

# The Pears Family Charitable Foundation School

## WHISTLEBLOWING POLICY

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Headteacher	Matthew Hillman
Governor Signature	

Policy Applied to	All Staff
Review Frequency	Annually
Contact for Queries	Head Teacher/School Business Manager

### **At the heart of all policies at The Pears Family School are the following principles:**

- Every young person in our school, whatever their personal circumstances can learn and achieve.
- Every young person in our school, whatever their self-perception and previous experiences, has academic and creative potential to become a valuable member of society.
- The key to learning at The Pears Family School lies within the quality of the relationships between pupils, family members, staff and the intermediate agencies with whom we work.
- The success of our school is based on high expectations, mutual trust, caring for each other and taking responsibility.
- Every young person in our school is capable of becoming an agent for change in his or her local community.

Our vision is to provide our pupils with the confidence, academic progress, and ambition to take the next steps towards a successful and productive life and to be able to contribute positively within their local community and wider society.

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## **1. Introduction**

- 1.1. This policy concerns whistleblowing, the act of reporting concerns about actual or suspected wrongdoing in the workplace, which would be in the 'public interest' to disclose and have reviewed.
- 1.2. This policy has been put in place to enable and encourage members of staff to raise concerns internally about the operation of the school, which might include such issues as the safeguarding of pupils' welfare, fraud, malpractice, health and safety, criminal offences, miscarriage of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct.
- 1.3. Staff must feel free to raise any concerns they may have without fear of harassment or victimisation as a consequence of the whistleblowing. The Public Interest Disclosure Act 1998 protects employees who raise concerns in the 'public interest' and this policy sets out how the provisions of the Act are supported within the school.

## **2. Scope of the policy**

- 2.1. The policy applies to anyone working at the school, including Governors, the headteacher, members of the senior leadership team, teaching and non-teaching staff, contractors, trainees, part-time and fixed term staff, casual and agency staff and stakeholders. Staff should familiarise themselves with the policy and the whistleblowing process.
- 2.2. Whistleblowing is limited to raising concerns where it is in the public interest to do so, it is not a channel for raising general employee grievances, which must be managed via existing policies and processes.
- 2.3. Staff are encouraged to continue communicating general concerns and issues with their line manager in routine meetings and to use established channels for raising safeguarding or health and safety issues for example.

## **3. Aims and Objectives**

- 3.1. This policy sets out:
  - 3.1.3. The Governors commitment to supporting whistle-blowers
  - 3.1.4. when a person might feel the need to whistle blow
  - 3.1.5. how to whistle blow
  - 3.1.6. what will happen after a whistleblowing concern is received
  - 3.1.7. protection for whistle-blowers
  - 3.1.8. when and how to escalate a whistleblowing concern after it has been investigated

## **4. Supporting Whistle-blowers**

- 4.1. The Governors recognise the valuable role whistle-blowers can play in a school and commit to supporting staff who raise concerns via this channel, in order to achieve the highest possible standard of operation, probity and accountability within the school.
- 4.2. The concern will be documented and investigated in a timely manner by an appropriate person with the relevant authority to conduct a thorough investigation. This approach endeavours to ensure that concerns are dealt with consistently and fairly and handled as a priority.
- 4.3. All whistle-blowers will be kept informed about the investigation of their concern and of the outcome, though it may not be possible to provide detailed information if they must keep the confidence of other people.
- 4.4. Raising concerns publicly can be a daunting prospect and the Governors commit to supporting whistle-blowers and ensuring they do not suffer victimisation or harassment as a consequence of whistleblowing. The detail is set out in section 7 and 8.

## **5. What is a concern in the public interest?**

5.1. The Public Interest Disclosure Act 1998 protects employees from dismissal or unfair treatment as a consequence of raising a concern that is in the public interest to bring to light. The types of concerns that can be raised under this whistleblowing policy include:

- criminal offences, for example fraud
- where someone's health or safety is in danger
- where there is risk or actual damage to the environment
- any miscarriage of justice
- where the school is breaking the law, for example is not following required legislation
- where you believe someone is covering up wrongdoing
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures;
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- public examination fraud;
- the deliberate concealment of any of the above matters.

