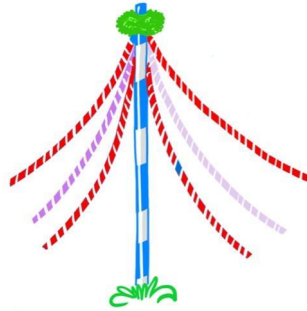


MAYPOLE SCHOOL



WHISTLEBLOWING POLICY September 2023

Drafted by:	John Herring	
Authorised by:	Adrienne Cherrywood	05 Sep 22
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1. INTRODUCTION

Maypole School is committed to providing outstanding educational opportunities for all our pupils.

Part of this commitment is to uphold the right and responsibility of all employees to raise any genuine concerns of breaches of the law, ongoing poor practice, bullying, suspected bribery and/or any other serious wrongdoing.

The principles of openness and accountability, which underpin the legislation protecting whistleblowers, are reflected in this policy and procedure. The school is also committed to ensuring compliance with the Bribery Act 2010.

Please do voice your concerns, without fear

All of us at one time or another may have concerns about what is happening at work, or within a particular organisation. Usually we can easily resolve these concerns, but when they are about serious malpractice it can be difficult to know what to do.

Do not ignore your concerns. It is important that we do not allow serious malpractice to endanger the safety or wellbeing of pupils, impact upon the rights of staff to work in an environment free from all types of discrimination and bullying, or to damage the school and all involved in it in any other way.

The purpose of this Policy

It is the responsibility of the whole school community to promote an ethos of mutual respect, fairness and equality in everything we do, in order to create a positive atmosphere for all. This policy aims to encourage staff to raise genuine concerns through internal procedures without fear of adverse repercussions. The law allows staff to raise such concerns externally and this policy informs staff how they can do so. However, should staff raise a concern otherwise than under this procedure, it may result in a disclosure losing its protected status under the law.

This policy also seeks to balance the need to allow a culture of openness with the need to protect other staff against vexatious allegations or allegations which are not well founded.

Employees' legal responsibilities

As employees we all have a responsibility to ensure that we are complying with our employer's policies and procedures. Many of these reflect legal responsibilities that we all have, including those relating to child protection, safeguarding of vulnerable adults and equality duties for race, disability, gender reassignment, age, sex, sexual orientation, faith or belief, transgender, pregnancy and marriage. Anybody who has a concern relating to any of these areas must report it to the Principal, Head Teacher, Senior leadership team or a member of the Governing Body.

2. THE WHISTLEBLOWING PROCEDURE

This policy and procedure provides the school with the opportunity to address a potential problem before it becomes serious.

Who this Policy applies to

This policy applies to all individuals engaged by the school, including all employees, apprentices, casual staff, employees of subcontractors, consultants and agency staff. For the purposes of this policy, they will be referred to as Staff.

What to do if you have a Concern

Pupils are encouraged to raise genuine concerns about suspected wrongdoing by making a complaint to the Principal or Executive Head Teacher.

Staff might be unsure whether it is appropriate to raise their concern under the Whistleblowing Policy, or whether it is a personal grievance that needs to be raised under the school's Grievance Procedure. Any staff member in this situation is encouraged to approach the Principal in the first instance, in confidence, for further advice.

How the law protects staff - Protected Disclosures

The law protects staff who, out of a sense of public duty, want to reveal suspected wrongdoing or malpractice. The law allows staff to raise what it defines as a 'protected disclosure'. In order to be a protected disclosure, a disclosure must relate to a specific subject matter (see below) and the disclosure must also be made in an appropriate way (see 'Procedure for making a disclosure'. A protected disclosure must, in the reasonable belief of the staff member making it, also be made in the public interest. A protected disclosure must consist of information and not merely be allegations of suspected malpractice.

3. EXAMPLES OF WHEN STAFF SHOULD WHISTLEBLOW

If you become aware of any of the following "specific subject matter"

Staff should follow this policy and procedure if, in the course of employment, they become aware of information which they reasonably believe tends to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be endangered;
- That the environment has been, is being or is likely to be damaged;
- That information tending to show any of the above has been, is being or is likely to be deliberately concealed;

- Failure to have due regard to the need to prevent people being drawn into terrorism (the Prevent duty);
- Unethical or unprofessional conduct that causes concern.

Examples of incidents falling into the above classifications

Examples of incidents falling into one or more of the above classifications might include:

- Failure to appropriately act upon safeguarding concerns or otherwise act to prevent abuse of pupils
- Abuse of other staff
- Using funds or property irresponsibly or unlawfully
- Putting personal interests before the interests of the organisation
- Possible corruption
- Dangerous procedures risking health and safety
- Failing to follow exam procedures

4. PROCEDURE FOR MAKING A DISCLOSURE

Who you can raise concerns about

Employees may raise concerns about the practice of anyone who works for or on behalf of the school, including staff, governors, volunteers and contractors.

Individual and collective disclosures

Concerns may be raised individually or collectively. If collective concerns are raised, staff should be prepared to give their own account during any investigation should this be required.

Time limit for raising a concern

There is no time limit to raising a concern, however employees are encouraged to do so at the earliest opportunity in order to allow concerns to be suitably addressed.

Who to raise your concern to

Information which a staff member reasonably believes tends to show one or more of the situations listed above should be promptly disclosed, in writing, to the Principal of the school so that appropriate action can be taken.

