



HEATHFIELD SCHOOL

Whistleblowing Policy

Policy Area:	Staff
Relevant Statutory Regulations:	ISSR Part 3 Public Concern at Work Guidelines 1997 Public Interest Disclosure Act 1998
Key Contact Personnel in School	
Nominated Member of Leadership Staff Responsible for the policy:	Bursar
Version:	2023.02
Date updated:	01 September 2023
Date of next review:	01 September 2024

This policy will be reviewed at least annually, and/or following any concerns and/or updates to national and local guidance or procedures.

Introduction

Heathfield School (“the School”) is committed to delivering services of the highest possible standard, having a culture of safety and of raising concerns where staff are valued and reflective practice is promoted. Therefore, the School welcomes and encourages staff (and others) to come forward and voice any concerns that they have about any aspect of the School’s work, including about poor or unsafe practice and potential failures in the School’s safeguarding regime, so that they can be dealt with effectively. The School wants everyone to feel able to raise concerns within the School without fear of reprisals, rather than overlooking a problem. Provision for mediation and conflict resolution will be provided where necessary. The School promotes a culture of transparency and accountability in relation to how concerns are raised and handled, so staff and employees should feel supported in coming forward.

Employees must acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant agencies. Although this can be difficult, this is particularly important where the welfare of children may be at risk.

Employees may be the first to realise that there may be something wrong within the School. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. Employees may also fear harassment or victimisation. In these circumstances, it may be easier for them to ignore the concern rather than report it. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable child or young person who is targeted. These children need someone to safeguard their welfare.

Staff are encouraged to think: *Don't think what if I'm wrong - think what if I'm right*

Applicability

This policy applies to all Heathfield School staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the School.

Definition

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 their fellow employees' (Public Concern at Work Guidelines 1997).

Statutory rights

The Public Interest Disclosure Act (PIDA) 1998 sets out the full statutory rights and obligations of members of staff wishing to whistleblow.

The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the School which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

In the UK, the PIDA has rules for making a Protected Disclosure and employees must:

- disclose information in good faith
- believe it to be substantially true
- not act maliciously or make false allegations
- not seek any personal gain

Aims and Scope of Policy

The governing body of the School is committed to high standards in all aspects of the School and will treat whistleblowing as a serious matter. In line with the governing body's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

In accordance with Lord Nolan's Second Report of the Committee on Standards in Public Life, the School's policy on whistleblowing is intended to demonstrate that the School:

- will not tolerate malpractice;
- respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively;
- will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;
- will invoke the School's disciplinary policy and procedure in the case of false, malicious, vexatious or frivolous allegations;
- will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

This policy covers whistleblowing relating to alleged:

- 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 including risks to the public as well as risks to pupils and members of staff;
- action that has caused or is likely to cause danger to the environment;
- abuse of authority;
- fraud or corruption;
- breaches of financial regulations or policies;
- mistreatment of any person;
- action that has caused or is likely to cause physical danger to any person or risk serious damage to School property;
- sexual, physical or emotional abuse of members of staff or pupils;
- unfair discrimination or favouritism;
- racist incidents or acts, or racial harassment;
- any attempt to prevent disclosure of any of the issues listed.

The concern could be about something that happened in the past, is currently happening or likely to happen in the future.

Also, staff have a right to blow the whistle if they believe the Designated Safeguard Lead (DSL) is not furthering any concern about a pupil to external agencies, and staff are expected to raise any issue about another member of staff who is acting in an inappropriate way towards a pupil.

If staff are concerned about something to do with their own terms and conditions of employment, they should raise this under the School's Grievance Policy.

Whistleblowing is not intended as an extra mechanism for staff members to challenge decisions, practices and policies with which they disagree, but is reserved for raising concerns about malpractice or improper actions where the normal route for these concerns appears to be inappropriate or blocked.

Standards of Behaviour

The School illustrates the standards of behaviour it expects from its staff members in a number of policy statements. The principal policy statements are contained within the following:

- Staff Handbook;
- Performance Management System;
- Individual's contract of employment;
- Equal Opportunities Policy;
- Disciplinary Procedures;
- Code of Conduct for All Staff.

The School's leadership team and line managers are expected to behave with the highest professional standards of conduct and set the appropriate example.

Policy

This Policy should be used:

- when staff members believe that reported matters have been consistently ignored or belittled;

- where staff are aware of malpractice or have a reasonable suspicion than ordinarily, they must report the matter to their line manager or other appropriate manager, who is expected to respond to the matter;
- if necessary, staff should seek the support of a fellow worker in reporting an issue or the support of a trade union representative, if they are a member of a trade union or professional association;
- if the ordinary procedure is unsuccessful and a disclosure is required, those reporting should be clear of the facts of their concerns and should take notes, which may assist future investigation, and should identify other witnesses.

The School is committed to tackling wrongdoing, malpractice and unethical behaviour within the School. Staff members are encouraged to raise any concerns they may have about wrongdoing, malpractice and unethical behaviour as soon as possible and not wait for proof or investigate the matter themselves.

