

## DOVE HOUSE SCHOOL ACADEMY TRUST

### Whistleblowing Policy

<b>Policy Title</b>		Whistleblowing Policy	
<b>Author / Reviewer</b>		Governance Lead	
<b>Governor Committee</b>		Board of Trustees	
<b>Signed by Debbie McLatch (Chair)</b>			
<b>Reviewed</b>	May 2019	<b>Approved</b>	June 2019
		<b>Next Review</b>	June 2022

#### 1. Statement of intent

**Dove House School** Academy Trust is committed to open and honest communication and the highest possible standards in integrity, and will treat whistleblowing as a serious matter.

In line with **Dove House School's** commitment to openness, probity and accountability, staff are encouraged to report concerns which will be taken seriously, investigated, and appropriate action taken in response. Such action is termed "blowing the whistle"; this phrase is used throughout this policy, and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern

#### 2. Legal Framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996

The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle".

Any member of the school community or general public is able to "blow the whistle"; however, the PIDA only protects employees. The Policy includes further details on how whistleblowing affects non-employees.

#### 3. Qualifying Disclosure

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures".

Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

#### **4. Roles and Responsibilities**

The **Board of Trustees** will be responsible for:

- The overall implementation of this policy.
- Ensuring all members of the school community have access to this policy.
- Ensuring this policy provides an open and transparent framework where members of the school community can raise their concerns.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews
- Investigating, in liaison with the Headteacher, any concerns that are raised.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.

The **Headteacher** will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Being the first point of contact regarding whistleblowing.
- Receiving, investigating and responding to any concerns that have been raised by the school community.

The **Chair of Trustees** will be responsible for receiving any concerns about the Headteacher

All **members of the school community** will be responsible for:

- Raising any concerns that meet the definitions of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## **5. Scope**

This policy will:

- Give confidence to members of the school community when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of the school community with avenues to raise concerns.
- Ensure that members of the school community receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Employees of the school
- A trainee, such as a student teacher
- Voluntary workers working with the school
- Trustees
- Pupils
- Employees of contractors working for the school, for example, agency staff, builders and drivers
- Employees of suppliers
- The wider community

In reference to the above point, it is worth noting that the PIDA only protects the school's employees; however, the school will never harass or victimise a non-employee for raising concerns.

## **6. Harassment and Victimisation of Staff**

The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

## **7. Non-Employees**

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should use the school's Complaints Procedures Policy.

## **8. Procedure**

When raising concerns, individuals will express them in writing to the Headteacher.

If an individual is raising a concern about the Headteacher, they should express their concerns in writing to the chair of trustees. Where this is the case, the chair of trustees will take on the Headteacher's duties outlined in section 9.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, depending on the severity of the concern. Details are provided in section 10 of this policy. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

## **9. How The Trust Will Respond**

The **Headteacher** will write to the individual within **10 working days** of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the complainant, and then an assessment of further action will be discussed. During this initial stage, the Headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.
- During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The Headteacher will write a summary of the concern if the individual is unable to put it in writing.

The Headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That if an investigating officer needs to talk to the complainant, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the Board of Trustees will do everything in their power to protect the complainant from discrimination.
- That, if the concern is not confirmed, no disciplinary action will be taken against the complainant, if the concern is genuine.
- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.
- They will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

It may be possible for the concern to be resolved simply, by agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, to monitor any patterns of concern across the school and to assist in monitoring the procedure. All records will be kept confidential and will be stored in line with the school's records retention schedule.

#### **10. How The Matter Can be Taken Further or Externally**

This policy is intended to provide members of the school community with a way within Dove House School Academy Trust to raise concerns. The Trust hopes individuals will be comfortable to raise their concerns internally and will be satisfied with any action taken.

If an individual wishes to raise their concerns externally in the first instance or are dissatisfied with the response provided then they can also raise their concerns, as appropriate, with any of the following, subject to the concern being a protected disclosure:

- a local Member of Parliament
- a relevant professional body or inspectorate (e.g. Ofsted, Health & Safety Executive, Education & Skills Funding Agency)
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "Whistleblowing: list of prescribed people and bodies"
- 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 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk

Individuals can only make a disclosure to a prescribed person if they:

- make the disclosure in good faith
- reasonably believe the information is substantially true
- reasonably believe they are disclosing the issue to the appropriate person or body (e.g. Health and Safety issues to the HSE)

In taking their concern outside of the school, individuals must ensure that, as far as possible, the matter is raised without personal information relating to other individuals, or confidential information about unrelated matters, being disclosed.

Any staff member who unreasonably and without justification raises issues on a wider basis, such as with the press without following the steps and advice in this policy may be liable to disciplinary action.

#### **11. Monitoring Arrangements**

This policy is monitored by the Board of Trustees. Any instances of whistleblowing will be reported to the Board of Trustees.

#### **12. Policy Review**

This policy will be reviewed every three years by the Governance Lead and approved by the Board of Trustees