



HILBRE HIGH SCHOOL HUMANITIES COLLEGE

WHISTLEBLOWING POLICY

Author:
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Introduction:

Hilbre High School Humanities College is committed to achieving the highest ethical standards of honesty and integrity. It will enable employees to raise concerns of serious wrongdoing without fear of reprisal, and it expects all employees and workers to adhere to these standards.

The policy applies to all individuals working for the academy at all levels and grades, whether they are employees, casual, agency or contracted staff.

Whistleblowing is distinct from the Employee Complaints procedure, which should be used if you have a complaint relating to your personal circumstances in the workplace. Concerns about wrongdoing within the trust such as fraud, malpractice, breach of health and safety law or other illegal or unethical act either on the part of management, the Board of Trustees or by fellow employees should be raised using this procedure.

The European Convention on Human Rights was incorporated into UK Law by the Human Rights Act 1998, and the Public Interest Disclosure Act 1998 (PIDA) which reflects article 10 of the Convention in providing the right to freedom of expression. The PIDA came into force on 2nd July 1999 and offers a framework of protection against victimisation or dismissal for workers who blow the whistle on criminal behaviour or other wrongdoing. Further provisions were introduced by the Enterprise and Regulatory Reform Act 2013.

Purpose:

This policy aims to:

- Encourage workers to feel confident in raising concerns.
- Establish a fair and impartial investigative procedure.
- Provide avenues for workers to raise concerns and receive appropriate feedback.
- Ensure workers receive a response to concerns and are aware of how to pursue them if they are not satisfied.
- Ensure workers will be protected from any reprisals or victimisation by the academy, provided that, there is reasonable belief that the matter disclosed tends to show wrong doing and that the disclosure has been made in an appropriate manner.

Scope:

This policy may be used by all staff within the academy to raise concerns where the wellbeing of others or the academy itself is at risk.

The term worker broadly includes employees, agency workers, trainees and a person who is subject to a contract to undertake work or services for the academy.

Responsibilities:

The Trust is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing.

The Headteacher has overall responsibility for the internal organisation, control and management of the academy.

Timing:

The whistleblowing procedure should normally be conducted within the timescales laid down in this document, however, if there is a valid reason to do so, timescales can be varied. If the procedure is initiated by management, then the employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

What to raise concerns about:

The Public Interest Disclosure Act lists matters which concerns can be raised, provided they are in the public interest, which are as follows:

1. That a crime has been committed, is being committed, or is likely to be committed.
2. That a person has failed, is failing, or is likely to fail to comply with any legal obligations to which they are subject.
3. That a miscarriage of justice has occurred, is occurring or is likely to occur.
4. That the health and safety of an individual has been, is being, or is likely to be endangered.
5. That the environment has been, is being, or is likely to be damaged.
6. That the information tending to show any of above has been concealed or is likely to be deliberately concealed.

Particular concern may fall within the terms of this policy include, for example, breach of a code of conduct, wilful maladministration and corruption, misuse of funds, theft or fraud. We anticipate that disclosure will most likely related to the actions of employees, contractors, and casual or agency staff, but they may also relate to the actions of a third party.

Hilbre High School Humanities College assurance to workers:

To ensure that staff have a right to disclose a return:

Staff have the right to disclose a concern/issue if the academy does not deal with the matter. However, the duty of fidelity is implied by law in every contract of employment and prohibits employees from disclosing employer's confidential information, unless it is in the public interest that information is disclosed or unless the academy fails to properly consider or deal with the issue.

To protect workers:

If a worker makes a disclosure on one or more of the matters listed above, they have a reasonable belief that the concern is real, the worker will not suffer and detriment, even if after investigation it transpires that the concerns is unfounded, unless the concern has been raised falsely or maliciously. The Trust will not tolerate the harassment or victimisation of any worker raising a genuine concern, this may include a disciplinary action.

