

***Whistleblowing Policy***

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**Whistleblowing Policy**

**Statement of Intent**

Elmwood School is committed to open and honest communication and the highest possible standards of integrity, and accountability for all its employees, and will treat whistleblowing as a serious matter.

In line with Elmwood School’s commitment to openness, and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated, and appropriate action taken in response. This action is termed as ‘blowing the whistle’; and should be viewed as a positive action of speaking up.

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

1. **Introduction**

Statutory protection for employees who ‘blow the whistle’ is within The Public Interest Disclosure Act 1998 which came into force in January 1999. This protects employees against dismissal or detriment for raising concerns about matters in the public interest. The concerns could be things such as conduct or practice within Elmwood School which could be illegal, corrupt, improper or unsafe.

Any disclosures made will be monitored in line with the requirements of the Public Disclosure Act 1998, although any disclosures will remain confidential.

The Headteacher will be the first person for you to contact with any whistleblowing queries. If the disclosure is about the Headteacher then the issues must be raised with the Chair of Governors.

**2.0 Legislative Framework**

This policy is written in line with due regard to:

* The Public Interest Disclosure Act 1998
* The Public Concern at Work Guidelines 1997

**3.0**  **Policy**

Elmwood School is dedicated to ensure that standards are high and all legislative requirements are met. Any concerns relating to malpractice will be taken seriously.

The policy will:

* Give staff the confidence to raise concerns about issues of concern and malpractice
* Provide staff with the correct way to raise the concerns
* Make sure that staff receive a response and feedback to the concerns they have raised
* Assure staff that they are protected from any potential victimisation for making a whistleblowing disclosure in good faith

Elmwood School should ensure that this policy is brought to the attention and made available for all employees.

**4.0 Assurances**

Elmwood School assures employees that:

* Concerns raised under the procedure will be treated seriously and sensitively
* Immediate steps will be taken to remedy the situation, where possible
* Keep your identity confidential where possible
* No formal disciplinary action will be taken against an employee on the grounds of making a disclosure under this policy
* Disciplinary action can be instigated in cases where the concern raised has been malicious or vexatious.

If an employee makes a disclosure in good faith and it is unfounded then the matter is closed and no further action is required.

**5.0 What is a whistleblower?**

A whistleblower is an employee who reports certain types of wrongdoing. The wrongdoing disclosure must be in the public interest, meaning it must affect others e.g. general public

Whistleblowers are protected by law, and shouldn’t be treated unfairly because they ‘blew the whistle’

**6.0 Applicability of the policy**

The policy applies to all Elmwood School staff including:

* Employees of Elmwood School
* Casual staff
* Employee of the contractors working for Elmwood School i.e. agency staff
* Employees of suppliers
* Voluntary workers working with the school, including those on work experience
* A trainee, such as a student teacher

The concern can be raised at any time about an incident that has happened in the past, happening now, or you believe may happen in the future.

**7.0 Types of concerns that could count as a ‘protected disclosure’ whistleblowing**

The law allows employees to raise what it defines as a ‘protected disclosure’ which the employee believed to be in the public interest. In order for it to be a ‘protected disclosure’ it must relate to a specific subject matter. Examples of this are detailed below:

* A criminal offence, such as Fraud
* Health and Safety breaches
* Risk or actual damage to the environment
* A miscarriage of justice
* Company is breaking the law
* You believe someone is covering up wrongdoing

**8.0 Procedure**

An individual may wish to, in the first instance, discuss their concern informally and in confidence.

If the individual decides to pursue the issue formally they will have to put their concern in writing to the Headteacher. This will include a detailed account of the concern, with dates and places. Individuals are encouraged to make themselves known as this makes it easier. Sometimes this is easier done through a union representative. Otherwise an anonymous concern becomes difficult to investigate.

There is a confidential helpline for individuals who are unsure or who need to seek advice at any time. Public Concern at Work 020 7404 6609 or helpline@pcaw.co.uk. They are a registered charity who advise on malpractice in the workplace.

**9.0 What happens next?**

Once Elmwood School has been notified on a concern it is then Elmwood School’s responsibility to investigate the matter further.

Initially the Headteacher will interview the whistleblower, and then assess what further action needs to be taken. This will wherever possible do this within 5 working days of raising the concern. The employee will have the right to be accompanied at the interview by a trade union representative throughout this procedure. The concern will be looked into carefully and thoroughly. We have to be fair to the individual and any others involved.

Investigations should wherever possible be completed as swiftly as possible, but should not normally last any longer than six weeks.

Any individual who is the subject of an allegation will be given the details and thee opportunity to respond.

If the investigating officer needs to speak to the whistleblower then they are able to be accompanied by a trade union representative or a work colleague (who has not been involved in the concern).

The investigating officer will be expected to produce a written report relating to the allegations, the outcome and any action to be taken as a result.

The whistleblower will be informed of the final outcome.

If it is found that no action is to be taken and the whistleblower is not happy with the way that the matter has been dealt with, they can make a complaint under Elmwood School complaints procedure.

**10.0 Harassment and Victimisation**

The decision to report a concern can be a difficult one as staff fear the consequences of doing so. Elmwood School will not tolerate any such harassment or victimisation and will take appropriate action to protect the staff who have raised the concern in good faith.

Staff are protected by law with the protection from detriment or dismissal as a result of having made a disclosure.

Elmwood School will not accept victimisation or harassment of employees when they make a disclosure. Any staff member who victimises or harasses another member of staff will be managed under the relevant Elmwood School’s policies and procedures.

**11.0 What is asked of you?**

Staff are asked to not take the concern outside of school

Staff are asked to ensure they declare any personal interest in the matter

**12.0 At the end of the process**

There should be a record of the nature and the outcome of the concern, so a record can be kept and cross referenced with other complaints to monitor for any patterns etc.

The whistleblower will be informed of the results of the investigation, and any potential action or if no action the individual shall be offered an explanation.

**13.0 Appeal process**

If the whistleblower disagrees with the decision made, they will request in writing for a review of the decision to take place within two weeks of receiving the notification.

**14.0 If you feel you are treated unfairly?**

An individual can take a case to an employment tribunal if they have been treated unfairly because you have blown the whistle.

Any claims of unfair dismissal needs to be made within three months of the employment ending.

**15.0 Monitoring and Review**

The Governing Body will review this policy every 3 years.

Any changes will be shared will all staff.