

Staff Whistleblowing Policy & Procedure

This is a non-contractual policy and it may be amended by the School from time to time as it deems appropriate, for example in order to incorporate changes in law or in line with best practice. It is the responsibility of the Human Resources Department to ensure this policy is regularly reviewed by the Leadership team and that key changes are highlighted and communicated to the consultative committees across the School.

COVID-19: Where this policy makes reference to the Safeguarding policy, this reference should be extended to include the Covid-19 addendum.

1.0 Purpose:

- 1.1 The School is committed to conducting its business with honesty and integrity, and it expects staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or 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.
- 1.2 Often it is the staff, or people who work on behalf of the School, who are best placed to notice if something is below the standards the School expects. This policy was brought in to effect to encourage people who work for, or on behalf of the School, to feel confident in raising serious concerns internally either informally or formally, in a confidential manner. The policy also makes a provision, if necessary, for concerns to be raised externally.
- 1.3 Whistleblowing is when a person working for, or on behalf of the School, reports a suspected serious wrongdoing or danger at work ('a disclosure'). Disclosures relating to Child Protection / Safeguarding matters are outlined in section 3.
- 1.4 Disclosures that are given legal protection under the Public Interest Disclosure Act ('PIDA') are allegations of, or deliberate concealment of, bribery, a criminal offence, failure to comply with legal obligations, a miscarriage of justice and creating a serious risk to health and safety or the environment ('Protected Disclosures'). However, this policy also covers disclosures about any allegations of, or deliberate concealment of, safeguarding concerns or practices, unethical conduct, unauthorised disclosure of confidential information and conduct likely to damage the School's reputation
- 1.5 Staff are legally protected against detrimental treatment or dismissal as a result of any Protected Disclosure. To obtain protection staff in almost all circumstances must disclose information to the School in the first instance in line with the procedure set out in this policy.

- 1.6 This policy is not to be used where other, more appropriate, procedures exist. For example, the grievance or bullying and harassment procedures are to be used by staff to raise concerns about their own personal employment situation.
- 1.7 Where there are concerns relating to child protection/safeguarding processes, e.g. the omission of safeguarding practices or malpractice, then the appropriate procedures are outlined specifically under Section 3 in this policy. Any person with concerns relating to safeguarding a child should refer to the School's Safeguarding policy and procedures.

2.0 Scope:

- 2.1 This policy applies to all members of staff including volunteers. In addition, any third parties, such as agency staff, self-employed workers or contractors working for the School, may use this procedure to make the School aware of concerns within the parameters of this policy.

3.0 Safeguarding:

- 3.1 Nothing within this policy is intended to prevent any person from complying with their statutory obligations in accordance with *Keeping Children Safe in Education* and the *Prevent* duty.
- 3.2 **Safeguarding Policy:** You should raise any initial safeguarding concerns about a child with a member of the Safeguarding Team at either Oundle School or Laxton Junior School - in accordance with the School's Safeguarding Policy. .
- 3.3 **Safeguarding - member of staff, volunteer, third party working for the School:** You should raise any concerns about another staff member with the Head of Oundle School (or in their absence, the Designated Safeguarding Lead) or the Head of Laxton Junior School (or in their absence, the Designated Safeguarding Lead) without informing the staff member at this stage. If the concern is about the Head of Oundle School or Laxton Junior School, then you should raise any concerns with the Chairman of Governors (without first notifying the Head) in accordance with the procedures outlined in the School's Safeguarding Policy.
- 3.4 **Whistleblowing Policy:** You should follow this procedure to raise concerns about poor or unsafe safeguarding practices at the School or potential failures by the School or staff to properly safeguard the welfare of pupils if you are concerned that the School's Child Protection procedures and Safeguarding Policy are not being followed correctly.
- 3.5 **Children's Social Care:** The Designated Safeguarding Lead will usually decide whether to make a referral to Children's and Young People's Services, but any member of staff can refer their concerns directly. If they make a direct referral, they should notify the Designated Safeguarding Lead. If at any point there is a risk of immediate serious harm to a child, a referral should be made to Children' and

Young People's Services and/or the police immediately. Contact details are in the School's Safeguarding Policy.

4.0 Making a Disclosure:

- 4.1 The School wishes to reassure all persons wishing to raise serious concerns, that if the person raising the concerns has a reasonable belief that there has been committed, is being committed or is likely to be committed an act of wrongdoing as described in paragraph 1.4 above, then they will be considered protected from any possible reprisals or victimisation subject to paragraph 9.3 below.
- 4.2 If any of the situations as set out in paragraph 1.4 exists, then a person should follow the School's whistleblowing procedure and make a disclosure through the appropriate channels outlined in Sections 6 and 7 below.

5.0 Confidentiality:

- 5.1 Concerns raised under this procedure will be treated in the strictest confidence as far as is reasonably possible. The person raising the concern will not be disclosed to the alleged perpetrator(s) without prior consent. Should a circumstance arise where the School is unable to resolve the concern without revealing the person's identity, e.g. evidence is needed in court, the School will discuss this with the person raising the concern.
- 5.2 Whilst the School will give due consideration to concerns raised anonymously, they are not well suited to this procedure. Proper investigation may be more difficult or impossible if the School cannot obtain direct information from the person. The School recognises that in order to preserve confidentiality it may be appropriate, in some cases, to raise concerns orally rather than in writing. However, people wishing to raise concerns under this procedure are encouraged to do so in writing.

