



Whistleblowing Policy

A handwritten signature in black ink, appearing to read 'Parneet Kang'.

Parneet Kang
Principal

A handwritten signature in black ink, appearing to read 'William Holland'.

William Holland
Chair of Trustees

REVIWED: 1st September 2022 - Parneet Kang

Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concern because they feel that speaking up would be disloyal to their colleagues.

They may also fear harassment or victimisation or some other impact on their future careers. In these circumstances, it may seem easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Although this policy is written for employees, The Emscote School recognises that it may be applicable to other individuals or groups at any given time. These procedures will apply equally and with equal confidentiality to volunteers, agency workers and seconders from other organisations.

The policy is intended to provide a forum for individual employees to raise issues of concern where they reasonably believe, in good faith, that an act or acts of malpractice have occurred in the school. It does not provide a forum for individuals to raise issues of concern about their own employment, for which there are other procedures (please see Grievance Policy).

Concerns that may be malpractice:

- Unlawful acts.
- Breached the Council's Standing Orders, Policies or Financial Regulations.
- Below established standards or practice.
- Improper conduct or misconduct.

For the purpose of this policy malpractice means:

- Criminal offences
- Breach of contract (except an alleged breach of the complainant's contract)
- Negligence (except an alleged breach of duty towards the complainant)
- Miscarriage of justice
- A danger to health, safety and welfare of the employees, service users, the public or the environment
- The abuse of public or school funds
- Sexual or physical abuse of service users
- Any act of discrimination (except an alleged act of discrimination against the complainant.)
- Breach of public or administrative law
- An attempt to cover up any of the above

We are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious and reasonably held concerns about malpractice within the school to come forward and voice these concerns.

It is recognised that in certain cases the person raising the concern will wish to proceed on a confidential basis. This policy document makes it clear that wherever

possible, confidentiality will be respected and the staff member raising the concern will always be kept informed as to progress of the issue.

This policy is intended to encourage and enable staff to raise serious concerns within the school, in order that they can be properly and quickly investigated.

This policy represents the formal arrangements that exist to deal with concerns, but in the first instance you may wish to raise the matter informally with the school leadership team that is sufficiently close to the potential area of concern to understand the issue.

Aims and Scope of this Policy

This policy aims to:-

- Provide an opportunity 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 organisation's response,
- Reassure you that you will be protected from reprisals or victimisation for whistleblowing where you have a reasonable belief in the accuracy of the allegations, your complaint is made in good faith, and you otherwise follow this policy.
- Put in place relevant support measures for you as an individual during the process

There is a specific Grievance Procedure (Grievance Policy) in place to enable you to lodge concerns relating to your own employment. There is also the Bullying and Harassment Policy and our Equalities Policies. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures and in some instances to provide a clear and speedy route for investigation of issues that may inform the disciplinary procedure.

Safeguards

Harassment or Victimisation

- We recognise that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the malpractice. Our school will not tolerate harassment or victimisation in any form and will act and put in place support measures to protect you when you raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation.
- It is accepted by the school that staff may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This is **not** the case, and those raising genuine and reasonably held concerns, in good faith, may be assured that concerns will be treated with the utmost respect and play no part in future decisions related to progress or promotion.
- If you are personally already the subject of disciplinary or redundancy procedures for other reasons, whistleblowing will not halt these procedures but every effort will be made on the part of the investigating officer to

ensure that the issues are not inter-related or connected in any way.

Confidentiality

- We will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

Anonymous Allegations

- We accept that employees will raise genuine concerns that are based on factual evidence or direct observation. You are encouraged to put your name to your allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the school
- In exercising the 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 other sources in the face of a flat denial from the accused person.

Untrue Allegations

- If you make an allegation in good faith which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against you and you will be fully supported after the event. If however, you make malicious or vexatious allegations, disciplinary action may be taken against you.
- Equally, if malicious or vexatious allegations are made against you, the school will ensure that you are fully supported, and that appropriate disciplinary action is taken against the person making such allegations.

How to Raise a Concern

As a first step, you should normally raise concerns with your immediate manager or their superior if you feel uncomfortable in discussing the issue with someone working in close proximity to you.

You may choose to raise the concern in writing, but it is helpful to all concerned if an initial and informal discussion can take place in the first instance. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that any member(s) of SLT is involved, you should approach the Principal of the school.

Once initial concerns have been raised, it will be important to translate these into writing. You will be invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are

particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern and that you have acted in good faith (for example, that you are not pursuing a grudge.)

How the school will respond

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

- Be referred to an impartial adjudicator (particularly in the cases of financial impropriety)
- Be referred to the Police immediately where allegations of criminal conduct such as fraud or child abuse are apparent
- Form the subject of an independent inquiry by a nominated body outside of the school

In order to protect individuals and 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.

Within ten working days of a concern being received, a school representative will write to you:

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter and where possible who the investigating officer(s) will be
- Giving an estimate of how long it 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 managers 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 with you, you have the right if you so wish to be accompanied by a representative from your trade union or professional association, or a workplace colleague. You may also invite a non-professional member (such as

family or friend), however they will be unable to speak within the meeting, their role is support only.

The Emscote school will take steps to minimise any difficulties which you may experience as a result of raising a reasonably held concern in good faith. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the school will advise you about the procedure to be followed and make arrangements for you to be released from your normal duties.

We accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive feedback and information about the progress and outcomes of any investigations.

How the Matter can be taken Further

The policy is intended to provide you with an opportunity to raise concerns. The school hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the organisation, the following are possible contact points. However, all previous internal steps must already have been exhausted.

- Relevant Professional Bodies or Regulatory Organisations
- Your Solicitor
- The Police

If you do take the matter outside the school need to ensure that you do not disclose information which is either confidential or exempt from disclosure. This means that you must not, for example, disclose confidential committee reports, other confidential documents or confidential information that relates to clients and young people. If you are not sure whether information is confidential, you should check the Data Protection Policy.