



Whistleblowing Policy

The Folkestone School for Girls Academy Trust is known as “the school” in this policy.

Introduction

A whistleblowing procedure details the way in which concerns about malpractice may properly be raised within the school and if necessary outside the school. There is a balance to be struck between the right of the individual member of staff to speak freely on a range of matters and the right of the school to protect themselves against false and malicious accusations.

Definition

Whistleblowing inside the workplace is the reporting by workers or ex-workers, of wrongdoing such as fraud, malpractice, mismanagement, abuse of child protection procedures, breach of health and safety law or any other illegal or unethical act either on the part of management, the trustees or by fellow employees. Workers may include, for example, contractors and agency workers.

Principles supporting the procedure

- Create an ethical and open culture;
- Establish safe routes for communications of concerns. Appoint an individual to receive complaints of irregularities or other concerns;
- Protect the whistleblower. Make it clear that the school will support and not discriminate against concerned employees provided any claim is made in good faith;
- Establish a fair and impartial investigative procedure. Make sure that the school responds to the concern by focusing on the problem, rather than denigrating the messenger;
- Remind staff of the duty of confidentiality. The duty of fidelity is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers’ confidential information, unless it is in the public interest that information is disclosed or unless the school fails to properly consider or deal with the issue;
- Safeguard against abuse of the procedure. Ensure that the malicious raising of unfounded allegations is recognised as a disciplinary offence;
- Uphold the right to disclose a concern. The individual member of staff has the right to disclose a concern/issue if the school does not deal with the matter;
- Involve the Principal, Trustees and staff in developing the procedure. To be effective there will be a sense of organisational ownership of a whistleblowing procedure;
- Review. Ensure there is a review mechanism using the comments and experience of those who may have had reason to invoke the whistleblowing procedure.

Legislation

The Public Interest Disclosure Act 1998 is designed to protect ‘whistleblowers’ from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers.

Protection from Detriment

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an employee believe they have been subject to detriment or retribution they should report this to the Chair of Trustees who may address the matter in accordance with the school's disciplinary procedure.

No action will be taken against an employee where concerns raised are subsequently unproven. However, disciplinary action may be taken against individuals who knowingly make false, malicious or vexatious allegations. This policy is separate from the school procedures regarding grievances. Staff members should not use the 'whistleblowing' procedure to raise grievances about their personal employment situation. Rather, this procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the school.

Should an employee commit a criminal offence in raising a concern (eg: accepting a bribe or an act of corruption), protection from detriment may be lost and the employee may be subject to the school's disciplinary procedures.

The Procedure

Wherever possible employees should initially raise concerns openly with their Line Manager or the Principal. In instances of serious concern or where the complaint involves the Principal, complaints should be raised with the Chair of Trustees. Should the Principal have concerns, these should be raised with the Chair of Trustees in the first instance. Concerns may be raised verbally or in writing.

A concern raised in writing should:

- Set out the background and history of the concern - giving names, dates and places where possible
- Give the reason why the Employee is particularly concerned about the situation
- For clarity it would be helpful for the Employee to state that they wish their concerns to be addressed under the Whistleblowing Procedure

An Employee is not expected to prove the validity of their concern; however they will need to demonstrate that there is a reasonable suspicion for their complaint.

If staff or volunteers feel unable to raise an issue with the school or feel their genuine concerns are not being addressed, they may use other whistleblowing channels, for example where Child Protection is concerned: the NSPCC whistleblowing helpline (Tel: 0800 028 0285 or email: help@nspcc.org.uk).

How the school will respond

Preliminary enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with the Employee who has raised the concern.

On occasion, it may not be appropriate for the person who receives the complaint to progress the concern and the matter may be referred to another individual within the school or an external organisation.

It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation.

Where it is not possible to resolve the matter informally, the action taken by the school will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation;
- Referral to the School's auditors;
- Referral to another regulatory authority;
- Referral to the Police;
- Referral to the local authority

Within 10 working days of receipt of any concern, the person progressing the matter will write to the Employee to:

- Acknowledge that the concern has been received;
- Indicate how and through whom the school proposes to address the matter, including whether further investigation or referral to another organisation will be made;
- Give an estimate of how long the investigation will take;
- Indicate whether further information will be sought from the Employee and the arrangements for obtaining this where known.

The form of further contact between the employee and the person progressing the complaint will depend on the nature of the matter raised and the follow up action required.

In instances where an investigation is prolonged or referral to an external agency takes place - arrangements will be made to provide the employee with situational updates as far as is practicable.

On occasion, the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred;
- The matter is/has been the subject of internal proceedings under another school policy;
- The matter is/has been the subject of external legal proceedings/been referred to another external agency;
- A false malicious or vexatious complaint has been made.

Notification of the Outcome of the Concern

The school recognises that an employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the complaint, wherever possible.

In some circumstances however, it may not be appropriate or permissible to share this information (for example where legal/disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback the employee will be advised that the matter has been addressed or concluded as far as is practicable. Where a matter is not to be considered further the Employee who raised the complaint will be advised of this in writing.

Anonymous Concerns

Employees are encouraged to put their name to any allegation where possible. Anonymous allegations will be considered and investigated at the school's discretion.

In exercising the discretion, the following factors may be considered:

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

It should be noted that it may be more difficult to address the concern, support an Employee or advise them of the outcome where a concern is reported anonymously.

Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for the school to assess and investigate the issue. However, it is recognised that there may be some circumstances where an employee would prefer to raise a concern in confidence. Employees should make the school aware of this when raising their concern.

Where appropriate, every effort and consideration will be given to arrangements to maintain the employee's confidentiality, including off site meetings where appropriate.

Every effort will be made not to reveal the employee's identity, without their prior consent, if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality, for example if the concern is subject to an external/police investigation where disclosure is required. An employee will be advised should there be a possibility that their confidentiality cannot be maintained.

Malicious Accusations

Deliberately false or malicious accusations will be dealt with under the school's disciplinary procedure.

External Sources

Whistleblowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. Compelling reasons could be the involvement of the Trustees as a whole, serious health and safety issues or possible discrimination. The external sources which could be used are:

- Department for Education;
- Member of Parliament;
- National Audit Office;
- Health and Safety Executive;
- Police

Other Concurrent Processes

Where a complaint is raised under the whistleblowing procedure this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy. However, each case will be considered on its merits to ensure that the school is acting reasonably.

Record Keeping

Notes may be taken of all meetings with the employee held under this procedure. Where notes are taken, a copy will be made available to the employee on request.

All records will be treated as confidential and processed in accordance with the General Data Protection Regulations (GDPR), which provides individuals with the right to request and have access to certain data.

The Board of Trustees must maintain a central record of whistleblowing. This record will include a summary of the concern raised, action taken and the resulting outcome.

Senior staff or Trustees who receive whistleblowing concerns must ensure the concern is recorded.