



WHISTLEBLOWING POLICY

Policy Review:

September 2024

Whistleblowing Policy

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Whistleblowing Policy

This policy applies to all employees, trustees, contractors and suppliers. It will be made available to all staff, posted on the school's intranet and external website.

1. Introduction

Tytherington School is committed to conducting itself with honesty and integrity and expects staff and trustees to maintain high standards. However, all organisations face the risk of things going wrong or of unknowingly harbouring illegal or unethical conduct. We adopt a culture of openness and accountability which is essential to minimise such occurrences and address them if they do.

This policy is intended to enable employees, trustees, contractors and suppliers to raise serious concerns rather than overlooking a problem, and to encourage them to blow the whistle within the school rather than turning to outside agencies.

2. Definitions

Whistleblowing can be described as a disclosure made by an employee, trustee, contractor or supplier (hereon in referred to as 'the whistleblower') who has concerns about a dangerous, unlawful or unethical practice which it is in the public interest to disclose.

Examples of whistleblowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Miscarriages of justice
- Bribery
- Negligence
- Breach of Tytherington School's internal policies and procedures
- Conduct likely to damage the school's reputation
- Unauthorised use of public funds
- Unauthorised disclosure of confidential information
- Pupils' or staffs' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest.
- Damage to the environment
- Other unethical conduct
- Deliberate concealment of any of the above categories

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the school count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures.

3. Aims and Scope of this Policy

This policy has been developed in line with best practice and aims to encourage the reporting of suspected wrongdoing as soon as possible, in the knowledge that concerns will be taken seriously, investigated as appropriate, and that the confidentiality of the whistleblower will be respected.

The policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.
- Let all staff in the school know how to raise concerns about potential wrongdoing in or by the school.
- Set clear procedures for how the school will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistle-blowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to Tytherington School in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

This policy should not be used for complaints relating to personal circumstances such as treatment at work. The Grievance Procedure, Dignity at Work Policy or Anti-harassment and Bullying Policy should be used as appropriate. This policy does not cover members of the public whose concerns are dealt with under the Complaints Policy. Concerns around Child Protection should be referred through the school's Safeguarding Procedure.

4. Legislation

This policy has been written to take into account the Public Interest Disclosure Act 1988, which protects workers making disclosures about certain matters of concern, where those disclosures are made within the act's provisions. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concerns about, health and safety at work.

The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.

5. Raising a Whistleblowing Concern

We recognise that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the alleged malpractice.

Staff should consider the examples in section 2 when deciding whether their concern is of a whistle-blowing nature; consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

6. Who to report to

Staff should report their concern to the **Headteacher**. If the concern is about the Headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to either of the **Chairs of Trustees**.

Name	Emmanuel Botwe	Trevor Langston	Ed Griffen
Position	Headteacher	Chair of Trustees	Chair of Trustees
Contact	ebotwe@tytheringtonschool.co.uk	chair@tytheringtonschool.co.uk	

7. How to raise a concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

8. Procedure for responding to whistle-blowing concerns

When a concern is received by the Headteacher or Chair of Trustees they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative.
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy.
- Reiterate at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - o The recipient should then arrange a further investigation into the matter, involving the Headteacher and/or Chair of Trustees, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police.
 - o The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.
- If the whistleblower is unhappy with the outcome of an investigation, they can contact outside professional agencies, such as, The Police, Ofsted or The Department of Education. It is recommended that legal advice should be taken before reporting an issue to a body other than those specified to ensure any disclosure is protected.

9. Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Headteacher, trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

10. Protection and Support for Whistleblowers

Tytherington School will not tolerate any detrimental treatment (including informal pressures) of bona fide whistleblowers and will take appropriate action under the school's disciplinary (or other) procedures.

If a member of staff is the subject of disciplinary or redundancy procedures and chooses to whistle blow, they should be aware that these processes will still continue.

This policy provides a secure basis for reporting concerns in the knowledge that if requested the matter will be treated confidentiality.

11. Open Disclosures

The best culture is one where individuals have sufficient faith in the culture of the school to report concerns openly, so those involved know the issues and who raised them.

This is the aim of Tytherington School as it makes it easier to assess the report, gather additional information and carry out an investigation. Open investigations can help reveal hidden agendas, prevent witch hunts and reduce the risk of mistrust and paranoia developing.

However, when voicing concerns openly doesn't feel right, they can be reported confidentially under this policy which protects the whistleblower.

12. Confidentiality

When a concern is raised confidentially, Tytherington School will make every effort to ensure the identity of the whistleblower is not revealed.

When investigating the concern internally, if it would be advantageous to reveal the whistleblower's name, or if by raising the concern their identity is likely to be revealed, the school will discuss this with the whistleblower in advance.

Anonymous disclosures are discouraged as this can make effective investigation more difficult or impossible without further details or discussion. It is also more difficult to establish whether the allegations are credible and/or made in good faith and not malicious.

Whistleblowers who are concerned about possible reprisals should come forward to the Whistleblowing Officer and discuss appropriate measures to preserve confidentiality.

Although we will do our best to ensure that names are not revealed, in a small institution it is not possible to guarantee that the identity of the whistleblower will not become known – particularly where a limited number of people have access to the area/topic at issue.

In addition, there are certain circumstances in which the name may be revealed including:

- If the report is found to be knowingly false or the whistleblower is found to be acting maliciously
- If the law requires the concern to be reported to a statutory body
- If disclosure is ordered by the courts
- a formal statement is required as part of a police investigation

In exercising this discretion to keep the whistleblower's identity anonymous, the factors taken into account by the school would include:

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

Those making anonymous reports are not covered by the safeguards put in place to protect known whistleblowers.

13. Malicious or Vexatious allegations

Whistleblowers are protected under the Public Interests Disclosure Act 1988 if the whistleblower:

- believes the disclosure to be in the public interest
- reasonably believes the information disclosed and any allegation contained in it, is substantially true
- does not make the disclosure for personal gain

If a whistleblower makes an allegation or raises a suspicion in good faith and that they believe to be true, but which cannot be substantiated by internal investigation, no action will be taken against the person making the allegation.

If however, an allegation is made which is known to be false then disciplinary action may be taken against the 'whistleblower' under the school's Disciplinary Policy and Procedure.

14. Escalating concerns beyond the school

Tytherington School encourages staff to raise their concerns internally, but recognises that staff may feel the need to report concerns to an external body. A list of bodies to whom staff can raise concerns with includes:

- The Police
- Ofsted
- Department of Education

The Protect advice line can also help staff when deciding whether to raise the concern to an external party.

15. Monitoring and review

The policy will be reviewed in the light of operating experience and/or changes in legislation or further issued guidance from the DfE or every three years if there have been no changes.

16. Links with other policies:

- Grievance Policy and Procedure
- Complaints Policy
- Disciplinary Policy and Procedure
- Dignity at Work
- Bullying and Harassment Policy