



The Piggott School

A School that inspires and encourages the highest achievement

Whistleblowing Procedures

Last review date: Spring term 2020

Reviewed by: Chair of Governors

Review Period: Annually

The Piggott School has based this policy on the model Whistleblowing policy as issued by Wokingham Borough Council (the 'LA') (Effective from September 2011).

1.0 Introduction

1.1 The Piggott School is committed to delivering high quality education and expects high standards from its employees. In order to maintain these high standards a culture of openness and accountability is vitally important. The aims of this policy are:

- to encourage staff to raise concerns about malpractice within the school without fear of reprisal;
- to reassure staff that concerns will be taken seriously; and
- to provide information about how to raise your concerns and explain how the school will respond.

1.2 This policy applies to all employees, former employees, agency staff and contractors engaged by the school.

2.0 What is whistleblowing?

2.1 In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others. By "blowing the whistle" a person would not usually be directly affected by the danger or illegality. Consequently they would rarely have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. A complaint or grievance states that a member of staff was poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying, and staff are entitled to seek redress.

2.2 Examples of whistleblowing concerns are:

- fraud in, on or by the school;
- offering, taking or soliciting bribes;
- unauthorised use of public funds;
- financial maladministration;
- the physical, emotional or sexual abuse of pupils;
- failure to comply with legal obligations;
- endangering of an individual's health and safety;
- damage to the environment;
- a criminal offence;
- failure to follow financial and contract procedure rules;
- showing undue favour to a contractor or a job applicant;
- misreporting performance data; or
- neglect of people in care.

2.3 This Policy does not replace the school's complaints or grievance procedures.

3.0 Who should a member of staff contact?

3.1 Having considered these procedures, an employee of the school, or any other person covered by the Public Interest Disclosure Act (PIDA) 1998, who has serious concerns about any aspect of the school's work, should in the first instance raise concerns using one of the following methods:

- Inform Line Manager or Headteacher

In many cases, raising concerns with the immediate line manager is the most appropriate route for an employee. The line manager should inform the Headteacher of the disclosure and an appropriate course of action will be agreed. If this is not a suitable option (for example because the issue may implicate the manager or if the concern has been raised but remains unaddressed) the concern should be raised directly with the Headteacher.

- Chair of Governors

If an employee's concern is about the Headteacher, this should be raised with the Chair of Governors by writing to the Clerk to the Governing Body (clerk@piggott.wokingham.sch.uk).

4.0 Legal Protection

4.1 The Public Interest Disclosure Act (PIDA) 1998 amended the Employment Rights Act 1996 to protect employees and workers from being dismissed or subjected to a detriment because they have made a 'protected disclosure'. The law protects workers who act in the public interest and who reasonably believe that the wrongdoing or malpractice falls within one of the categories in paragraph 4.2 below. This will amount to a 'protected disclosure'.

4.2 It applies to making a 'protected' disclosure in respect of specific types of malpractice, which are:

- (a) that a criminal offence has been committed, is being committed or is likely to be committed;
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
- (d) that the health or safety of any individual has been, is being or is likely to be endangered;
- (e) that the environment has been, is being or is likely to be damaged; or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The Enterprise and Regulatory Reform Act 2013 also made it a requirement that in order for the disclosure to be protected, the worker must also have held a belief that the disclosure was in the public interest.

4.3 The Act covers, and encourages, 'internal disclosures', which are disclosures made to the school. However, there is also a list of 'prescribed persons' to whom workers can make qualifying disclosures subject to the provisions set out in paragraph 5 below. Disclosures to a prescribed person will only be protected if the worker reasonably believes that the concern raised falls within the remit of the proscribed person in question; and the information disclosed is substantially true.

Wider disclosure to anyone else is only protected if the worker believes that the information is substantially true, is not made for personal gain, and is subject to the provisions set out in paragraphs 5.2 and 5.3 below.

5.0 Raising Concerns outside the school

5.1 In certain circumstances it may be appropriate to raise concerns outside the school to the appropriate 'prescribed regulator'. This should only be done where someone is raising a genuine concern in good faith and where they believe the information is true, i.e. more than just suspicion. Concerns should be discussed with a legal advisor, trade union or the charity "Public Concern at

Work” before reporting them outside the school. Examples of prescribed regulators are set out below:

- The Audit Commission;
- The Standards Board for England;
- Information Commissioner;
- Environment Agency;
- Health and Safety Executive;
- Commissioner of the Inland Revenue;
- Ofsted;
- General Social Care Council;
- Care Quality Commission;
- The Commission for Social Care Inspection; and
- National Care Standards Commission.

5.2 As a last resort a member of staff may choose to raise a concern outside the school to someone other than a prescribed regulator, e.g. to the police or an MP. This should only be done if, in addition to the conditions above, one of three preconditions are met. Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that the member of staff:

- a. reasonably believed that they would be victimised if they raised the matter internally within the school; or
- b. reasonably believed that the matter would be ‘covered up’ and there is no prescribed regulator; or
- c. have already raised the matter internally or with a prescribed regulator

5.3 It should be noted that wider disclosures (i.e. to the media) can only be protected where there is a justifiable cause for going wider and where the particular disclosure is reasonable. The school therefore encourages concerns to be raised initially using one of the methods described in section 3 of this Policy.

