

# *Eaton Bray Academy*

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## ***WHISTLE BLOWING POLICY***

***V0.4***

Headteacher: Mrs. L. Mercer  
Address: School Lane  
Eaton Bray  
Bedfordshire  
Tel No: (01525) 220468

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## **Whistle Blowing Policy**

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## AMENDMENT HISTORY

Issue	Author	Date	Description
V0.1(Draft)	SH	21/11/08	Initial draft
V0.2	SH	20/09/09	Update
V0.3	SH	17/01/11	Reviewed for Academy
V0.4	LM	18/3/2021	Name changed from Confidential Reporting to Whistle Blowing. Updated including relevant legislation and clarified process. Added responsibilities, rights,



## Introduction

Eaton Bray Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have serious concerns about any aspect of the School's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

Employees are often the first to realise that there may be something seriously wrong 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 it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Governing Body of has approved this Policy as it continues to remain committed to the highest possible standards of conduct, as set out in the Schools Code of Conduct. Therefore employees who have concerns about suspected wrongdoing within the School are encouraged to come forward and report those concerns. This process is commonly referred to as "whistleblowing" and the aim of this Policy is to give detailed advice and reassurance to persons who wish to "blow the whistle" by reporting wrongdoing to those who can make a difference. By knowing about wrongdoing at an early stage, the School has the chance to take necessary steps to safeguard its interests. The message the School wishes to give its employees is that they must not hesitate to "blow the whistle" on wrongdoing and do so as early as possible.

The Public Interest Disclosure Act 1998 encourages individuals to raise concerns about malpractice in the workplace and this policy document makes it clear that employees can raise serious concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable employees to raise those concerns within the School, rather than overlooking a problem or 'blowing the whistle' outside.

This Policy acknowledges and incorporates the specific statutory rights and protection given to employees by the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, which applies to certain



kinds of protected disclosure termed “qualifying disclosure” (see Section 5 below).

The Policy applies to all employees and those contractors working for the School on School premises.

These procedures are in addition to the School’s complaint procedures and other statutory reporting procedures.

Through this Policy the School wishes to stress to employees that “if you are in doubt – raise it”.

**Mrs. L. Mercer**  
Headteacher



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## 1 AIM AND SCOPE OF THE POLICY

This policy applies to all employees, governors, contractors and volunteers under the direction of the governing body.

The provisions of this Policy are not directly available to members of the public. Members of the public who wish to raise a concern about any aspect of the School's work, including wrongdoing, must follow the School's Complaints Procedure.

This policy aims to:-

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damages to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse
- other unethical conduct

Thus any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the School or others acting on behalf of the School can be reported under the Confidential Reporting Policy. This may be about something that:



- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the School subscribe to; or
- is against the School's policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

This policy does not replace the complaint procedure.

## **2 RESPONSIBILITIES**

The Governing Body must;

- treat all disclosures in confidence
- seek advice from our HR provider with regard to the application of this Policy
- provide support to employees making whistleblowing disclosures where they consider the employee has a reasonable belief that the information disclosed is both accurate and in the public interest.
- consider fully whether to investigate any whistleblowing disclosures made and if it is decided that an investigation is required ensure that it is undertaken properly and objectively.
- inform the employee making the whistleblowing disclosures of the progress being made with any subsequent investigation (or provide a full explanation as to why an investigation will not be taking place). It is not necessary to provide detailed information which may breach the confidentiality of the investigation but rather provide reassurance that the investigation will reach an appropriate outcome.
- where a whistleblowing disclosure is a “qualifying disclosure”, protect the employee making the disclosure from suffering any detriment in their employment (including dismissal) such as harassment or victimisation from any other manager or employee because the employee has made the disclosure.
- where a whistleblowing disclosure is a “qualifying disclosure”, take all possible steps to protect the employee making the disclosure from suffering any detriment in their employment by other parties outside the School with an interest in the concerns being raised because the employee has made the disclosure.





The Headteacher will;

- maintain a secure and confidential record of all whistleblowing disclosures and the outcomes reached from the investigations carried out in accordance with the School's Retention of Records Policy.
- refer all whistleblowing disclosures received to the Chair of the Governing Body and support the Governing Body in meeting their responsibilities under this Policy.
- make employees (and contractors/agency workers) aware of the existence of this Policy. Employees should;
- report all concerns about suspected wrongdoing within the School (excluding any related to their own contract of employment) which come to their attention during their employment, providing that they have a reasonable belief that their concerns are accurate and that it is in the public interest that those concerns should be subject to further scrutiny.
- put their name to any whistleblowing disclosures made

### **3 HARASSMENT OR VICTIMISATION**

The School is committed to good practice and high standards and wants to be supportive of employees.

