



WHISTLEBLOWING POLICY

May 2020

Created by	Senior Management and Governors
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Reviewed by	Wendy Perry, HR Manager
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Introduction

This policy is designed to enable employees or other members of the school community to raise concerns or disclose information at a higher level which the individual believes shows malpractice and must be made in the public interest. It is intended to cover major concerns that fall outside the scope of other procedures such as the Grievance Procedure and is inclusive in that it applies to everyone who uses the school at any of its campuses. It is important that we all know what the school's policies and procedures expect of us and inform others who do not. To not do so is collusion.

Mission Statement

Linwood seeks to provide a centre of excellence in which individuals are valued and encouraged to give of their best and we are committed to the highest standards of transparency, probity and accountability.

Aims of School

The school aims to promote a caring and happy community in which all pupils feel valued. We strive to make learning a pleasurable and rewarding experience and to offer an opportunity for all pupils to develop as high a standard of achievement as individually possible and to equip them with the basic skills to support lifelong learning.

Our vision

- The highest quality of teaching and learning.
- Self-evaluation opportunities and responsibilities for every individual.
- An ability to adapt to periods of change and respond purposefully to initiatives.
- A pride in belonging and working together.
- Provision of an open, safe and caring environment in which learning is the priority.
- A happy and healthy school where there are no barriers to responsible personal fulfilment.
- A close working relationship with parents and carers.
- A close working relationship with all local educational providers.

Our Values

- A pupil-centred approach to all we do.
- Instilling trust in others and trusting them in what they do.
- Valuing our sense of belonging within our local community.
- Recognising the importance of providing our children with the means to achieve meaningful relationships and gainful employment in their adult life.
- Providing a safe environment that is free from fear and harm.
- Expressing enthusiasm in meeting new challenges with an innovative outlook.

In pursuit of our aims, vision and values the school operates within legal requirements and regulations and expects all employees to co-operate in this by adhering to all laws, regulations, policies and procedures. It is therefore a requirement of all employees, in furthering the aims, vision and values of our school, that should they become aware of another employee acting inappropriately they are obliged and encouraged to report this activity.

Scope of Policy

This policy is designed to enable employees or other members of the school community to raise concerns or disclose information at a higher level, which the individual believes shows malpractice.

Several policies and procedures are already in place including grievance, discipline, complaints and guidelines for dealing with harassment and bullying as well as a duty to raise concerns as part of the school's Safeguarding Policy. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately but might then lead to the use of other such procedures.

This policy is written having taken into consideration employment legislation updates made in July 2019.

Purpose

In line with our commitment to openness, probity, and accountability, the school encourages employees with serious concerns about the school's work to come forward and voice those concerns. This also applies to concerns about the activities of staff, Governors and external organisations in their dealings with the school.

Members of staff may be the first to spot anything that is seriously wrong within the school. However, they might not say anything because they think this would be disloyal or they might be worried that their suspicions are not justified. They may also be worried that they or someone else may be victimised. Members of the public (for example, parents of students) may also share some of these concerns. In the writing of this policy it is our aim to make sure if you want to raise any concern you can do so with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result. It is our duty to protect you if you decide to whistle blow.

The role of the Governing Board

The Governing Board:-

- has delegated powers and responsibilities to the Executive Headteacher to ensure all school personnel and school volunteers are aware of and comply with this policy;
- will provide support internally and externally if required, for a member of staff who has raised a concern;
- will provide support for a member of staff against whom allegations have been made;
- will keep both parties informed of all progress during any investigation;
- 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 nominated a designated Equalities Governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- 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 of involving the School Council in the development, approval, implementation and review of this policy;
- has responsibility for the effective implementation, monitoring and evaluation of this policy.

The Role of the Executive Headteacher

The Executive Headteacher will, although may delegate some activities to senior leaders:-

- ensure all school personnel and volunteers are aware of and comply with this policy;

- work closely with the designated Equalities Link Governor;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy;
- annually report to the Governing Board on the success and development of this policy.

What types of action are covered by the policy?