6.0 Internal Procedure:

- 6.1 The School encourages all personnel, in the first instance, to report incidents and raise any concerns in an informal and relatively low-key way with the manager they report to. The manager may be able to agree a way of resolving the concern quickly and effectively.
- 6.2 Where the concern has not been/cannot be resolved informally, individuals should raise their concern formally, preferably in writing, to their Head of Department or to their senior manager. Where this is not possible, e.g. the Head of Department or the senior manager is potentially at fault, the person should submit the disclosure to the Head if the person with the concern is teaching staff and the Bursar if the person with the concern is support staff except in relation to safeguarding concerns, previously outlined in section 3. If the disclosure involves the Bursar, then staff should report to the Head. If the disclosure involves the Head

then staff should report directly to the Chairman of the Governors via Bursar@oundleschool.org.uk.

- 6.3 The person making the disclosure will be invited to an initial meeting to discuss their concern. Whilst not a statutory right individuals may, if they wish to do so, bring a work colleague to any meetings under this policy. The individual's companion must also respect the confidentiality of the disclosure and subsequent investigation. A summary of the person's concern will usually be taken, a copy of which will normally be provided to the person after the meeting.
- 6.4 Concerns raised will be promptly and thoroughly investigated usually by a senior manager. The person making the disclosure may be required to attend additional meetings in order to provide further information. They will be kept informed of the progress and the decision. The School may not be able to provide detailed or precise information, where this would infringe a confidence owed by the School to another person or body concerned, or where restricted by legal constraints.
- 6.5 Any appropriate and/or corrective action required further to the investigation will be pursued by the Leadership team.
- 6.6 Any person not satisfied that their concerns are being handled properly has the right to raise this issue, in confidence, with the School's Governing Body. This should be made in writing and addressed to the Chairman of the Governors.

7.0 External Procedures for Protected Disclosures:

- 7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, it should not be necessary to alert anyone externally.
- 7.2 However, where all internal processes have been exhausted, and the person raising a Protected Disclosure has raised the issues for review with the School's Governing Body, then it may be appropriate for that person to approach the responsible statutory body. When making a Protected Disclosure to the responsible statutory body, the person will be protected from any possible reprisals or victimisation where they:
- reasonably believe the concern to be true before making such a disclosure;
 - reasonably believe that there has been committed, is being committed or is likely to be committed an act of wrongdoing covered by the PIDA, as described in paragraph 1.4 above; and
 - do not make the disclosure for personal gain.

The Government has prescribed a list of appropriate bodies for external reporting of a Protected Disclosure. The main bodies are as follow, but a full list is available on the Government's website, www.gov.uk.

- Northamptonshire County Council's Adult and Children's Services Initial Contact Team (details in School Safeguarding Policy)

- The Department for Education (DfE)
- The Independent School's Inspectorate (ISI)
- The Charity Commission
- The Police
- The Health and Safety Executive (HSE)
- The Environment Agency
- The Information Commissioner
- The National Society for the Prevention of Cruelty to Children (NSPCC)

7.3 In exceptional circumstances, under PIDA, a person may be entitled to raise a concern directly with an external body, without first following the School's internal procedure, if the Protected Disclosure is made without personal gain and they reasonably believe:

- that there has been committed, is being committed or is likely to be committed an act of wrongdoing covered by the PIDA, as described in paragraph 1.4 above;
- that the allegations are substantially true; and that exceptionally serious circumstances apply.

A person should seek confidential advice before reporting a concern to an external body. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. Their contact telephone number is 020 7404 6609 and their website address is www.pcaw.org.uk

7.4 Whistleblowing concerns usually relate to the conduct of the School's staff, but they may sometimes relate to the actions of a third party, such as a supplier or contractor. The law allows a person to make a Protected Disclosure in good faith with a third party, where that person reasonably believes the concern relates mainly to the third party's actions or something that is legally the third party's responsibility. The School encourages people to report such concerns internally first. A person with such a concern should contact their reporting manager for guidance.

8.0 **Publication and the Media:**

8.1 Once all avenues outlined within this policy have been exhausted, it will rarely if ever be appropriate to approach a commercial body or the media with details of suspected wrongdoing. A person should seek confidential advice from Public Concern at Work before reporting a concern to a commercial body or the media. Where any person approaches a commercial body or the media, and/or where the concern is disclosed for personal gain, the School may take disciplinary action including summary dismissal for gross misconduct.

8.2 A person will only be protected from any possible reprisals or victimisation when making a Protected Disclosure to a commercial body or the media where they:

- reasonably believe the concern to be true before making such a disclosure;

- reasonably believe that there has been committed, is being committed or is likely to be committed an act of wrongdoing covered by the PIDA, as described in paragraph 1.4 above;
- do not make the disclosure for personal gain; and
- reasonably believe that the School would conceal or destroy the evidence OR reasonably believes that they be victimised by the School OR have previously raised the issue with the School and/or statutory body.

9.0 Disciplinary Procedures:

- 9.1 A person taking their concerns outside of the School should ensure that no disclosure of confidential information takes place. Confidential information, if disclosed in circumstances not covered by the PIDA, could leave the person liable to disciplinary or other detrimental treatment.
- 9.2 Where the School determines that a person has made false allegations maliciously, or with a view to personal gain, that person will be dealt with under the School's disciplinary procedure and may result in dismissal including summary dismissal for gross misconduct.

10.0 Protection from Reprisals or Victimisation:

- 10.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The School aims to encourage openness. Staff will not be disciplined, victimised, suffer reprisals or any other detrimental treatment for raising a genuine and legitimate concern providing they have followed the School's whistleblowing procedure. If a person believes that they have suffered any such treatment, they should refer to the School's Grievance Policy.
- 10.2 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to appropriate disciplinary action.

11.0 Data Protection:

- 11.1 When an individual makes a disclosure, the School will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purpose of dealing with the disclosure.

Reviewed November 2018
(Updated July 2020)