

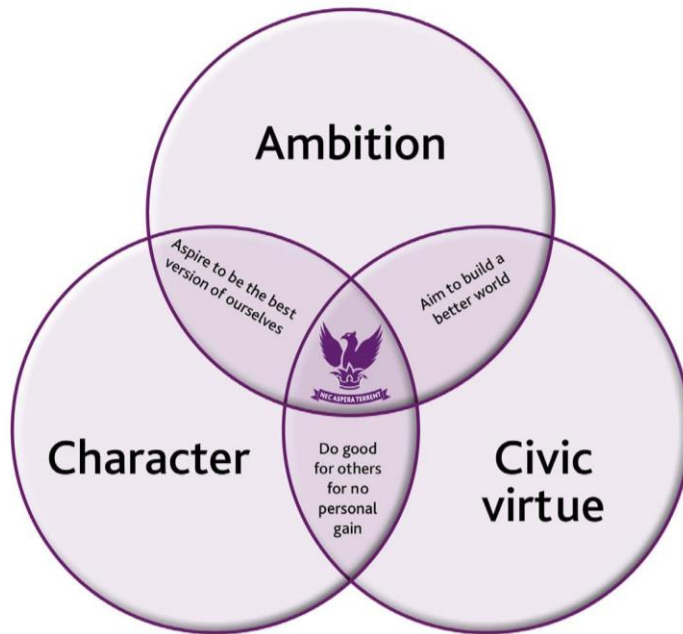
WHISTLE-BLOWING POLICY

Ratified by the CSWP on 9 November 2023

Date of Next Review: November 2024



DRAYTON MANOR HIGH SCHOOL





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WHISTLE-BLOWING POLICY

PURPOSE OF POLICY

From time to time a concern may arise at work. Usually these concerns are easily resolved at the lowest possible level. When they are about unlawful conduct, financial malpractice or dangers to the public or environment, however, it can be difficult to know what to do. The Whistle-Blowing Policy provides a means for staff to voice their concern. It is primarily for concerns where the interests of others or of the school itself are at risk. If you are aggrieved about your personal position, please use the school Grievance Procedure which is available in the Staff Handbook or from your line manager.

1. INTRODUCTION

Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.

The school is committed to the highest possible standards of conduct, openness, honesty, probity and accountability. In line with that commitment the school encourages employees and others with serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistle-Blowing Policy is intended to encourage and enable staff to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside. This policy aims to:

- Encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
- Encourage staff to consider 'Don't think what if I'm wrong - think what if I'm right'
- Provide avenues to raise those concerns and receive feedback on any action taken
- Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith

This document should be read in conjunction with other relevant policies and guidance including, but not limited to:

- Staff Code of Conduct
- Child Protection and Safeguarding Policy
- Keeping Children Safe in Education (Sept 2023)
- Working Together to Safeguard Children (July 2020)
- Finance Policy

This policy has been written in line with the above documentation, as well as government guidance on whistle blowing. We take into account the Public Interest Disclosure Act 1998.

This procedure applies to all established employees, temporary employees, agency staff and contractors, work experience and vocational trainees.

2. POLICY STATEMENT

The school has a responsibility to ensure that any alleged wrongdoings, raised by staff, are fully investigated and that feedback is provided to the member of staff who has raised the concern.

The school reassures employees that they will be protected from reprisals or victimisation for whistle blowing in good faith.

3. AIMS AND SCOPE OF THIS CODE.

This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice and/or conduct
- provide avenues for you to raise concerns and receive feedback on any action taken
- allow you to take the matter further if you are dissatisfied with the school's response; and
- reassure you that the school will seek to protect you from reprisals, or victimisation for raising concerns in good faith.

4. NOTIFICATION OF IMPROPER CONDUCT

If an individual believes that the school/an individual has acted or may be acting improperly, they are encouraged to inform their line manager or any member of the Senior Leadership Team of these concerns.

