



## Policy status

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|--|--|--------------|-----------------------|
| title:   | <b>WHISTLEBLOWING (Statutory)</b><br><b>(amendments required for GDPR)</b> |              |                       |
| status:  | <b>Approved</b>  |              |                       |
| owner:   | <b>Governing Body</b>  |              |                       |
| nominated governor:                              | <b>Chair of Governors</b>  |              |                       |
| release date:                                    | <b>February 2020 (name change updates only)</b>                            | Valid until: | <b>September 2021</b> |
| Head teacher (signature if required):            |  | Date:        |                       |
| Chair of governing body (signature if required): |  | Date:        |                       |

## Whistleblowing Policy and Procedure for Schools

### Policy Statement

1. Wiltshire Council and our school are committed to the highest possible standards of openness, probity and accountability. This whistleblowing policy and procedure supports this commitment.
2. Relevant trade unions and professional organisations have been consulted about this policy and procedure, and it has their support.

### Scope

3. It gives employees and others with genuine concerns about malpractice or wrongdoing in the school or council a way to voice those concerns without fear of victimisation.
4. Often it is those closest to an organisation who realise that there is something wrong. Sometimes people are reluctant to act upon their concerns because they think that they are being disloyal, or because they are afraid that they might be victimised if they speak up.
5. There are existing procedures in place (e.g. Grievance, and Dignity at Work Policies) which make provision for employees to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those

procedures by covering concerns that appear to fall outside their scope. This concern may be about something that is:

- Unlawful, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc
  - Against establishment standards of practice
  - Improper conduct.
6. Concerns or allegations which fall within the scope of specific procedures, e.g. child protection or financial irregularities will normally be referred for consideration under those procedures.
  7. The Local Authority will not accept liability for any actions, claims, costs or expenses arising out of a school's decision not to follow this policy where it is found that the school's Governing Body has been negligent or has acted in an unfair or discriminatory manner.

### **Definitions**

8. A 'nominated governor' is the governor identified by the governing body as the first point of contact for whistleblowing queries. The nominated governor could be the Chair of Governors or another governor (but not a staff governor).

### **Aims**

9. The purpose of this policy is to provide you with the help and support you need to speak up and be confident that you can do so safely. We will take your concerns seriously and ensure that they are dealt with promptly and fairly.

### **How to raise a concern**

10. Initial concerns should be raised with the nominated governor. If the employee believes that this governor is implicated then the employee should approach the Chair of Governors if they are not the nominated governor. If the Chair of governors is the nominated governor then they should approach the Vice Chair of Governors.
11. Within 48 hours, the nominated governor will contact you to arrange to meet you to discuss your concerns. Before the meeting, it would be helpful if you write down what you consider the problem to be, giving names, dates and places where possible. If there are any other documents that you think might be helpful, please try to bring these with you. You are advised to take a friend, colleague or school professional association / union representative with you to the meeting with the governor.
12. You are encouraged to raise your concern in person, or through your professional association / union representative on your behalf, because concerns that are expressed anonymously are difficult to investigate. However, the school will exercise its discretion in deciding whether to investigate an anonymous allegation. The factors taken into account will include:
  - the seriousness of the issues raised;
  - the credibility of the allegation; and

- the likelihood of being able to confirm the allegation from attributable sources.

### **How we will respond**

13. After the initial meeting, the nominated governor will arrange for discreet initial enquiries to be made to decide whether an investigation is appropriate and if so, what form it should take.
14. The nominated governor will write to you within 10 days of your initial meeting to:
  - acknowledge that your concern has been received
  - outline our understanding of what the issues are; and
  - indicate how we propose to deal with the matter.
15. If the nominated governor decides that it is appropriate for an investigation to be carried out, this will either be done by them, or by a governor who is asked to investigate – the investigating officer. However, it may sometimes be necessary for a concern to be referred to the police, an external auditor, or for it to be the subject of an independent enquiry. In addition, where it is established that the complaint involves issues of bullying or unlawful discrimination, it will be necessary to involve the school's Human Resources provider.
16. If an investigation is carried out, you will always be informed of the final outcome. It might not be possible to give you full details of the outcome if it contains personal details of a third party, because we have a duty to protect personal information under the Data Protection Act 2018 and General Data Protection Regulations (GDPR) 2016.

### **How will the school treat whistleblowers?**

17. If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. If you knowingly make malicious allegations, disciplinary action may be taken against you.
18. Disciplinary action will be taken against any member of staff who tries to stop another employee from raising a concern or who is responsible for any act of recrimination or victimisation against an employee who raises a concern.
19. Where an employee may have been party themselves to an act of possible gross misconduct on which they are now 'blowing the whistle' this could be considered in mitigation. They are not, however, exempt from disciplinary action.
20. Disciplinary action may be taken against employees if they contact the media with concerns about conduct at work without first following the steps set out in this policy.
21. The Governing Body will make every effort to protect an employee's identity when s/he raises a concern and does not want her/his name to be disclosed. It must be appreciated however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.

22. If you raise a concern, you will be given the opportunity to feed back any issues or problems you may have experienced as a result. The purpose of this is to ensure that employees who have raised concerns in good faith do not suffer as a result.

**Queries**

23. If you have any queries about this policy please contact the Headteacher and / or Chair of Governors.