If a worker request that their identity is protected, the academy will not disclose it unless required to do so by law. If the situation arises where the academy is unable to resolve the concern without revealing the worker's identity (for instance because the workers evidence is needed in court), then the academy will discuss with the worker how the matter should proceed. However, it must also be stated that if a worker chooses not to

disclose their identity it will be much more difficult for the Trust to look into the matter or to protect their position or give them feedback. Accordingly, while the Trust will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

Internal procedure:

Stage one-notification:

The member of staff/worker (the Representer) raising the concern should do so orally or in writing to their line manager or to the Headteacher. The Representer has the right to have the matter treated confidentially.

If the line manager or the Headteacher believes the concern to be genuine and that it is appropriate to use the Whistleblowing procedure, the manager should contact the Chair of the Finance & Audit Committee. The Chair of this Committee will either act as Assessor or will appoint another Assessor who is not implicated (which could be the Headteacher), but will not divulge personal details of the Representer.

Should it be alleged that the Chair of the Finance & Audit Committee is involved in the alleged malpractice, the Chair of the Board of Trustees will be contacted in place of the Chair of the F&A Committee.

If the Representer feels unable to raise their concern with their line manager or the Headteacher in the first instance, they may contact the Chair of the F&A Committee directly. If this occurs, the Representer will be asked to explain why they feel unable to raise the concern with their line manager or Headteacher.

Stage two-the meeting:

The Assessor will interview the Representer within ten working days, in confidence, or earlier if there is an immediate danger to loss of life or serious injury and will:

- Obtain as much information as possible from the Representer about the grounds for the belief of malpractice;
- consult with the Representer about further steps which could be taken;
- inform the Representer of appropriate routes if the matter does not fall within the Whistleblowing policy; and
- report all matters raised under this procedure to the Chair of the Board of Trustees.

At the interview with the Assessor, the Representer may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a note taker.

The Assessor will update the Chair of the Board of Trustees following the meeting, but will not divulge the personal details of the Representer.

Stage three-the outcome:

Within ten working days of the interview, the Assessor will recommend to the Headteacher, or the person's line manager, one or more of the following:

- The matter to be investigated internally by the Trust.

- The matter to be investigated by an external person appointed by the Trust.
- The matter be reported to the ESFA.
- The matter be reported to the Police.
- No further action to be taken.

The grounds on which no further action is taken may include:

- The Assessor is satisfied that, on balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur.
- The matter is already (or has been) the subject of proceedings under one of the school's other procedures or policies.
- The matter concerned is already the subject of legal proceedings, or has been referred to the police, an external investigator, the DfE or another public authority.

If no further action is to be taken, then this will be reported to the Chair of the Board of Trustees.

Should it be alleged that the Headteacher or line manager is involved in the alleged malpractice, the Assessor's recommendation will be made to the Chair of the Board of Trustees.

The recipient of the recommendation (Headteacher or Chair of the Board) will ensure that it is implemented unless there is a good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Full Board of Trustees and to the Assessor.

The conclusion of any agreed investigation will be reported by the Assessor to the Representer in writing within ten days and a copy passed to the Chair of the Board of Trustees if they are not acting as Assessor. A copy will also be sent to the Board of Trustees.

If the Representer has not had a response within the above time limits, he or she may appeal to the Chair of the Board of Trustees but will inform the Assessor before doing so.

The Representer may at any time disclose the matter on a confidential basis to a solicitor or trade union representative for the purpose of taking legal action.

External contacts:

Whistleblowing to an external body without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the Representer is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of senior managers, serious health and safety issues or possible discrimination. The external bodies which could be used also include:

- The Department for Education.
- Education and School Funding Agency.
- Charities Commission.
- Member of Parliament.
- National Audit Office.
- Health & Safety Executive.

- Police.

If you do not feel able to raise your concern in the ways outlined above, you should consult the Public Interest Disclosure Act for information about other routes by which a disclosure may be made.

Malicious accusations:

Deliberately or false accusations made by a Representer will be dealt with under the School's Disciplinary procedure.

The academy will ensure the Representer is protected from any form of victimisation or discrimination.