BRACKNELL FOREST COUNCIL

WHISTLEBLOWING POLICY AND PROCEDURE

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SCHOOL
WHISTLEBLOWING POLICY AND PROCEDURE

INTRODUCTION

The school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the school's work falling within the scope of this policy to come forward and voice those concerns if such concerns ("Whistle blowing") are in the public interest.

Such concerns will not be in the public interest if it is of a personal nature, for example, if it relates to an individual's grievance, or concerns about a person's terms and conditions of his employment or work with the school.

Employees are often the first to realise that there may be something seriously wrong within a school. However, they may not feel able to express their concerns because they believe 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 just be a suspicion of malpractice.

Although in most cases staff with concerns should share those concerns with their immediate manager, 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 Whistleblowing Policy and Procedure is intended to encourage and enable those to whom the procedure is available to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside. The procedure is available to: -

- Employees (and agency employees working for the school)
- Casual workers
- Organisations providing goods and services to the school, or carrying out works for the school and their staff

The Chair of Governors has overall responsibility for the maintenance and operation of this policy.

The school processes any personal data collected during this process in accordance with its data protection policy. Further details can be found in the Privacy Notice on the school's website. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing this process.

AIMS AND SCOPE OF THIS POLICY

This policy aims to

- 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 you will be protected from reprisals or victimisation for whistleblowing in good faith

For employees of the school, there are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of those procedures.

That concern may be about something that:

- is unlawful; or is against the school's financial regulations
- falls below established standards
- amounts to impropriety (for example, where a decision is proposed to be taken based on personal friendship rather than on merit)
- places the health or safety of any person at risk
- has damaged the environment or is or will be likely to damage the environment
- shows that a matter concerning any of the above has been or is likely to be deliberately concealed (i.e. that there is, has been or will be a "cover up")

Examples of the types of concern which may legitimately fall within the scope of this Whistleblowing Procedure, are: -

- the incurring of expenditure without proper authorisation from the school / governing body
- a decision being made (e.g. appointment to a post or award of a contract) based on personal or business friendship rather than on merit
- the award of a school contract in breach of procurement processes
- the activities of a school contractor causing damage to the environment

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 alleged malpractice. The school will not tolerate harassment or victimisation and will act to protect you when you raise a concern in good faith. This does not mean that if you are already the subject of disciplinary or redundancy procedures that those procedures will be halted as a result of your whistleblowing.

Confidentiality

The school will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It should be appreciated that if an investigation is conducted as a result of whistleblowing, the investigation may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations

The school encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Headteacher / Chair of Governors. In exercising the discretion, the factors to be considered will include:

- the seriousness of the issues raised
- the credibility of the concern; and

- the likelihood of confirming the allegation from attributable sources

Allegations which do not appear to be motivated by personal animosity and which, if true, would have serious implications for the school are more likely to be considered, even though made anonymously.

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, disciplinary action may be taken against you.

HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with your immediate line manager. The line manager should inform the Headteacher of the disclosure and an appropriate course of action will be agreed. If this is not a suitable option (for example because the issue may implicate the line manager) the concern should be raised directly with the Headteacher.

If an employee's concern is about the Headteacher, this should be raised with the Chair of Governors.

Matters should be dealt with internally. If you do not feel able to raise them internally, or if they have been raised internally but have not been addressed you can contact the local authority (LA), to seek guidance on how to proceed.

Concerns are better raised in writing. If the concern is expressed in writing you should set out the background and history of the concern, giving names, dates and places (if known) to help establish the truth of the complaint, and the reason you are particularly concerned about the situation.

In order to ensure the confidentiality of your expression of concern it is suggested that you send your letter in a sealed envelope addressed to the line manager/ headteacher/chair of governors and clearly mark it "Strictly Private and Confidential - To be opened by Addressee Only". You need not sign or give your name although, as advised on page 2, in the section titled "Anonymous Allegations" if you do not do so the Headteacher / Chair of Governors may exercise their discretion not to investigate an anonymous complaint.

It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching the Headteacher / Chair of Governors or to impede any investigation which they or anyone on their behalf may make.

The earlier you express the concern, the easier it is to act.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate there are enough grounds for your concern.

You may invite your trade union or professional association or a third party to raise a matter on your behalf.

HOW THE SCHOOL WILL RESPOND

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

- be investigated internally
- be referred to the Police
- be referred to the external Auditor; and/or
- form the subject of an independent inquiry

In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

The Headteacher / Chair of Governors will write to you, wherever reasonably practicable or within ten working days of the concern being received:

- acknowledging that the concern has been received
- advising whether the matter is to be investigated further and if so what the nature of the investigation will be
- giving an estimate of how long the school will take to provide a final response
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not

The amount of contact between the people considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

If you should become involved in further investigations or procedures (e.g. disciplinary proceedings or a criminal trial) as a result of using the Whistleblowing Procedure, the school will give you every proper support and assistance. The school is committed to ensure that no one using the Whistleblowing Procedure is disadvantaged or unfairly treated.

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 outcomes of any investigations.

HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue to raise concerns within the school. The school hopes you will be satisfied that the Whistleblowing Procedure is a satisfactory way of dealing with concerns. If you are not, and if you feel it is right to take the matter outside the school, the following are possible contact points: -

- the external auditor
- relevant professional bodies or regulatory organisations (including the ombudsman)
- your solicitor
- the police

- Protect (an independent registered charity who can give advice)

Bracknell Forest Safeguarding Board

In the event of a concern arising which impacts on the ability of the employer to safeguard and promote the welfare of children and young people and if:

a) all internal processes and procedures have been exhausted: and/or
b) you believe the employer's ability to safeguard children is compromised;

you are entitled to refer the concern to the Bracknell Forest Safeguarding Board. Details of this procedure will be available on their website: www.bracknellforestsafeguarding.org.uk

The disclosure of confidential information would normally constitute a grave disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if you do take the matter outside the school you need to ensure that either no confidential information is disclosed or that there are wholly exceptional circumstances which the school would consider justified the disclosure.