The Grievance Procedure is in place to enable employees to lodge a concern relating to their employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

The policy is intended to deal with serious or sensitive concerns about wrongdoings such as the following-

- Fraud and corruption.
- Unauthorised use of public money.
- An unlawful act.
- Any danger to health and safety.
- The environment being damaged (for example, by pollution).
- A person abusing their position or any unauthorised use of their position for personal gain.
- A person deliberately not keeping to a Council policy, an official code of practice, any law or regulation, or any procedures agreed by the Local Authority or Governing Board.
- A person failing to meet appropriate professional standards.
- A person being discriminated against because of their age, disability, gender, gender identity, marriage, civil partnership, pregnancy or maternity, race, religion, or belief and sex or sexual orientation considering changes to these protected characteristics as a result of Employment Tribunal hearings.

To whom does this policy apply?

This policy applies to all staff working in school as well as contractors working on school premises (for example, agency staff, builders and drivers). It also covers suppliers and people who provide services to the school.

These procedures build upon our complaints procedure and other reporting procedures applying to various departments. The Executive Headteacher, HR Manager and other senior managers are responsible for making all staff aware of these procedures.

What is not covered?

You cannot use this policy to deal with serious or sensitive matters that are covered by other procedures. Such procedures include the following:-

- Staff complaints about their employment. These complaints are dealt with through our Grievance Procedure.
- Parents or other complaints about our provision. These complaints are dealt with through our Complaints Procedure.

Protecting you

If your allegation is true, you have nothing to fear but we understand that deciding to blow the whistle is not easy. Staff who "blow the whistle" by making a protected disclosure, i.e. a disclosure concerning an alleged criminal offence or other prescribed wrongdoing or malpractice, have the legal right not to be dismissed or subjected to any other detriment for having done so. We will take appropriate action under the Public Interest Disclosure Act 1998 to protect you from any harassment, victimisation or bullying as previously stated. This Statutory protection applies where you make a disclosure about Linwood School's alleged wrongdoing that, in your reasonable belief, is made in the public interest and is made either directly to a member of staff outlined in this policy or to another person that you reasonably believe is responsible for the wrongdoing.

How to raise concerns is clearly shown in this policy below.

We will keep your concerns confidential if this is what you want. In this case we will not reveal your name or position without your permission or unless we must do so by law. We would explain this at the time you raise a concern so you can decide whether to proceed and if you chose to go ahead, we would ensure you were well supported.

We will first make enquiries to decide whether we should carry out an investigation and, if so, how we should go about it. We will go on to explain to you how we will deal with the concern you have raised and that will depend on what it involves. This is likely to be over a period of time and you will be kept informed as matters progress although you will not be told details of the investigation unless necessary.

If you work for Linwood School, you should also know that any allegation you make will not influence, or be influenced by, any unrelated disciplinary action against you or any redundancy procedures that may affect you. You have a right not to be subjected to detriment for making a protected disclosure and this includes the right not to be unfairly penalised or disciplined unless an allegation is made in malice.

Anonymous allegations

Because we will protect you (as explained above), we encourage you to give your name when you make an allegation. Concerns raised anonymously tend to be far less effective and if, for example, we do not have enough information, we may not be able to investigate the matter at all.

Untrue allegations

If you make an allegation which you believe is true, but it is not confirmed by our investigation, we will not take any action against you. However, if you make an allegation which you know is untrue, we will take appropriate disciplinary or legal action against you.

How to raise a concern

1) Safeguarding & Child Protection Concerns

Abuse by a member of school staff.

If a member of staff, teaching or non-teaching, has reason to believe that another member of the school staff has abused a pupil that suspicion must be reported to the Executive Headteacher immediately and Local Authority guidelines will be followed. Abuse is defined as physical, emotional, sexual abuse, neglect, Child Sexual

Exploitation, Female Genital Mutilation, domestic violence and radicalisation in line with current policies including Keeping Children Safe in Education and Linwood School Safeguarding and Child Protection Policy. Guidance for staff facing allegations is available from the Headteacher and the School's Designated Safeguarding Lead at each campus. A member of staff should follow the same procedure if a pupil reports abuse to another member of staff or abuse between staff members. If there are concerns about the Executive Headteacher, this should be referred to the Chair of Governors. Concerns that the Executive Headteacher has abused or neglected a child must be reported to the LADO by the Chair of the Governors. The Chair of Governors will attend the relevant strategy meetings to discuss the action to be taken and will decide whether disciplinary action is appropriate.

2) Drugs concerns regarding staff under the influence of drugs

Concerns should be raised immediately with the Executive Headteacher.

