

Enfield Grammar School

Founded 1558



An Academy Trust

(Company No. 07697044)

Whistleblowing Policy

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Employees or workers bringing information about wrongdoing to the attention of their employers or a relevant organisation are protected in certain circumstances under the Public Interest Disclosure Act 1998 (PIDA). This is commonly known as 'blowing the whistle'. The law that protects whistle blowers is for the public interest – so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'. For a Disclosure to be protected by the provisions of the PIDA 1998, as amended, and including also provisions implemented under the Enterprise and Regulatory Reform Act 2013, it must relate to matters that 'qualify' for protection.

Both the London Borough of Enfield and Enfield Grammar School are committed to developing the highest possible behavioural standards and a culture encouraging openness, probity and accountability of all employees, councillors, workers and contractors.

This Whistle Blowing Policy provides a framework to enable and encourage you to raise and report, or 'disclose', genuine concerns regarding any relevant aspect of the London Borough of Enfield's or the *school's/PRU's* work. 'Qualifying Disclosures' are disclosures of information where the employee/worker reasonably believes that one or more of the following is either happening, has taken place, or is likely to happen in the future and that disclosure is in the public interest:

- The unauthorised use of public funds
- A failure to comply with a legal obligation
- Any conduct which may damage the London Borough of Enfield's or the *school's/PRU's* reputation
- A danger to the health and safety of an individual
- Damage to the environment
- Possible fraud and corruption
- Possible acts of bribery
- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice; and/or
- Other unethical conduct.

It is important to emphasise that a Disclosure under the PIDA may be made where an individual reasonably believes it to be in the public interest. A Disclosure may not be made for purely private matters, such as a problem with the individual's own contract. However, an employee making a complaint of this nature can still use the *School's/PRU's* Grievance Procedure.

This Whistle Blowing Policy applies to all employees and those contractors working for Enfield Grammar School, for example, agency workers and consultants. It also covers suppliers and any organisations providing services under a contract with the School on the premises. Apprentices, volunteers and work experience placements may also raise a concern under the Policy.

Note that workers who are not employees cannot claim unfair dismissal due to whistle blowing, but because of the protection afforded, they can claim 'detrimental treatment'.

Enfield Grammar School is dedicated to providing the utmost care for its pupils and staff. We aim to ensure that all members of the school community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will

wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount. This policy enables staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

Enfield Grammar School takes responsibility for ensuring that all staff are aware of the Whistleblowing Policy and procedures, and made to feel comfortable that they can voice their concerns no matter what the circumstances.

Definition of 'whistleblowing'

Whistleblowing inside the workplace is defined as the reporting by workers or ex-workers of wrongdoing, such as fraud, malpractice, mismanagement, breach of health and safety law, or any other illegal or unethical act either on the part of management, the governing body or fellow employees.

Reporting concerns to the school

If you have a concern about another member of staff you should report it to a member of the Senior Leadership Team, the designated person for safeguarding, or the Headteacher. Complaints about the Headteacher should be reported to the Chair of Governors.

All concerns will be listened to and taken seriously by the school. If you are in any doubt as to whether a concern is valid, you should report it, and the school can decide to what extent it needs to be investigated.

Wider disclosure

We encourage all our staff to follow the internal procedures outlined in this policy, but understand that in some cases you may feel it is necessary to take your concerns to external agencies. This should, however, be done only as a last resort. Staff should only approach external agencies regarding their concerns, without discussing them internally first, if:

- They feel that they are being discriminated against and that there is no internal authority that can be contacted with trust.
- They reasonably believe that they will be victimised if they follow internal procedures for whistleblowing.
- They believe that the concern that they have raised has not been taken seriously or acted upon correctly.

We urge staff who take their concerns to external agencies to be careful not to disclose any confidential information. Please note that it is against the law to publish any information which may lead to the identification of a teacher who is subject to an allegation.

Confidentiality

All concerns will be treated in confidence, and the school is committed to protecting the identity of whistle-blowers as far as is possible. However, in some circumstances, it may not be possible to do this. For example, if it will prevent a thorough investigation taking place, if there is reason to reveal the name by law and/or if the whistleblower has to give evidence at any hearings.

In cases where identities are revealed for whatever reason, the school will do its best to support all parties involved and protect them from discrimination and victimisation.

Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over. We urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution and/or be dismissed for gross professional misconduct.

Assurances

The Governors are committed to the Whistle Blowing Policy and recognise that the decision to report a concern can be a difficult one to make. If you raise what you reasonably believe to be a genuine concern under this Policy, in the public interest, you will be protected from possible reprisal or victimisation. In these circumstances, it does not matter if you are mistaken, no action will be taken against you. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

Statutory Protection

The Public Interest Disclosure Act 1998, as amended, and including provisions implemented under the Enterprise and Regulatory Reform Act 2013, establishes your right to speak out about malpractice. The legislation provides individuals with protection from victimisation by others, dismissal or any other detriment, provided they follow the correct procedure, they reasonably believe that what they have reported is either happening, has taken place, or is likely to happen in the future and that disclosure is in the public interest.