5.2. Personal grievances, such as those related to bullying, harassment or discrimination, are not covered by whistleblowing legislation law, unless there is a public interest aspect. These types of issues are initially managed according to the relevant policy.

## **6. Why whistle blow?**

6.1. Where you have a concern, which is in the public interest to have reviewed and there are no other suitable channels to report it, or you would need to report it to the person you have concerns about, you can use the whistleblowing process to have your concern heard.

6.2. Before initiating the procedure, staff should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with everyone;
- you should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, you must act to prevent an escalation of the problem and to prevent anyone else being potentially implicated.

6.3. No action will be taken against you if your concern proves to be unfounded and was raised in good faith. If you misuse this whistleblowing process by raising malicious, frivolous or repeated unsubstantiated concerns against colleagues or for personal gain, the disciplinary procedure may be used.

## **7. How to whistle blow**

### **7.1. Blowing the whistle**

Where you have a concern that it would be in the public interest to raise and the whistleblowing process is the appropriate channel to use you should follow the process set out here.

### **7.2. Who to raise a concern with**

Depending on the substance of your concern, or your preference, whistleblowing concerns should be raised in the first instance with one of the following people,

- The Head Teacher
- The Designated Safeguarding Lead
- The Governor designated to deal with whistleblowing matters

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if you believe that your immediate manager or their superior is involved it may be better to approach the Headteacher or Chair of Governors. Contact details of the relevant people to deal with whistleblowing matters can be acquired from Pears Family School reception.

You can by-pass the direct management line and the Governing Body if you feel the overall management and Governing Body of the school is engaged in an improper course of action. In this case please refer to section 11 below.

If you believe the first person you reported your concern to has not investigated or escalated it, you can raise the same concern with another point of contact on the list.

### **7.3. How to raise the concern**

Concerns are better raised in writing. You should set out the background and history of the concern, giving names, dates and places where possible, and the reasons why you are particularly concerned about the situation. If you do not feel able to put the concern in writing, you should call or meet the appropriate person. It is important that, however the concern is raised, you make it clear that you are raising the issue via the whistle-blowing procedure. The sooner 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 the concern.

In some instances, it may be appropriate to ask your trade union to raise a matter on your behalf. At each meeting under this policy you may bring a colleague or trade union representative for support. Your companion must respect the confidentiality of the disclosure and any subsequent investigation.

### **7.4. Anonymity**

You may use this process anonymously, but you are encouraged to put your name to any concern. Proper investigation may be more difficult or impossible if further information cannot be obtained from you and it may be more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Governing Body.

In exercising their discretion, the factors to be considered would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **8. Safeguards**

- 8.1. The whistleblowing process includes measures to protect staff against reprisals or victimisation as a consequence of their whistleblowing actions.
- 8.2. The Governing Body 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 malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect staff when they raise a genuine concern.
- 8.3. This does not mean that if a whistle-blower is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of them raising a concern under the whistleblowing policy.

### **8.4. Confidentiality**

Everyone responsible for receiving and investigating whistleblowing concerns is required to respect confidentiality and the process includes measures to preserve the confidentiality of the whistle-blower. You must say when raising your concern if you do not want anyone else to know it was you who raised it and the Governing Body will make every effort to protect

your identity if confidentiality is requested. Your identity will be protected as far as possible but should the investigation into the concern require you to be named as the source of the information, this will be discussed with you before your name is disclosed.

### **8.5. Untrue Allegations**

If you make an allegation where you have a genuine concern, but it is not confirmed by the investigation, no action will be taken against you as a consequence of raising the concern. However, it is concluded that you have made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against you.

### **8.6. Unfounded Allegations**

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the whistle-blower, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

### **8.7. Support for staff**

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the whistle-blower and to the person subject to investigation.