6.0 Making a protected disclosure

6.1 This policy is intended to allow the internal investigation and resolution of any concerns raised. In accordance with the PIDA 1998, to make a ‘protected’ disclosure the whistleblower has to meet certain conditions:

- a. Disclosure to the school will be protected if it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
- b. Disclosure to a regulatory body will be protected where, in addition, the whistleblower honestly and reasonably believes that the information they provide and any allegation contained in it are substantially true.
- c. Disclosure to other external bodies will be protected if, in addition, making it is in all respects reasonable. ‘In all respects reasonable’ means, in effect:

- the disclosure is not made for personal gain;
- the whistleblower reasonably believed that they would be victimised if they raised the matter internally;
- there is no relevant regulatory body;
- the whistleblower reasonably believed that evidence was likely to be concealed or destroyed;
- the concern has already been raised with the employer and/or relevant regulatory body; and
- the concern is of an ‘exceptionally serious’ nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority’s care.

6.2 This may be done orally or in writing. If in writing, details of how the whistleblower can be contacted must be given. Anonymous disclosures present difficulties for effective investigation. Names will not be revealed without consent, unless required by law. However the school recognises that despite the dual safeguards of confidentiality and legal protection from recrimination that individuals may still feel unable to reveal their identity. In these situations individuals can report their concerns

anonymously, but should be aware that these concerns carry less weight with the investigation teams and the disclosure may not be sufficiently detailed to provide a successful investigation.

- 6.3 Allegations that are malicious, or allegations made for personal gain, may result in action against the person making them. If an allegation is made in good faith, but is not confirmed by an investigation, no action will be taken against the person who raised the concern.
- 6.4 It is preferable that a whistleblowing concern be raised as soon as there is reasonable suspicion. Employees are not expected to investigate the matter themselves or prove that their concern is well-founded.
- 6.5 The school recognises that the decision to report a concern can be difficult. If reported in good faith, the school will not tolerate any harassment or victimisation against the whistleblower. Any employee who is found to have victimised or harassed an employee who raised a concern will face disciplinary action.
- 6.6 Anyone who has made a protected disclosure will not suffer any detriment as a result of raising their concern unless it is later proved that they knew they were providing false information. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another worker. Examples that could amount to a detriment include (but are not limited to):
- a) failure to promote, if linked to the disclosure;
 - b) denial of training;
 - c) closer monitoring;
 - d) ostracism;
 - e) blocking access to resources;
 - f) unrequested re-assignment or re-location;
 - g) demotion;
 - h) suspension;
 - i) disciplinary sanction;
 - j) bullying or harassment;
 - k) victimisation;
 - l) dismissal;
 - m) failure to provide an appropriate reference; or failing to investigate a subsequent concern.

7.0 How will the School respond?

- 7.1 The action taken by the school will depend on the nature of the concern. The matters raised may:
- be investigated internally;
 - be referred to the Police;
 - be referred to the Department of Education;
 - be referred to the external auditors; or
 - form the subject of an independent inquiry.
- 7.2 Feedback on the outcome of the concern will be given to the person raising the concern. This feedback may be limited due to legal obligations of confidentiality (i.e. if disciplinary action is taken against a School employee).
- The person raising a concern will normally be told:
- a) how and by whom a concern will be handled;
 - b) an estimate of how long an investigation will take;
 - c) the outcome of the investigation (where appropriate);

- d) that if they believe they are suffering detriment as a result of raising the concern that they should report it;
- e) that he or she is entitled to independent advice.

8.0 What if I am dissatisfied with the school's response?

8.1 This policy is intended to provide an avenue to raise concerns within the school. However, if at the end of the process an employee of the school, or any other person covered by the Act, is not satisfied with how a disclosure has been dealt with and wishes to pursue matters by means of a wider disclosure, the following points of contact are available:

- the local Council Member (if the whistleblower lives in the area of the borough);
- the Audit Commission;
- relevant professional bodies or regulatory organisations;
- relevant inspection body;
- solicitor; or
- the Police.

8.2 If the matter is taken outside of the School, the whistleblower needs to ensure that confidential information is not disclosed and that the whistleblower is 'protected' in accordance with the PIDA 1998 (refer to section 6.0 of this Policy). If you wish to raise a concern outside of the school, you may raise it with an external body from the list of prescribed persons and bodies detailed in the 'Department for Business Innovation & Skills 'Blowing the Whistle to a Prescribed Person' document: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>. You should seek your own advice if you are unsure about whether to raise the matter outside of the school.

8.3 The school processes any personal data collected during the whistleblowing process in accordance with its GDPR policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the whistleblowing procedure.

9.0 Further information and advice

9.1 Independent advice on 'whistleblowing' can also be obtained from the charity Public Concern at Work and from the Audit Commission. Contact details for these organisations are:

- Public Concern at Work
The Green House, 244 – 254 Cambridge Heath Road, London, E2 9DA
Helpline: 020 3117 2520 Email: whistle@protect-advice.org.uk
- National Audit Office
157-197 Buckingham Palace Road, Victoria, London, SW1W 9SP
Helpline: 020 7798 7999 Email: enquiries@nao.gsi.gov.uk
- Professional Body or Trade Union
A professional body or trade union should be able to advise on Whistleblowing.