

JKHS WHISTLEBLOWING POLICY

Policy

Whistleblowing is the term used when a worker passes on information concerning wrongdoing, often termed as “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

The purpose of this policy is to set out the framework and principles for the management of concerns which fall outside of the scope of other existing policies. The policy and procedure highlights how whistleblowing or confidential reporting should be managed.

It is important that any fraud, misconduct or wrongdoing is reported and properly dealt with. We therefore encourage all individuals to raise concerns that they may have about the conduct of others of the way in which the school is run. This policy and procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with. The types of concerns which are covered by this policy are:

- A criminal offence e.g. fraud.
- Someone’s health and safety is in danger.
- Risk or actual damage to the environment.
- A miscarriage of justice.
- The school is breaking the law, e.g. doesn’t have the right insurance.
- You believe someone is covering up wrongdoing.
- Safeguarding concerns in relation to poor or unsafe practice and potential failures in the school’s safeguarding regime.

This policy and procedure is in addition to the complaints procedure and other statutory reporting procedures where applicable.

Where you have a concern which is more personal and relates only to yourself rather than wrongdoing of a more general nature, this will be treated as a grievance and the school’s Grievance Policy will apply.

Scope

This policy applies to all employees (including temporary employees, trainees and independent contractors). Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

Procedure

How to raise a concern

In the first instance unless an individual reasonably believes his/her line manager to be involved in the wrongdoing, or if for any reason the individual does not wish to approach his/her line manager, any concerns should be raised with the individual’s line manager. If he/she believes the line manager to



be involved, or for any reason does not wish to approach their line manager, the individual should approach:

- the Headteacher;
- the Chair of Trustees.

Concerns may be made orally or in writing, the earlier the concern is raised the easier it is to take action. Advice and guidance may be sought from:

- Monitoring Officer; or
- A Trade Union; or
- Public Concern at Work – an independent charity <http://www.pcaw.org.uk/advice>. Telephone number 0207 404 6609.
- NSPCC – Safeguarding whistleblowing helpline for staff who feel unable to raise concerns regarding child protection failures internally – help@nspcc.org.uk. Telephone number 0800 028 0285 (8am to 8pm Monday to Friday).

It is not the role of the individual to attempt to investigate any suspected wrongdoing and you are not expected to prove beyond doubt the truth of an allegation although you will need to demonstrate that there are reasonable grounds for your concern.

You may invite a Trade Union Representative or colleague to accompany you during any meetings or interviews in connection with the concerns you have raised.

How we will respond

Within 10 working days of a concern being raised, the responsible person you have contacted will write to you to:

- acknowledge that the concern has been received;
- indicate how it is proposed that the matter will be dealt with;
- give an estimate of anticipated timescales;
- advise of any initial actions or enquiries thus far;
- explain if further investigations will take place, including any possible interviewing of the whistle blowers as a witness, and if not, why not;
- reassure of support and safeguards in place to protect you;
- supply you with information on staff support mechanisms.

It may be possible to resolve some of the concerns without the need for investigation.

Concerns and allegations which fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

If an investigation is required, it may be investigated through the following channels, as appropriate:

- by management, internal audit or through the disciplinary process;
- be referred to the Police;
- be referred to the External Auditor;
- for the subject or an independent inquiry.

If urgent action is required this will be taken before any investigation is conducted.



Determine the outcome

The outcome of any investigation will be unique to each case and subject to determination by the requirements of any specific procedure followed. Outcomes may include, but are not limited to:

- review of policy and practice;
- formal disciplinary action.

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

If it is found that the concern was unfounded and/or raised with malicious or mischievous intent, then formal action will be taken against the person raising that concern.

Notify the individual raising the concern

Once the outcome has been determined, the responsible person will write to the individual who raised the allegation to let them know the outcome. Depending on the nature of the matter, there may be limitations to what may be disclosed. They will also advise the individual of any further action they could take if they are not satisfied with the outcome.

How the matter can be taken further

If the outcome is not considered satisfactory, the matter may be raised with the appropriate/relevant statutory or regulatory bodies, including:

- the Ombudsman;
- the District Auditor;
- your Trade Union;
- the relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police.

Notes

All concerns will be treated in confidence and every effort will be made not to reveal their identity if the individual wishes and unless required by law. At the appropriate time, however, the individual may need to come forward as a witness. This should be discussed with the individual early on to establish if this is possible, but should not be regarded as a barrier to investigating the matter.

Concerns expressed anonymously will be considered but action taken to look at the disclosure may be limited and may not be regarded as “protected” under the Public Interest Disclosure Act 1998. Those seeking to raise concerns anonymously will not normally be able to receive feedback.

All reasonable steps will be taken to ensure that no employees will be victimised or suffer any detriment for raising a matter under this policy. This means that continued employment and opportunities for future promotion or training will not be prejudiced because he/she has raised a legitimate concern.

In exceptional circumstances, and in order to protect someone who has raised a qualifying disclosure, or to facilitate a thorough investigation, a whistle blower may be redeployed. This may be on a permanent or a temporary basis and will always be subject to mutual agreement with clear terms, under which there is no detriment to the individual.



Harassment or victimisation of an individual for raising a qualifying disclosure will be a disciplinary offence. Colleagues who victimise whistle blowers can be made personally liable for their own conduct.

If misconduct is discovered as a result of any investigation under this procedure the school's Disciplinary Procedure will be used, in addition to any appropriate measures.

No action will be taken if an allegation is made but not confirmed by the investigation.

Maliciously making a false allegation is a disciplinary offence.

Any instruction to cover up wrongdoing is itself a disciplinary offence. If told not to pursue a concern, even by a person in authority, individuals should not agree to remain silent and should contact the Headteacher or Chair of Trustees.

Reviewed date: September 2016

Next review date: September 2019