



## Bexley Grammar School Whistleblowing Policy (Confidential Reporting)

### 1. Introduction

- 1.1 Employees are well positioned to know when something wrong or of concern is taking place within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances, they may find it easier to ignore their concern rather than report the matter with a view to remedying the situation. This policy provides a framework for all employees to raise their concerns 'in-house' and in good faith without fear of victimisation, subsequent discrimination or disadvantage.
- 1.2 The school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the school encourages employees and others with serious concerns about any aspect of the school's work to come forward and voice those concerns. The school recognises that certain cases will have to proceed on a confidential basis so that the position of the 'whistle-blower' can be protected. This policy is intended to encourage and enable people to raise serious concerns within the school rather than overlooking a problem or "blowing the whistle" outside.
- 1.3 This policy has been the subject of consultation with the relevant trade unions and has their support.

### 2. Aims of this policy

This policy aims to:

- encourage employees to feel confident in raising concerns and to question and act upon their concerns;
- provide avenues for employees to raise these concerns and receive feedback on any action taken;
- allow employees to take the matter further if they are dissatisfied with the school's response; and
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with this procedure.

### 3. Application and scope

- 3.1 This policy applies to all employees and those contractors working for the school. Employees include staff working for the school on a temporary basis, casual or sessional workers and trainees. It also covers agency workers and suppliers and those providing services under a contract with the school in their own premises.
- 3.2 This policy is in addition to and distinct from the school's Complaints Procedure that provides a facility to those not employed by the school (e.g. students, parents or carers, suppliers and members of the public) to raise any concern.
- 3.3 This policy is not intended to cover concerns that can be progressed under existing Human Resources procedures. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. Where employees' concerns relate to their own employment, either in terms of the treatment afforded to them or their terms and conditions of employment these should normally be raised through the Fair Treatment at Work or Grievance Procedures.
- 3.4 All acts of whistleblowing can be raised under this policy and employees shall have the full protection of the policy. However, where the matter for investigation is covered by separate procedures (e.g. Safeguarding) these will be applied as appropriate.

- 3.5 This policy is intended to cover serious concerns that may fall outside the scope of other procedures, and include the following:
- Failure to comply with a legal obligation to which a person is subject (this may include breaches of statutory codes of practice);
  - Conduct which is an offence or a breach of the law;
  - Conduct that is contrary to the school's Policies (this may include conduct that falls below established standards or practice);
  - Disclosures relating to possible miscarriages of justice;
  - Conduct that endangers the health and safety of other employees and/or members of the public. (This would include abuse - whether physical, verbal or sexual - or ill treatment of any student, parent or carer, supplier or member of the public);
  - Conduct that involves damage to the environment;
  - The unauthorised use of public funds.

3.6 The above does not represent an exhaustive list of areas covered by this policy. Any serious concerns that employees may have about any aspect of service provision or the conduct of Members of staff, governors or others acting on behalf of the school can be reported under this policy.

#### **4. Safeguards against harassment or victimisation**

- 4.1 The school is committed to good practice and high standards and wants to be supportive of all its employees.
- 4.2 The school 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 matter that gives rise to the concern. If concerns are raised in good faith, there will be nothing to fear because employees will be doing their duty to the employer and to those for whom they are providing a service.
- 4.3 Whistleblowers raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work (even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided they raise/disclose issues in good faith.
- 4.4 The school will not tolerate harassment or victimisation and will take such action as is necessary to protect employees when they raise concerns in good faith under this policy.

#### **5. Confidentiality**

- 5.1 The school will use its best endeavours to protect an employee's identity when he/she raises a concern and does not want his/her identity disclosed.
- 5.2 If whistleblowers are required to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive advice and support.

#### **6. Anonymous allegations**

- 6.1 This policy encourages employees to put their names to any allegation. A concern expressed anonymously is much less powerful and it is often difficult to gather sufficient evidence and check its reliability. It is perhaps more likely that malicious allegations will be made anonymously. It is possible to keep one's identity confidential without being anonymous.
- 6.2 Anonymous allegations, however, may be considered at the discretion of the school and the headteacher. In exercising the discretion, the school will take account of all relevant factors which will include:
- The seriousness of the issues raised;
  - The credibility of the concern; and
  - The likelihood of confirming the allegation from other attributable sources.
- If the anonymous allegation is about the headteacher the allegation will be considered at the discretion of the chair of governors.

## **7. Rights and responsibilities of employees**

- 7.1 All employees are required to report any issue of concern regarding the provision of services or management of those services. In the majority of cases, this will be done through the usual line management channels.
- 7.2 Employees are expected to report concerns as soon they arise and to avoid any unnecessary delay in doing so.
- 7.3 Other than raising concerns in good faith, employees are not required to 'prove' the truth of any allegation. However, a complainant will need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.
- 7.4 When any meeting or interview is arranged, employees may, if they so wish, be accompanied by a trade union official or a workplace colleague.