Protection from reprisal or victimisation

No member of the staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and following the whistleblower procedures.

Retaliation against staff members acting in good faith by making an unwarranted adverse change to their employment status, terms and conditions, is prohibited. Retaliation includes, but is not limited to:

- frequent and undesirable changes in work assigned;
- refusal to assign meaningful work;
- unsubstantiated reprimands or unsatisfactory performance evaluations;
- demotion;
- pay reduction;
- unjust denial of promotion;
- transfer or reassignment;
- suspension or dismissal.

Procedure

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the School.

Staff members are encouraged to raise any concerns they may have regarding this sort of behaviour to their line manager, in the first instance. Concerns can be raised to the Bursar (support staff) or Deputy Head (Academic) (teaching staff) and then the Headmistress.

If the staff member's concern is regarding their line manager, they may raise their concerns to their manager's line manager and then the Bursar (support staff) or Deputy Head (Academic) (teaching staff) and then the Headmistress.

Ideally the staff member should put their concerns in writing, stating clearly:

- that they are raising concerns via the Whistleblowing Policy;
- the background and history of the concerns;
- names, dates and places where possible;
- the reasons why they are particularly concerned about the situation;
- their name and post title; (concerns provided anonymously are much less powerful, are not likely to be as effective and will be considered at the discretion of the School);

- if they do not feel able to put their concern in writing, they can telephone or meet the appropriate person from the list given above.

Although they will not be expected to prove the truth of any allegation, they will need to demonstrate to the person whom they contact that there are sufficient grounds for their concern.

Remember, the earlier the staff member expresses a concern, the easier and sooner it is possible for the School to take action.

If the member of staff is still not satisfied, they may contact the Chair of Governors.

Concerns raised with a manager will normally be dealt with in two weeks. However, it may be as long as four weeks or more for complex and/or large issues.

A manager who is approached by an employee with a concern is required to:

- treat the concern seriously and thank the staff member for raising it;
- provide confidentiality to the staff member who raises the concern;
- carry out or arrange for an investigation into the concerns;
- delegate the investigation if it is appropriate to do so. However, the manager to whom the concern is raised must retain overall responsibility for the matter, and must report back to the staff member raising the concern.

The School will make initial enquiries (usually involving a meeting with the whistleblower), to decide whether an investigation is required and what form it should take. For example, the matter raised may:

- be resolved simply without the need for further investigation;
- be investigated internally by an appropriate manager, e.g. the Bursar;
- be referred to the Local Authority Designated Officer for advice;
- be referred to the Police;
- form the subject of an independent inquiry.

A formal response on the outcome of any investigation and any remedial action will be provided to the staff member raising the concern, and to the Headmistress and Bursar.

Line managers will fully and accurately document the concerns raised, the results of any investigation and its outcome. A single Whistleblowing file is available for recording and filing purposes, to ensure that any matter raised can be checked against possible previous instances.

A line manager who feels uncomfortable about dealing with a particular concern should raise the matter to their line manager.

Making a disclosure should not be done lightly. False or malicious allegations could lead to action by the School if, following investigation, it is decided that such an allegation constitutes misconduct warranting disciplinary action. Additionally, an individual who is subject to such a disclosure may feel they have the grounds to take legal action.

However the School will ensure that disclosures made in good faith are properly heard and dealt with within this procedure. The identity of those making a disclosure shall remain confidential, to the extent allowed by the law, unless the staff member waives that right in writing.

External Procedures

Where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC,

the Audit Commission, the Health and Safety Executive, Charities Commission, NSPCC, ISI, DfE and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue).

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the individual reasonably believes:

- that exceptionally serious circumstances justify it;
- that the School would conceal or destroy the relevant evidence;
- that they would be victimised by the School;
- where the Secretary of State has ordered it.

The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 from 8am to 8pm Monday to Friday and 9am to 6pm at the weekend. Alternatively staff can email help@nspcc.org.uk.

If staff are not happy with the response that you receive from the School, they may wish to raise the matter externally with:

- Protect * on 020 3117 2520 or via their website <https://protect-advice.org.uk/contact-protect-advice-line/>
- a recognised trade union;
- relevant professional bodies or regulatory organisations, e.g. the Health & Safety Executive;
- a solicitor.
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Staff must remember, if they raise a concern externally, it is their responsibility to ensure that confidential information is not disclosed, i.e. they must not hand over confidential information, in whatever format, to a third party.

* Protect is a registered charity that staff can contact for advice on how to raise a concern at work about poor practice. The charity will also provide the School with advice as to the best possible ways to address your concern(s).

Further advice and support

It is recognised that whistleblowing can be difficult and stressful. Advice and support is available from the School counsellor and/or staff's respective professional body or trade union.

Related Policies

- Code of Conduct for All Staff
- Disciplinary Policy
- Equal Opportunities Policy
- Grievance Policy
- Safeguarding Children and Child Protection Policy