Such concerns may include actual or potential:

- committing of a criminal offence
- any unlawful acts
- any contravention of the school's policies or practice
- non-compliance with a legal obligation

- risk to health and safety, including risks to the public as well as the pupils and staff of the school
- damage to the environment
- miscarriage of justice
- deliberate concealment of information relating to the above
- the unauthorised use of public funds
- possible fraud or corruption
- unethical conduct

Or it may be something that

- makes you feel uncomfortable in terms of known standards
- is unlawful
- amounts to improper conduct

This list is neither definitive nor exhaustive.

5. HOW WILL THE SCHOOL RESPOND

The action taken by the school will be proportionate and will depend on the nature of the concern. The matters raised may be:

- investigated internally by the Senior Leadership Team
- referred to the Police
- referred to an external investigator (the external auditor, relevant professional body or regulatory organisation)
- the subject of an independent inquiry

The school accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations. If you are not satisfied with the outcome of the investigation then, based on the detail of the concern, you will be advised of further channels that you can use to raise your concern.

Where a case is investigated the detailed course of action will be determined by the Head. They will decide whether to publish any details of the concern and any action plan. If details are published the Head will discuss them with you and seek to address any concerns, you have about anonymity.

In the case of allegations against the Head, any allegation will be submitted to, and the initial course of action determined by, the Chair of the Governing Body.

During any discussions or investigation, it may become apparent that other people should be consulted, e.g. the LEA, legal advisers etc. It may also become appropriate to progress the matter through other existing procedures (such as the disciplinary or grievance procedure) where such procedures are applicable.

The school will ensure that individuals will not be penalised for expressing personal concerns in good faith, even if after investigation it is not confirmed. Raising unfounded allegations with malicious intent, however, is a serious disciplinary matter, as is victimising or deterring other individuals from raising a concern about improper conduct. Such conduct on the part of employees may be dealt with under the disciplinary procedure and for contractors, may lead to the termination of the contract under which their services are provided to the school.

The school and all parties involved must endeavour to maintain confidentiality in respect of all concerns raised.

This code will come into immediate effect regardless of the date when any reported incident occurred.

6. SAFEGUARDS

Harassment or Victimisation

The school 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 school will not tolerate harassment or victimisation and will take action to protect you if you raise a concern in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy or contractual procedures that may already affect you.

Employee Support and Counselling

The school can acquire the services of trained counsellors, who can offer discreet, confidential, and non-judgemental support and counselling to any employee. Contact details can be given to you if so required.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At an appropriate time however, you may need to come forward as a witness and this will be fully discussed with you. In very exceptional circumstances, for instance where child abuse is disclosed, appropriate disclosure will be made to the regulatory authorities.

Anonymous Allegations

This Code encourages you to put your name to your allegation, as concerns expressed anonymously can be less powerful. However, the absence of a name will not prevent an investigation taking place into the concern. The level of the investigation will be dependent on the seriousness of the issue raised, but it may be hindered if it is difficult to follow up the allegation or obtain more details.

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, you make malicious or vexatious allegations or are motivated by personal gain, disciplinary action may be taken against you.



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GUIDANCE FOR EMPLOYEE(S) MAKING THE DISCLOSURE

1. As a first step the Employee(s) should normally raise the concern/disclosure with their immediate line manager, Headteacher, Designated Safeguarding Lead or any member of the Senior Leadership Team where this is appropriate to the nature of the concern. The line manager will notify the relevant member of the Senior Leadership Team of the concern that has been raised and the response that has been given.
2. This will depend however on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.
3. For example, if you believe that a senior member of staff is involved (other than the Head) or where there is a belief that resources have been misused, or the concern potentially concerns pupil protection issues you should approach the Head.
4. **In the case of allegations against the Head, any allegation will be submitted to, and the initial course of action determined by, the Chair of the Governing Body.**
5. If an employee finds this course of action difficult and feels it would be more appropriate to discuss the matter with someone else, they should contact another senior staff member.
6. Concerns are better raised in writing. Employees are invited to set out the background and history of the concern, giving names, dates, and places where possible and the reason why they are particularly concerned about the situation. If they do not feel able to put their concern in writing, they can telephone or meet the person to whom they are raising their concern.
7. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their concern.
8. You may invite your professional association or trade union to raise a matter on your behalf or be present with you at any meeting/discussion with senior leaders.
9. Within ten working days of a concern being raised, the school will respond to the employee(s) in writing
 - acknowledging that the concern has been received,
 - Advise whether any initial enquiries have been made
 - indicating how it proposes to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - giving the employee(s) details of support mechanisms available
 - Advise whether further investigation or action is required, and if not, why not.