If the information is about the Principal, then the disclosure should be made to the Chair of the Governing Body.

Please do identify yourself (anonymous disclosures are harder to investigate)

Staff are encouraged to identify themselves when making a disclosure. If an anonymous disclosure is made, the school will not be in a position to notify the individual making the disclosure of the outcome of action taken. Anonymity also means that the school will have difficulty in investigating

the concern. The school reserves the right to determine whether to apply this procedure in respect of an anonymised disclosure in light of the following considerations:

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

For further guidance

For further guidance in relation to this policy and procedure, or concerning the use of the disclosure procedure generally, staff should speak in confidence to either the Principal, or to the Chair of the Governing Body (whose contact details are on the School's website.)

Whilst advice about the policy can be given in confidence, where a specific disclosure is made confidentiality will be maintained as far as possible, dependent on the disclosure. There are some situations where a disclosure must be shared, such as to safeguard a pupil, to prevent a criminal act from occurring or to safeguard health and safety.

5. PROCEDURE FOR INVESTIGATING A DISCLOSURE

Acknowledgement of receipt of a disclosure

When a staff member makes a disclosure, the school will acknowledge its receipt in writing, within a reasonable timeframe. Consideration will then be given to the substance and/or merit of the disclosure.

If the conclusion is that no further action is merited

If the school considers that the disclosure does not warrant further action, the staff member will be notified in writing of the reasons for this decision and advised that no further action will be taken under this policy and procedure. Considerations to be taken into account when making this determination may include the following:

- If the Principal is satisfied that a staff member does not have reasonable belief that suspected malpractice is occurring, *or*
- If the matter is already the subject of legal proceedings or other appropriate action by an external body, *or*
- If the matter is already subject to another appropriate school procedure.

If further action is required

When a staff member makes a disclosure which has sufficient substance or merit to warrant further action, the school will take appropriate action (including action under any other applicable policy or procedure). Possible actions could include internal investigation, referral to the school's auditors, and / or referral to relevant external bodies such as the Police, Ofsted, Health and Safety Executive or the Information Commissioner's Office.

If appropriate, any internal investigation will be conducted by a senior leader without any direct association with the individual to whom the disclosure relates, or by an external investigator appointed by the school, as appropriate.

Any recommendations for further action made will be addressed by the full leadership team, as appropriate in the circumstances. The leadership team will take all steps within their power to ensure the recommendations are implemented.

Feedback to the person who made the disclosure

The staff member making the disclosure will be notified of the outcome of any action taken by the school under this policy and procedure within a reasonable period of time. The information provided may be limited if it is of a confidential nature. There is no right of appeal for staff members making a disclosure.

6. SAFEGUARDS FOR ALL STAFF MAKING A DISCLOSURE

Preservation of anonymity

A staff member making a disclosure under this procedure can expect the matter to be treated confidentially by the school and, where possible, their name not to be disclosed to anyone implicated in the suspected wrongdoing without their prior approval. The school will take all reasonable steps to ensure that any report of recommendations or other relevant documentation produced as a result of disclosure does not identify the staff member making the disclosure without their consent unless the school is legally obliged to do so, or for the purposes of seeking legal/safeguarding advice. Where the school must disclose a name to an outside body (for example to the Police) the staff member will be notified of this in advance.

No disciplinary action, if you have acted in good faith

No disciplinary action will be taken against a staff member on the grounds of them making a disclosure under this policy or procedure. This does not prevent the school from bringing disciplinary action against a staff member where they have sound reason to believe that a disclosure was made maliciously or vexatiously, or where a disclosure is made outside the school without reasonable grounds for this.

Protection after making a disclosure

A staff member will not suffer dismissal or any form of detrimental action or omission of any type (including informal pressure or any form of victimisation) by the school for making a disclosure in accordance with this policy and procedure.

No tolerance of harassment or victimisation

Maypole School will not tolerate any form of harassment or victimisation of staff who make disclosures. If at any stage a staff member feels that they are being subject to informal pressures, bullying or harassment due to making a disclosure, they should raise this matter immediately, in writing, to the Principal.

If a staff member were to be threatened, bullied, pressurised or victimised by a colleague for making a disclosure, then disciplinary action would potentially be taken against the colleague in question.

A staff member making a disclosure may want to confidentially request counselling or other support from the school, and may be referred to an Occupational Health service or to Employee Assistance. Any such request for counselling or support should be addressed to the Principal.

7. DISCLOSURE TO EXTERNAL BODIES

This policy and procedure is to allow staff to raise concerns internally within the school. A staff member has the right to make a disclosure outside of the school where there are reasonable grounds to do so and in accordance with the law.

Staff may make a disclosure to an appropriate external body prescribed by the law. The list of 'prescribed' organisations and bodies can be found at

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Staff can also make disclosures on a confidential basis to a practising solicitor or barrister.

If a staff member seeks advice externally, they must be careful not to breach any confidentiality obligations or to damage the reputation of the school in so doing.

8. RECORD OF CONCERNS, & RELATED POLICIES

Record of concerns raised

The school will keep a record of all concerns raised under this policy and procedure.

Related Policies

- Anti-Bullying Policy
- Child Protection & Safeguarding Policy
- Equality & Diversity Policy
- Grievance Procedure
- Health & Safety Policy
- Staff Code of Conduct