## **8. How to raise concerns**

- 8.1 As a first step, employees should normally raise concerns with their immediate line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice. For example, if the employee believes that the manager or senior for his/her area of work is involved in the matter he/she intends to raise, or he/she believes that the matter may not be dealt with properly, the concern may be raised directly with the headteacher. If the matter is about the headteacher the concern should be raised with the chair of governors via the clerk to governors.
- 8.2 Preferably concerns should be raised in writing, without undue delay, setting out the background and history of the concern, giving names, dates and places where possible, and the reason for the employee's particular concern. If an employee feels that he/she is not able to raise the concern in writing at this point, he/she may personally raise the matter with their line manager. However, at some stage the concern will need to be put in writing, although this may be done through his/her representative.
- 8.3 Employees can obtain advice and guidance on how matters of concern may be pursued from:
- The Office Manager;
  - The Headteacher; or
  - The chair of governors.

## **9. How the school will respond**

- 9.1 Within ten working days of a concern being received, the school will write to the employee:
- acknowledging that the concern has been received;
  - indicating how it proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response;
  - telling the employee whether any initial enquiries have been made, and
  - telling the employee whether further investigations will take place, and if not, why not.
- 9.2 Employees will also be provided with details of support available which will include access to counselling facilities.
- 9.3 The action taken by the school will depend on the nature of the concern. The matters raised may:
- be investigated internally;
  - be referred to the governing body;
  - be referred to the police; or
  - be referred to the external auditor.
- 9.4 In order to protect individuals and those accused of possible wrongdoing or malpractice, initial enquiries will be made by the relevant member of the Senior Leadership Team (SLT) to decide whether an investigation is appropriate and, if so, what form it should take. If the matter is about the headteacher initial enquiries should be made by the chair of governors or a nominated Governor. Concerns or allegations which fall within the scope of any other specific procedures (for example, safeguarding or discrimination issues) will normally be referred for consideration under those procedures. The overriding principle which the school will have in mind is the public interest.

- 9.5 Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required this will be taken before any investigation is conducted.
- 9.6 The amount of contact between the members of the SLT considering the issues and the complainant employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 9.7 The school will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if it becomes necessary to give evidence in criminal or disciplinary proceedings, the school will provide the necessary advice about the procedure and give whatever practical support that is possible.
- 9.8 The school accepts that employees need to be assured that the matter has been properly addressed and will ensure this happens.
- 9.9 Subject to legal constraints, employees will normally receive feedback about the outcomes of any investigations.
- 9.10 The headteacher, in conjunction with the member of the SLT who has responsibility for the relevant faculty or area or concern, will be responsible for monitoring the outcome of the issues raised through this policy. If the matter is about the headteacher, the chair of governors will be responsible for monitoring the outcome of the issues raised through this policy.
- 10. Taking the concerns externally**
- 10.1 This policy is intended to provide employees with an avenue to raise concerns within the school. The school hopes that employees will be satisfied with any action taken under this policy.
- 10.2 There may be circumstances where an employee considers that he/she needs to raise the matter externally. This may be because, for example, there is a need to involve the appropriate external regulatory body, or the employee considers that the matter has not been properly addressed, or that an employee reasonably believes that the matter will be covered up.
- 10.3 If employees feel it is right to take the matter beyond the headteacher or SLT, the following are possible contact points:
- The chair of governors;
  - the external auditor;
  - employee's relevant professional bodies or regulatory organisation;
  - employee's trade union;
  - employee's solicitor;
  - the Police;
  - a relevant voluntary organisation; or
  - Public Concern at Work
- 10.4 If an employee is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice at work.
- 10.5 In circumstances where an employee decides to raise the matter externally, he/she will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with Section 43 of the Employment Rights Act as amended by the Enterprise and Regulatory Reform Act 2013. This means that the disclosure must fall under one of the categories listed in Section 3 (above) and must be made in one of the following ways:
- a) in the course of obtaining legal advice;
  - b) to a prescribed regulatory body using this link: [Public Interest Disclosure](#), provided the disclosure is made in good faith and the employee reasonably believes the prescribed body is responsible for the matter of concern and that the information and allegation/s are substantially true;
  - c) to other third parties (including the media) where the employee makes the disclosure:
    - in good faith, with reasonable belief that the information and allegations are substantially true, and
    - does not make the disclosure for personal gain, and

- has already raised the matter with the school, governing body or prescribed regulator, unless the employee reasonably believe that he/she will suffer a detriment, or there is no prescribed regulator and he/she reasonably believes that evidence will be concealed or destroyed if he/she makes the initial disclosure to the school, and
  - in all of the circumstances it is reasonable to make the disclosure
- d) the disclosure is of an exceptionally serious nature and the Whistleblower makes the disclosure:
- in good faith, with reasonable belief that the information and allegations are substantially true, and
  - does not make the disclosure for personal gain, and
  - in all of the circumstances it is reasonable to make the disclosure.

**11. The officer responsible**

The headteacher has overall responsibility for the maintenance and operation of this policy. A record of all concerns raised and the outcomes will be maintained. The headteacher will report as necessary on the operation of the policy, but not on individual cases, to the Staffing and Pupil Welfare Committee of the governing body of the school.

**12. Guide on Whistleblowing for Employees**

See <https://www.gov.uk/whistleblowing>.