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## Whistle Blowing Policy

Approved Spring 2016

All school policies are reviewed by Governors annually

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### Cheltenham Bournside School: Whistle Blowing Policy

#### Introduction

Cheltenham Bournside School is committed to the highest possible levels of openness, probity and accountability in all of its activities. In line with this commitment we wish to encourage employees, and others that we deal with, who have a serious concern about any aspect of the School's work or the actions of its employees to voice their concerns through established internal channels, without fear of victimisation or harassment.

#### Legislation

The Public Interest Disclosure Act 1998 is designed to protect 'whistle blowers' from detriment and unfair dismissal. Those protected under the Act include employees, workers, third party contactor staff, agency workers and work experience providers.

#### Aims and Purpose of the code

This code aims to:

- Encourage an employee to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for an employee to raise concerns and receive feedback on any action taken
- Ensure that an employee receives a response to their concern and is aware of how to pursue the matter if they are not wholly satisfied
- Reassure an employee that they will be protected from victimisation and/or any reprisal if they believe they have made any disclosure in good faith.

There are existing procedures in place (e.g. The Grievance policy) which make provisions for an employee to raise a concern relating to their own employment. This policy is intended to cover any major concerns that fall outside the scope of other procedures. These concerns could be currently occurring, previously occurred or likely to occur and can include any of the following:

- Possible fraud and corruption
- A criminal offence
- Unauthorised use of public funds
- Health and safety risks, including actions likely to cause physical danger to any person or to give rise to a risk of significant damage to property
- A miscarriage of justice
- Damage to the environment
- Abuse of power or the use of school powers and authority for any unauthorised or ulterior purpose
- Harassment or victimisation of students or staff

- Any actions or concerns regarding practice that could result in a financial loss to the academy or would otherwise seriously prejudice the school
- Abuse and welfare of students or staff
- The deliberate concealment of information relating to any of the above matters
- Any other unethical conduct.

***\*Please note that this list is not exhaustive and intended only for illustrative purposes***

A qualifying disclosure is made in accordance with this section if:

- The worker makes the disclosure in good faith
- The worker reasonably believes that the information disclosed, and any allegation contained in it are substantially true
- The disclosure is not made for purposes of any personal gain and should be believed to be in the public interest
- In all circumstances of the case it is appropriate for the worker to make the disclosure.

### **Procedure; Making a disclosure**

As soon as an employee becomes suitably concerned about a matter they should raise concerns with their line manager. However this is dependent upon the seriousness of the issues involved and the person suspected of malpractice. If the 'whistle blower' feels that by making the disclosure known to management, it may result in the disclosure being covered up, unfair treatment or if the disclosure has been raised and remains unresolved; then they should approach one of the following:

- The Headteacher
- The Chair of Governors

If an employee continues to have concerns regarding the matter raised or has reason to believe that those listed above are implicated in some way, then they should contact the following respectively:

- The EFA
- The appropriate 'Prescribed person', detailed on 'The Department of Business Innovation and Skills' list of Prescribed People and bodies'.

If you do go outside the Academy, you should ensure that you do not disclose confidential information.

The sooner an employee raises his/her concerns the easier it is to take appropriate action.

All managers or SLT have a duty to take sufficient action with regard to the concern/s raised, failure to do so in accordance with the policy and procedure may result in disciplinary action.

Concerns must be raised in writing and should detail the nature of the alleged malpractice (including relevant dates, names etc) and the reason for the concern. It should also be made apparent that any malicious raising of unfounded allegations will be recognised as a disciplinary offence.

The receiving manager will inform any employee of any allegations made against them in writing within ten working days of the initial concern being raised, however, should it be deemed that this may jeopardise the investigation it will be suitably delayed.

### **How the school will respond**

The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case, and in some cases concerns may be resolved by agreed action without any need for additional investigation.

Where necessary the matters raised may:

- Be investigated internally
- Be referred to the police
- Be referred to an external auditor
- Form the subject of an independent inquiry

Concerns or allegations which fall within the scope of specific procedures i.e. financial irregularities, discrimination etc will normally be referred for consideration under those procedures.

***\*Any urgent action that may be required will be taken before an investigation is conducted***

Within four weeks of a disclosure being made, the investigating officer will write to both parties indicating:

- How the Academy proposes to deal with the issue, and if an internal investigation is to take place, with an estimate of how long it will take to provide a full response.
- Whether any further investigation will take place and the subsequent reasoning if it does/does not.

Precise details may not be given where there are legal constraints, where it would infringe a duty of confidence between the Academy and employee/other or where there are business reasons for not doing so.

As part of the investigation, the investigation officer will decide:

- Whether any disciplinary action is to be taken against any employee
- Whether any other action should be recommended
- Whether changes should be made to any existing Academy policy under which the disclosure falls.

The investigating officer will be expected to adhere to the timescale indicated; however the nature of some serious concerns may require additional time, in this instance all parties will be kept informed of the progress of the investigation.

All records will be treated as confidential and kept for no longer than is necessary in compliance with the Data Protection Act 1998. In accordance with the Act individuals will have the right to request and have access to certain personal data. Meeting records may be disclosed to employees although some information may be withheld to protect a third party.

**Review**

The Headteacher is overall responsible for monitoring the code and it will be kept under review by the relevant Governor's committee and as a result may be subject to amendment.