BUSBRIDGE CE (Aided) JUNIOR SCHOOL

WHISTLEBLOWING POLICY

Cherish Challenge

This policy is based on the Surrey model policy version May 2021
It was reviewed in September 2021, and will be reviewed regularly.

Vers 06.09.2021

1. Introduction & Purpose of Policy

Whistleblowing is the reporting by those working for or on behalf of Busbridge CE Junior School of suspected wrongdoing on the part of employees, management or the Governing Body. Such wrongdoing might include fraud, malpractice, breach of health and safety law or some other illegal act.

Busbridge CE Junior School is committed to achieving the highest possible standards of honesty, openness and accountability and relies on its employees to help maintain these standards. In pursuit of these aims, individuals are encouraged to raise concerns which they may have about the conduct or practices of others. This policy sets out how such concerns will be dealt with. It applies to all employees, volunteers and governors. Other individuals performing work on behalf of the establishment, such as agency workers and contractors, are also encouraged to use it.

This policy aims to give members of staff and other individuals the confidence to raise serious concerns using the routes provided, and to reassure staff of the protection they are afforded when they have made a disclosure in good faith. It will be fairly and consistently applied in accordance with the Governing Body's commitment to equal opportunities.

This procedure is for disclosures about matters other than a breach of the employee's own contract of employment. Such concerns should be raised under the grievance procedure.

2. Legislation

The Public Interest Disclosure Act 1998 (by way of amendment to the Employment Rights Act 1996) is designed to provide protection to workers who raise genuine concerns about specified matters. These are known as "qualifying disclosures". The specified matters are:

- Conduct which is a criminal offence;
- Breach of any other legal obligation;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public or pupils as well as other staff;
- Damage to the environment; or
- Deliberate concealment of any of the above.

A worker who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detriment or victimised because he/she has made the disclosure. A zero tolerance approach will be

taken to any act of harassment or victimisation resulting from a member of staff raising a concern in good faith. A member of staff making an allegation within the scope of this policy will be supported when raising a concern, providing that he/she:

- Believes the concern to be true;
- Is not acting maliciously or making false allegations;
- Is not seeking any personal gain.

3. Raising a Concern

As a first step, a member of staff should normally raise concerns with his/her immediate line manager, the Headteacher/Designated Safeguarding Lead (DSL) where this is appropriate to the nature of the concern. If the concerns relate to allegations that a member of staff or volunteer may have harmed a child or behaved in a way that indicates he/she poses a risk of harm to children, the allegation should be raised with the Headteacher in the first instance, in accordance with the school's child protection and safeguarding policy. Where the allegations involve the Headteacher, the member of staff should raise the matter with the Chair of the Governing Body.

Concerns may be raised verbally or in writing, but the earlier the concern is expressed the easier it is to take any required action. Where a concern is raised verbally, the person hearing it must ensure that a written statement of it is made to assist with any subsequent investigation. Senior management will take all concerns raised within the scope of this policy seriously and identify the appropriate level of investigation, taking external advice as necessary. The concerns raised will be treated in confidence, whilst recognising that the individual raising the concerns may need to come forward as a witness at a later date.

The whistleblower may invite a recognised trade union representative or a work colleague to be present during any meetings or interviews held in connection with the concerns raised.

If a worker requests that their identity be protected, it will not be disclosed unless disclosure is reasonably required by law. Whilst anonymous reports will not be rejected outright, those making them must be aware that it is considerably more difficult to investigate matters properly in such circumstances or to resolve the concern satisfactorily.

While members of staff are encouraged to raise their concerns internally, it is also recognised that some staff may feel unable to do this and that they may therefore wish to contact an independent, external organisation (see section 6).

4. Investigating Concerns

Preliminary enquiries will be made into the concerns raised to establish whether a formal investigation is required. Immediate action may be taken – prior to an investigation being conducted – if there are concerns for the safety or welfare of pupils or others.

If a formal investigation is not to be undertaken, the reasons why will be explained to the individual as soon as possible. If an investigation is undertaken, this will normally be conducted by an appropriate senior individual with no previous involvement with the concerns raised. In certain cases, this may involve governors and/or an external independent investigator. The investigation will be conducted, where appropriate, in accordance with other relevant internal procedures which could involve the suspension of staff on normal pay whilst the investigation is being carried out. Investigations involving child protection issues will not commence until external advice has been sought from the local authority's designated officer.

Written records will be taken throughout the investigation and the employee will be kept informed of the likely timescale and progress of the investigation. The investigator will be responsible, where possible within 28 days, for reporting formally to the Headteacher and/or Governing Body on the outcome of the investigation. The Headteacher and/or Governing Body will be responsible for taking any necessary action, which may include reporting the matter – as relevant – to the local authority, appropriate government department, regulatory agency or the police, and/or taking action under internal procedures (e.g. disciplinary or bullying and harassment). On conclusion of the investigation, the worker will be informed of the outcome and the proposed action to be taken, whilst respecting the confidentiality of individuals and any legal constraints.

5. Malicious or Vexatious Complaints

If a member of staff makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken in accordance with the disciplinary procedure.

6. Contacting External Organisations

All staff are encouraged to make use of the internal procedure before considering referring concerns to outside organisations. If the member of staff feels that it is right to take the matter externally, contact can be made with a recognised trade union, local Citizens Advice, relevant voluntary or independent organisation or legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the media may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action as a result. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation such as Public Concern at Work (www.pcaw.co.uk).

7. Monitoring & Reporting

The Chair of Governors is the Responsible Officer and has overall responsibility for overseeing the operation of this policy and for ensuring that appropriate records are maintained of genuine concerns raised and the outcomes. The Chair will report as necessary to the Governing Body and to other outside agencies as required.

8. Data Protection

When an individual makes a disclosure, Busbridge CE Junior 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 purposes of dealing with the disclosure.

9. Status of Policy and Review

The content and operation of this policy is reviewed as and when deemed necessary by the Governing Body. The policy is discretionary and does not confer any contractual rights.

Contact Details:

Designated Safeguarding Lead:
The School's DSL is: Richard Catchpole

The School's Deputy DSL is: Rachel Barker

Chair of Governors:

Ron Downhill (chairofgovs@busbridge-junior.surrey.sch.uk)

Area Schools Officer (ASO):
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