you believe it to be, against codes of practice issued by the school, the Local Authority (LA), the Department for Education or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual’s behaviour or is it about general working practices?
- Has the whistle blower witnessed the incident?

If staff have a safeguarding concern about poor or unsafe practice, they should report it immediately to the Designated Senior Person (DSP), our Designated Safeguarding Lead (DSL) or the Headteacher, who will be responsible for liaising with the Local Authority and other agencies. These concerns will be handled sensitively and in accordance with the whistle blowing procedures. If the allegation being made is against the Headteacher, the member of staff should contact the Chair of the Governing Body. The Chair of Governors will, in this event, be responsible for liaising with the Local Authority and other agencies.

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately.

Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures, then consideration should be given to using this whistle blowing policy, for example:

- manipulation of accounting records and finances;
- inappropriate use of school assets or funds;
- decision making for personal gain;
- any criminal activity;
- damage to the environment of the school;
- dangerous practices;
- child protection issues including sexual, emotional or physical abuse of students or others;
- abuse of position;
- fraud and deceit or corrupt practices;
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation or failure to register a personal interest);
- other unethical conduct.

Anonymous allegations will only be considered if the issues raised are:

- very serious;
- the credibility of the allegation is considered to be high;
- the likelihood of confirming the allegation is high.

Procedure

The employee should raise the matter with their line manager or the Headteacher where the line manager is the subject of their concern or, if the Headteacher is the subject of their concern, the Chair of Governors.

The intention at this stage is to resolve the matter(s) of concern and allow the wrong to be righted.

Alternatively, the whistle blower may request a private and confidential meeting in the first instance with the person who is causing concern. He/she may be accompanied by a representative of their choice if they so wish (for example Union representative or friend).

All matters will be treated in strict confidence and anonymity will be respected wherever possible. Written, dated and signed supporting evidence and statements should always be taken to any meetings if possible.

Alternatively, if the whistle blower considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed in the first instance, in the case of finance issues, to the financial controller of the Education Funding Agency (ESFA), although the ESFA will need to involve the appropriate governors. In the case of other issues, through the Headteacher or Chair of Governors and in the case of child protection issues, using the school's child protection procedures.

The ESFA will have its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistle blower. The ESFA will ensure relevant officers of the legal team, finance team or Department for Education are informed as appropriate and should advise the governing body of appropriate steps to take.

For concerns surrounding radicalisation and extremism, the DfE has set up a dedicated telephone helpline through which the whistle blower can report concerns directly to the DfE's Due Diligence and Counter Extremism Group (DDCEG). The helpline telephone number is 0207 340 7264. (The helpline is not for emergencies, such as a child at immediate risk or a security incident. In these situations, in-school procedures should be followed or email Counter.extremism@education.gov.uk.)

Case progression

The individual(s) in receipt of the information or allegation [the investigating officer(s)] will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally.

The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school's external auditors, legal or personnel advisers, the police or the Department for Education. In all such circumstances, the parties will be informed.

Written records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), in conjunction with the Headteacher (where he/she is not the investigating officer),

Chair of Governors or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the police.

Depending on the nature of the concern or allegation and whether or not the investigating officer considers there to be a case to answer, the disciplinary procedure may be applied. In such cases, any disciplinary action will be considered by the dismissal committee and if appropriate the dismissal appeals committee of the governing body, in accordance with the school's disciplinary procedure. Where a case of gross misconduct is proven on the balance of probability, the matter will be reported to the full governing body, the LA and, where appropriate, the Department for Education.

If the whistle blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of Governors, unless he/she has already been involved, or, for financial impropriety, the school's designated Finance Governor. If that fails to resolve matters, then the employee could seek the assistance of 'Protect' by telephone on 0203 117 2520 option 1 or via email at whistle@protect-advice.org.uk. For any concerns taken outside of the school, this policy will not apply and any employee raising issues on a wider basis, for example with the press, without following the procedure in this policy, may be liable to disciplinary action.

Any matter taken outside the school may still have to be dealt with through the school's statutory procedure on staff discipline.

Confidentiality

Wherever possible STS seeks to respect the confidentiality and anonymity of the whistle blower and will, as far as possible, protect him/her from reprisals. STS will not tolerate any attempt to harass or victimise the whistle blower, or attempts to prevent concerns being raised, and will consider any necessary disciplinary action appropriate to the circumstances.

Conclusion

Existing good practice within STS in terms of its systems of internal control, both financial and non financial, and the external regulatory environment in which the school operates, ensure that cases of suspected fraud or impropriety rarely occur.

This whistle blowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and, if necessary, outside the management structure of the school.

This document is a public commitment that concerns are taken seriously and will be actioned.

Any actions arising from allegations/investigation must be in accord with the school's disciplinary procedure, which should cover all of the potential areas of concern.

Links to other policies

- Anti-fraud Policy
- Child Protection and Safeguarding Policy
- Financial Procedures Manual
- Governors' Delegation of Functions (Function 71)
- Staff Disciplinary Policy and Procedure