An employee/worker will have to show three things to claim Public Interest Disclosure Act protection:

1. That s/he made a disclosure
2. That s/he followed the correct disclosure procedure
3. That s/he was dismissed or suffered a detriment as a result of making the disclosure.

A tribunal has the power to reduce any compensation by up to 25% if it thinks the disclosure was made in "bad faith".

Anonymous allegations

We would encourage staff to put their name to concerns made as it will aid a more thorough investigation. Anonymous allegations will be considered at the discretion of the *Governors*.

In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Remember - if you do not state who you are, it will be much more difficult for the matter to be investigated, for your position to be protected or for you to receive feedback.

False allegations

Enfield Grammar School encourages all of its staff to voice their concerns and allegations safe in the knowledge that those who make allegations in good faith that do not prove to be true will not be reprimanded.

The school may take disciplinary action against staff who make claims that are found to be knowingly false, malicious or for personal gain.

Responding to a concern

The school will investigate all allegations and concerns but the act of investigation does not indicate that the school has accepted the allegations as true.

Usually, the first course of action will be one of the following:

- An investigation by managers, internal audit, or through the disciplinary process.

- An investigation under other procedures such as child/adult protection.
- An investigation under procedures designed to deal with allegations made against professionals.
- A referral to the police.
- A referral to the external auditor or other external investigator.
- An investigation under other forms of prosecution and inspection such as the protection of public health and safety.
- A referral to an independent investigator.

Any concerns that fall under specific procedures will be followed up as described in their specific policy, e.g. child protection and safeguarding issues will be followed up as described in the school's Child Protection and Safeguarding Policy.

Whistleblowing procedures

The role of the whistleblower

Concerns will usually be dealt with in this way:

1. Staff will raise their concern with the member of the Senior Leadership Team with responsibility for their area, either in person or in writing. If the member of the Senior Leadership Team is the subject of the concern, they should go straight to the Headteacher. Staff will be dealt with in confidence and invited to an interview to discuss the allegation. Staff can go straight to the Chair of Governors with their concern, but they will be asked to explain why they did not feel comfortable taking it to the relevant member of staff in the first place.
2. The member of the Senior Leadership Team that has heard the concern will decide upon the next course of action. If they decide that it is a genuine concern, and that it is appropriate to follow the whistleblowing procedure, they should take the matter to the Headteacher or the Chair of Governors.

Role of the leadership team

Hold an interview

Once an allegation has been brought to their attention, the senior staff member, Headteacher or Chair of Governors will hold an interview with the person making the allegation, in confidence. This will take place immediately if there is concern that a child is at risk of harm, or within 5 days if this is not the case. During this interview they will:

- Get as much information about the basis of the allegation as they can, and will record what is discussed.
- Discuss the next action points and steps that will be taken with the staff member who has raised the allegation, and ensure that they fully understand what is going to happen; if the standard whistleblowing procedure is not going to be followed, this should be explained and an alternative procedure outlined.
- Provide support to the whistleblower; they may be worried about their position, getting someone else into trouble, or what they suspect may be happening.

Staff may want to seek the support of their trade union when going through whistleblowing procedures. Staff are allowed to take a representative from their trade union to their interview and subsequent meetings.

Decide on a course of action

If there is cause for concern once the interview has been carried out, the leading member of staff will take the information that they have recorded to the Headteacher (or Chair of Governors if the Headteacher is the subject of concern).

If it is decided that no further action will be taken this will be explained to the whistleblower within 10 days. This may be because:

- The leadership member does not feel that there is enough evidence to warrant a continued investigation and that it is unlikely that any malpractice has occurred or will occur.
- There is a belief that the whistleblower is not acting in good faith.
- The matter has already been raised and is being investigated.

The Headteacher, if not already involved, will be informed of the concern even if no further action is to be taken.

Role of the Headteacher and Governing Body

The person who receives the report – whether it is the Headteacher or Governing Body – must act on the concern fully. If there is a good reason not to, this will be explained at the next Governing Body meeting and reported back to the whistleblower.

The Headteacher or Chair of Governors will decide whether any external authorities need to be reported to on the matter, or whether it is a case for internal investigation.

The decision and progress of the case will be reported back to the Senior Leadership member involved, and this will be reported by them to the whistleblower.

The outcomes of any investigations will be reported to the whistleblower in writing to their home address within 10 days.

Recording, monitoring and evaluation

All staff concerned and involved with any allegation or investigation should keep good records of meetings they attend, discussions that are held, and any outcomes or action points that have been decided.

The Headteacher will review and evaluate all allegations, how they have been dealt with, and their outcomes, to prevent similar future cases, and ensure that procedures are being used correctly and are effective.

This policy will be reviewed annually and any relevant cases that have come up during the past year will be taken into account when it is being reviewed.