## **9. Investigating a concern**

### **9.1. Receipt of a concern**

On receipt of a whistleblowing concern the recipient will acknowledge it and arrange a meeting to follow up the concern. At the initial meeting the recipient should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via this Whistleblowing Policy

The recipient should ask the whistle-blower to put their concerns in writing, if not already done. Otherwise the recipient may summarise the facts of the concern and provide the whistle-blower with a copy. The recipient will take notes of the meeting, including the following details:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation. The whistle-blower should be asked to sign and date the notes to confirm they agree with the summary. This is encouraged because the notes may become evidence in other proceedings.

Next actions of the recipient will be explained to the whistle-blower, including:

- who they will need to speak to in order to determine the next steps;
- what steps they intend to take to address the concern;
- how they will communicate with the whistle-blower during and at the end of the process, recognizing that the need for confidentiality may prevent the school giving the whistle-blower specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that the whistle-blower will receive a written response within 10 working days;
- that their identity will be protected as far as possible, but should the investigation into the concern require them to be named as the source of the information, that this will be discussed with them before their name is disclosed;
- that the Governing Body will do all that it can to protect the whistle-blower from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against the whistle-blower;

- if clear evidence is uncovered during the investigation that the whistle-blower has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded unless new evidence becomes available.

## 9.2. Investigating

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. Following the initial meeting with the whistle-blower, the recipient should consult with colleagues with responsibility for managing whistleblowing reports to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions with regard to:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

Where it is possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), no further investigation is required. Otherwise, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

The whistleblowing investigators should have a working knowledge and understanding of other school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised are addressed via the appropriate procedure/process.

## 9.3. Communication

Within ten working days of receiving the concern an update will be shared with the whistleblower, including:

- acknowledging that the concern has been received;
- indicating how it will be dealt with;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the whistle-blower whether any initial enquiries have been made; and
- telling them whether further investigations will take place, and if not why not; and/or
- letting the whistle-blower know when they will receive further details if the situation is not yet resolved

## 10. The Public Interest Disclosure Act 1998

Every staff member, including temporary staff and contractors, should know what protection is available if they decide to report a concern using the whistleblowing process. In the United Kingdom, employees are protected by the Public Interest Disclosure Act 1998 (PIDA) and the law provides staff with a safe alternative to remaining silent. The PIDA protects staff if they raise a concern about wrongdoing internally. It also protects staff who make wider disclosures, where there is a valid reason to not use the internal whistleblowing process. The Act does not provide the same protection where you are pursuing a personal vendetta or have an ulterior motive in raising your concern.

You can read more about this issue on the *Protect* website provided by Public Concern At Work, <https://protect-advice.org.uk/> or the government portal, <https://www.gov.uk/government/publications/the-public-interest-disclosure-act>. You can also read the full text of the Act here, <http://www.legislation.gov.uk/ukpga/1998/23/contents>

## 11. Escalating a concern.

The school cannot guarantee a particular outcome for any concern raised and it may not be the outcome the whistle-blower hoped for. However, each concern will be managed following the same guidelines to ensure consistency.

If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts, who can be reached as outlined below. The contacts in grey are external contacts and guidance about whistleblowing externally is set out in section 12.

<i>Head Teacher</i>	020 3693 4911 head@thefamilyschoollondon.org
<i>Designated Safeguarding Lead</i>	07808809210 reception@thefamilyschoollondon.org
<i>Governor with responsibility for whistleblowing matters</i>	peggy.ray@thefamilyschoollondon.org
<i>LA Principal Officer Safeguarding in Education (Islington LADO)</i>	0207 527 8102
<i>Head of Safeguarding &amp; Quality Assurance</i>	0207 527 8066
<i>Public Concern at Work, confidential helpline</i>	0207 404 6609 <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

## 12. Raising Concerns Outside the School

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media as a first step to raising your concern. You are strongly encouraged to seek advice before reporting a concern to anyone external if you are not satisfied with the Governing Body's response. Guidance can be sought from the following:

- Public Concern at Work
- Your Trade Union
- A senior LA Officer
- An External Auditor
- Relevant professional bodies or regulatory organisations;
- Solicitor

When raising a concern externally you must also be aware of your duty of confidentiality and of data protection requirements and must ensure you do not disclose confidential information inappropriately.

## 13. Monitoring of this policy

The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy. It will be reviewed periodically by the Governing Body or when legislation changes.