The School recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The School will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.



## **4 CONFIDENTIALITY**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, i.e. if and when, the matter goes to an investigatory stage and a disciplinary hearing, however, you may need to come forward as a witness.

## **5 ANONYMOUS ALLEGATIONS**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the School.

In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **6 UNTRUE ALLEGATIONS**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you. (The School will manage such situations using its agreed Disciplinary Procedure).

## **7 HOW TO RAISE A CONCERN**

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

If an employee believes that the issue is too serious or sensitive to raise with the Headteacher, or believes that they are involved in the suspected wrongdoing, they should raise their concerns with the Chair of the Governing Body.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);



- the reason why you are particularly concerned about the situation
- explaining they are raising concerns under this policy

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague or your trade union representative first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. *However, once you have raised a concern under the Confidential Reporting Policy you should be mindful that any further discussions with other parties may impede the maintenance of confidentiality.*

You may invite your trade union or friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **8 HOW THE SCHOOL WILL RESPOND**

The School will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to an external auditor
- form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the School will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.



Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the Monitoring Officer will write to you:

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supply you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not.

If it is not possible to provide all this information within 10 working days the written response will explain the reasons for this and give an indication as to when it will be available to be shared with the employee.

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the School will seek further information from you.

Where any meeting is arranged, off-site if you so wish, a union or professional association representative or a friend can accompany you.

The School will take steps to minimise any difficulties, which you may experience as a result of raising a concern.

Every attempt will be made to resolve the matter within 20 working days of a concern being raised, or if this is not possible as soon as is reasonably practicable. If the matter cannot be resolved within this time scale, the employee will be kept regularly informed of how the concern is being dealt with.

Subject to legal constraints, the employee will be notified of the outcome of any whistleblowing investigation into a concern they have raised. The outcomes of all formal whistleblowing investigations will be reported to the School's Governing Body. The Headteacher will ensure that all documents relating to an investigation into a disclosure will be kept on confidential file in accordance with the School's Retention of Records Policy.



The School strives for a culture where employees who have a whistleblowing concern feel it is safe and acceptable to raise their concerns openly given that such openness makes it easier for the School to assess the issues and work out how best to investigate them. However, it is recognised that some employees may have anxieties about identifying themselves and if this is the case it will be agreed that any concerns about suspected wrongdoing made under this Policy will be treated confidentially and, unless the employee agrees otherwise, the School will do its best not to disclose their identity.

Employees must, however, appreciate that a whistleblowing investigation may reveal who raised the concern and as part of this investigation, they may be required to provide a statement to the School or to an external body, for example the Police or another appropriate enforcement agency. Similarly if the matter proceeds to an internal disciplinary hearing for another employee, they may be required to attend as a witness to provide evidence.

## **9 RESPONSIBLE PERSON**

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the School.

## **10 HOW THE MATTER CAN BE TAKEN FURTHER**

This policy is intended to provide you with an avenue within the School to raise concerns. The School hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the School, possible contact points are set out below.

Before taking matters outside the School you may wish to take independent advice.

The following are possible external contact points:

- the School's external auditor
- your trade union/professional association representative
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation



- Health and Safety Executive
- Information Commissioner
- the police

If you do take the matter outside the School, you should ensure that you do not disclose confidential information.

## 11 RIGHTS

The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, protects workers who make a “qualifying disclosure” from dismissal, selection for redundancy or from being subjected to any other detriment in employment as a result of making that “qualified disclosure”.

A “qualifying disclosure” is a concern which falls into one of six categories of wrongdoing set out in the legislation, provided that the specific requirements for that category of wrongdoing are met in that the concern is raised in the correct manner to the proper person or organisation. These six categories are:

- Criminal offences – e.g. theft, fraud, corruption, sexual or physical abuse of
  - pupils;
  - Failure to comply with legal obligations – e.g. a breach of a statutory duty,
  - Standing Orders or Financial Regulations and other statutorily required
  - policies;
  - Miscarriage of justice;
  - Risks to Health & Safety including those to pupils, employees and the public;
  - Damage to the environment;
  - Deliberately covering up any of the above.