3) Concerns related to wrongdoing listed in Policy

You should first, if kitchen or premises staff, raise your concern, in writing, with their immediate line manager. All other staff should first raise their concern, in writing, with their Phase Leader, a member of the Senior Leadership Team or with the Chair of Governors (this will depend on the seriousness and sensitivity of the matter and who is suspected of the wrongdoing). If the relevant manager cannot deal with the matter, he or she will refer the concern to the Head of Human Resources.

Equality

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, marriage, civil partnership, pregnancy or maternity, race, religion, or belief and sex or sexual orientation taking into account changes to these protected characteristics as a result of Employment Tribunal hearings.

The protected disclosure legislation applies not only to our employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for Linwood School. It therefore applies to governors, casual workers, freelance contractors, non-executive directors and agency temps who are not employed by Linwood School directly. The protected disclosure legislation does not apply to persons who are genuinely self-employed (s.43K of the Employment Rights Act 1996).

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Promoting good practice

There are several ways of promoting good practice as follows:-

- We should lead by example.
- We should know what the school's policies and procedures expect of us and inform others who do not.
- We should take the initiative to propose new procedures and amend old procedures.
- We should ask questions to create reflective practice and foster an ethos of respect between colleagues.
- We need to talk to fellow professionals to learn from best practice.
- Co-operate as fully as possible with any investigation into work practices arising from complaints from a service user and share any knowledge or concerns.
- Know what is happening in the department, read emails and newsletters and attend meetings.

- Do not wait until something becomes a major problem. Act early; if we do not, we may be condoning bad working practices.

You can also raise your concerns in the following way:-

By writing or seeing in person the HR Manager at Linwood School
Alma Road
Bournemouth
BH9 1AJ

If writing, mark your envelope **'Private & Confidential, Addressee Only'**

Help for you

You may want to discuss your concern with a friend or colleague. Please be discreet if you choose to do so and ensure their discretion. You may then find it easier to raise a concern if others share the same experiences or concerns. Your trade union representative can give you general support and advice or act for you if this would help. We will encourage the trade unions to support any member of staff who raises a concern with them.

How we respond to your concerns

Your concern may be investigated by senior management, our internal auditors, or through the disciplinary process, or we may refer it to:-

- the police;
- other agencies (for example, if it involves the abuse of children or vulnerable adults it may be referred to the Executive Director of Health and Social Care);
- our external auditor or
- an independent investigator.

If your concern or allegation can be handled under any other procedure or policy, we will pass it on to the relevant person and let you know.

We may be able to settle some concerns without carrying out an investigation but by taking action agreed with you. If we need to take urgent action, we will do this before carrying out any investigation.

Within 10 working days of you raising a concern, the individual dealing with the matter will:-

- acknowledge that we have received your concern;
- explain how we will handle the matter; and
- tell you what support is available to you.

It is difficult to set timescales as they depend on the nature of the allegation and the type of investigation that needs to be carried out. The amount of contact you have with the investigating officer will depend on the nature of your concern, the potential difficulties involved, and how clear the information you have given is.

If you need to have a meeting, a friend or a representative can accompany you from a trade union or professional association. Meetings with the person investigating the matter will normally take place in their office but can be arranged elsewhere but not in your home unless there are exceptional circumstances.

We will take steps to reduce any difficulties you may experience as a result of raising a concern. For instance, if you need to give evidence in criminal or disciplinary proceedings, we will arrange for you to get advice on the procedure.

We will usually give you feedback on the progress and outcome of any investigation. Details of any concerns raised will be kept confidential by the LA (unless they are found to be malicious and lead to disciplinary procedures) but will not be placed on your personal file.

How you can take a matter further?

We hope you will be satisfied with any action we take. If you're not and you want to take the matter outside Linwood School, you could contact:-

- the Local Authority;
- either Chair of Governors who will convene the appropriate committee;
- our external auditor;
- the Audit Commission;
- your local Citizens' Advice Bureau;
- relevant professional bodies or regulatory organisations such as Ofsted;
- a relevant voluntary organisation such as nspcc.org.uk; or
- the Police.

If you take the matter outside Linwood School, take care not to reveal any confidential information.

Independent advice

You can get independent advice or support from an organisation called Protect who provide free, confidential, whistleblowing advice. Their address is:-

The Green House
244-255 Cambridge Heath Road
London
E2 9DA

Protect Advice Line: 0203 117 2520
E-mail: whistle@protect-advice.org.uk