10. All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if you so wish.
11. Following the completion of the investigation within 10 working days the school will inform the employee(s) who made the disclosure both verbally and in writing of
 - the conclusion of the investigation
 - any possible consequences the outcome of the investigation may have on the individual(s) who made the disclosure
 - appropriate advice and/or guidance flowing from the outcome of the investigation
12. If, after discussing the matter with the person to whom they have reported the alleged wrongdoing, they continue to have concerns, they should inform the Head in writing.
13. If they are then not satisfied with the school's response, they can submit their concern to the Chair of the Governing Body.

PROCEDURE FOR A LINE MANAGER WHEN AN EMPLOYEE HAS RAISED A CONCERN/DISCLOSURE UNDER THIS PROCEDURE

1. The action taken by the school will depend on the nature of the concern.
2. The matter(s) raised by the employee(s) will be dealt with by the appropriate level of authority within the school.
3. It is the responsibility of the individual to whom they report the alleged incident, to:
 - Respond to the concerns, if he/she is already aware of the situation and is satisfied that there has been no improper conduct.
 - Inform the relevant member of the Senior Leadership Team of the concern raised and the response given.
 - If there are grounds for concern, the school will appoint an appropriately senior member of staff to act as investigating officer and conduct an investigation into the matter. The investigation will be overseen by the relevant member of the Senior Leadership Team.
4. Communicate the outcome of any investigation to the individual who raised the concern. Where action is not taken, an explanation should be provided without disclosing anything of a confidential nature.
5. Within ten working days of a concern being raised, the school will respond to the employee(s) in writing,
 - acknowledging that the concern has been received,
 - indicating how it proposes to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - giving the employee(s) details of support mechanisms available.

6. The school investigating officer will investigate the disclosure seeking advice from the Head if appropriate and taking into account:
 - agree the nature of the disclosure
 - agree with the employee(s) making the disclosure the precise wording of the allegation(s)
 - consider the possible suspension of the employee under investigation
 - determine if the investigation should be undertaken by someone who is not an employee of the school
 - consider respecting and protecting the confidentiality of the employee(s) making the disclosure
 - determine if “outside” agencies need to be informed and/or involved with the investigation
 - if “outside” agencies do need to be involved with the investigation e.g. the police, determine if they should carry out their enquiries prior to the internal investigation
 - determine the individuals who may need to be interviewed as part of the investigation
 - determine when, where and in what order the interviews should be scheduled
 - consider whether the individuals require representation during the interviews
 - determine if formal notes and/or witness statements need to be taken during the investigation and, if so, decide who will be taking them
 - ensure that all witness statements have been agreed, signed, dated, and returned.
 - determine if the evidence collected during the investigation has been adequate to conclude that the allegation(s) are proven or not proven.
 - if proven – consider the course of action the investigator will recommend to the Head
 - if not proven consider whether the allegation(s) have been made with potentially malicious intent – if yes consider the course of action you will recommend to the Head with regard to the employee(s) making the disclosure

7. Following the completion of the investigation within 10 working days the school will inform the employee(s) who made the disclosure both verbally and in writing
 - the conclusion of the investigation
 - any possible consequences the outcome of the investigation may have on the individual(s) who made the disclosure
 - appropriate advice and/or guidance flowing from the outcome of the investigation

TAKING THE MATTER FURTHER

This policy is intended to provide members of staff with an avenue to raise concerns internally. If the member of staff feels that it is right to take the matter outside the school, contact can be made with a recognised trade union, local Citizens Advice Bureau, relevant voluntary or independent organisation or legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the FSA, the Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation such as Public Concern at Work (www.pcaaw.co.uk)

MONITORING & REPORTING

Drayton Manor High School is responsible for overseeing the operation of this policy and for ensuring that appropriate records are maintained regarding concerns raised and the outcomes. It is also responsible for reporting concerns to officers at Ealing Council and to other external bodies as appropriate to the circumstances.