

## **Whistleblowing Policy and Procedure**

### **1 Introduction**

Open Box Education Centre is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the School's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This policy and procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

### **2 Aims of Policy**

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Members (Directors), Governors, Principal, all members of staff, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

### **3 What is whistleblowing?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work, that is "in the public interest". This may include:

- criminal activity;
- child protection and/or safeguarding concerns; \* See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

#### **4 Raising a whistleblowing concern**

The School hopes that in many cases Staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- **The Principal**
- **The Chair of Governors**

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures.

'Protect' (formerly Public Concern at Work) has further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure and a free and confidential advice line.

Whistleblowers can seek advice from 'Protect Advice', the independent whistleblowing charity, who offer a confidential helpline. Their contact details are available on their Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

Contacting the Advice Line is via an online submission form and they will call you back. The 'Protect Advice' line can also help staff when deciding whether to raise the concern to an external party.

#### **5 How to raise a whistleblowing concern:-**

- Highlight the concerns, suspicions or uneasiness as soon as you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Pinpoint exactly what practice is concerning you and why. A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

- Put your concerns in writing, outlining the background and history, providing as much evidence and context as possible, giving names, dates and places wherever you can. If you have a personal interest in the matter, this should also be disclosed.
- Approach your immediate line manager or The Principal (who is also the Designated Safeguarding Lead).
- If your concern is about your immediate line manager or the Principal, you may refer the matter to a member of the Governing Board, or if you feel you need to take it to someone outside the school contact The Local Authority – (Please see section below \*External disclosures)
- Make sure you get a satisfactory response – don't let matters rest.

## **6 Initial Meeting to Raise the concern**

When a concern is received by the Line Manager/Principal/Governor - referred to from here as the 'recipient' - they will:

- Confirm a date and time for a meeting and meet with the person raising the concern as soon as practicable.
- The person raising the concern – referred to from here as the 'whistleblower' may be joined by a colleague or trade union representative or a professional association representative at any meetings under this policy, who must respect the confidentiality of the disclosure and any subsequent investigation.
- Get as much detail as possible about the concern and record sufficient details and information to enable the matter to be thoroughly assessed/investigated. As a minimum the recipient will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential if possible, and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the recipient should explain this to the whistleblower. In such instances, the whistleblower will have the choice of either withdrawing or agreeing to his/her identity becoming known, to enable the concern to be effectively dealt with.
- Aim to give an indication of how the matter will be investigated/dealt with. An estimated timeframe for when the whistleblower will be informed of the next steps should also be given.
- Provide the whistleblower with a written acknowledgement of the concern, including a summary of the discussion, as soon as practically possible after the meeting.
- If it becomes apparent the concern is not of a whistle-blowing nature, the recipient will handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that the whistleblower is protected from any unfair treatment or risk of dismissal as a result of raising the concern. However, if the concern is found to be malicious or vexatious, disciplinary action may be taken – (further explanation in the Confidentiality section.)

Following the initial meeting with the whistleblower, the recipient will establish whether there is sufficient cause for concern to warrant further investigation and what the next steps will be.

If there is sufficient cause for concern, the recipient will arrange a further investigation into the matter, involving the Principal/Chair of Governors as applicable. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police.

## **7 Investigation and outcome**

Following the initial meeting with the whistleblower, the recipient will carry out an assessment to determine the scope of any investigation. The whistleblower may be required to attend additional meetings in order to provide further information. The recipient will inform the whistleblower of the outcome of its assessment.

In most cases a panel of three, made up of the Principal and two Governors will investigate any issue. In rare cases, the School may appoint an investigator or team of investigators including Staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

The School will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving specific details of the investigation or any disciplinary action taken as a result. The whistleblower is required to treat any information about the investigation as strictly confidential.

Whilst the School cannot always guarantee the outcome a particular whistleblower is seeking, the School will deal with the concern fairly and in an appropriate way. If that member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with a Governor on the HR & Safeguarding Committee, which has overall responsibility for safeguarding and whistleblowing.

The Principal will make file notes of all actions taken in connection with the concern, including the dates and times of meetings and who was in attendance. A final report will be written by the recipient following the investigation, detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

The whistleblower will continue to be kept informed of progress, as deemed appropriate by the Principal, including, if possible, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters. The matter will be dealt with fairly and in an appropriate manner throughout, despite being able to always guarantee the outcome sought. Beyond the immediate actions, the Principal, Governors and other staff if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

## **8 Confidentiality**

The School hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if the whistleblower wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should be reassured that appropriate measures will be taken to preserve confidentiality, where possible. If it is necessary for anyone investigating the concern to make known the whistleblower's identity, the School will discuss this with the whistleblower first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Principal knows or has a suspicion that an employee comes into this category, then she will take advice from a member of the Board of Governors, who will help to determine what action should be taken.

## **9 Concerns about Governors**

If a concern about a Governor is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Principal with the Chair of Governors who will decide how it should be dealt with.

If the concern is against the Chair of Governors then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Principal who will decide how it should be dealt with, in consultation with another Governor who is on the HR & Safeguarding Committee. In some cases, this concern would be referred to the Department for Education for action.

## **10 \*External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases Staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline (see previous detail on page 2). They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows Staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, Staff are encouraged to report such concerns internally first to the Principal.

## **11 Protection and support for 'whistleblowers'**

It is understandable that 'whistleblowers' are sometimes worried about possible repercussions. The School aims to encourage openness and will support Staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Principal immediately. If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Principal in the first instance.

## **12 Self reporting**

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

## **13 Further advice and support**

It is recognised that whistleblowing can be difficult and stressful. Advice and support is available from your line manager, School Business Manager and the Principal, or your professional trade union.

## **14 Safeguarding**

If a member of staff suspects that there is a serious safeguarding issue that they feel that the Principal is not taking seriously or that they believe there is a serious safeguarding issue involving the Principal they should speak to the Deputy Designated Safeguarding Lead.

### **\*\*NSPCC Whistleblowing advice line**

#### When to call:

If you have any concerns about a child in school and have raised this with you Designated Safeguarding Lead/Deputy Designated Safeguarding Lead but still have concerns.

You should call the Whistleblowing Advice Line if:

- your organisation doesn't have clear safeguarding procedures to follow
- you think your concern won't be dealt with properly or may be covered-up
- you've raised a concern but it hasn't been acted upon
- you're worried about being treated unfairly.

You can call about an incident that happened in the past, is happening now or you believe may happen in the future.

#### What to expect when you call:

One of the call handlers will connect you with a trained practitioner. They will discuss your concerns with you and:

- talk you through the whistleblowing process
- take details of your concern
- explain the protection available to you if you need it
- get relevant agencies and authorities to take action on your concern.

You don't have to tell the NSPCC who you are if you don't want to - you can remain anonymous. If you do give your name and contact details you can ask them not to share these with other agencies.

The NSPCC Whistleblowing Advice Line

Call [0800 028 0285](tel:08000280285)

Email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

### Links with other policies and documents

- Child Protection policy
- Open Box DSL info for Staff
- Staff Grievance policy
- Staff Disciplinary policy
- Complaints procedure

**Approved by:** ..... (Principal) ..... (date)

**Authorised by:**..... (Chair of Governors) ..... (date)

**To be reviewed every:** 1 Year

**Next review date:** September 2023

Date of Review	Reviewed by	Ratified by Governors	Date of next review
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