



Cotham School

Whistle Blowing Policy

Version control

The table below shows the history of the document and the changes made at each version:

Version	Date	Summary of changes
1.0	September 2011	BCC policy adopted on conversion to Academy (Cotham process flow chart added)
1.1	September 2015	Reference to Audit Commission removed
1.2	May 2020	Section Amendment: <ol style="list-style-type: none">1. New statement included - Policy does not form contract of employment2. Clarification of existing procedures and policies3. Updated aims and scope Updated procedure and process flow diagram
1.3	Sept 2023	Section Added: <ol style="list-style-type: none">5. Procedure for responding to a whistle-blowing concern

Last Approved by Governors: May 2020

Policy Author: Director of Finance and Resources

Review date: February 2023

Contents

1. Introduction	2
2. Existing procedures	2
3. Aims and scope	2
4. Safeguards	3
4.1 Victimisation	3
5. Procedures	3
Cotham School Whistle Blowing Procedures for raising a concern	4-5

1. Introduction

This policy and procedure enables staff to exercise their rights under the Public Interest Disclosure Act 1998. It applies to all staff of the school, which includes temporary staff, agency staff and contractors (whilst engaged on school business).

The school encourages a free and open culture and is committed to high standards of honesty. Cotham School will not tolerate any form of malpractice and recognizes that staff have an important part to play in reporting any concerns.

The school recognises that it is often difficult for staff to report concerns through fear of victimisation or reprisal. This whistle-blowing policy aims to reassure staff that they can raise genuine concerns without fear of reprisals. It aims to encourage and enable staff to raise concerns internally within Cotham School, rather than overlooking the problem or raising the concern outside.

This policy and procedure does not apply to the general public, or school pupils who report alleged instances of malpractice by their teachers

This policy does not form part of any employee's contract of employment and may be amended at any time.

2. Existing Procedures

The school has existing procedures in place for staff to raise concerns on financial irregularities, including fraud and corruption through the Anti-Fraud and Corruption Policy

This procedure exists in addition to the above procedure and is intended to have a wider application covering other forms of malpractice that are not covered in the above procedure.

This policy should not be used for staff to make a complaint about their own employment within the school. 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 these should be raised through the school Grievance Procedure.

3. Aim and Scope

The aim of this policy is 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
- Reinforce existing procedures in place for staff, who have reasonable suspicions, to raise concerns at an early stage
- Let all staff in Cotham 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
- Reassure staff they will be protected from victimisation or reprisals if they raise any concerns
- Enable staff to take the matter further if they are unhappy with the school's response

This policy is intended to cover Whistle blowing concerns made that report wrongdoing that is in the “public interest”. This policy covers concern that fall outside of other procedures, and includes the following (this list is not exhaustive)

- a criminal offence, such as fraud or corruption
- a failure to carry out a legal obligation or statutory requirement
- breaches of financial management procedures
- endangering an individual’s health, safety and wellbeing
- damage to the environment
- concealment of any of the above, or any wrongdoing in the public interest

4. Safeguards

4.1 Victimization

(a) Anonymous Allegations

This policy encourages staff who raise concerns not to remain anonymous, by ensuring they will be protected from victimisation. However, where a member of staff wishes to remain anonymous, the School will attempt to protect their identity. This may not always be possible as staff who report concerns may be required to give evidence as a witness, in situations where disciplinary or criminal action is taken.

The School will use its discretion in maintaining the anonymity of the individual concerned. The following factors would need to be taken into account: -

- the seriousness of the issue(s) raised
- the likelihood of obtaining information from alternative sources, which would confirm the allegation

(b) Untrue Allegations

Cotham School will protect individuals from false and malicious allegations. Allegations will be investigated before determining what action, if any, should be taken. Where it is established that a member of staff makes an allegation which is known to be false, malicious or for personal gain, they will be subject to disciplinary action, under Cotham School’s Disciplinary Procedure.

Where allegations made in good faith are found to be untrue, no action will be taken against the member of staff raising the concern and Cotham School will ensure that the negative impact on the person accused is minimised.

5. Procedure for responding to a whistle-blowing concern

5.1 Investigating the concern

When a concern is received by the School - referred to from here as the ‘recipient’ - 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/procedure.

- 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:
 - a further investigation into the matter may be required, involving the headteacher and/or chair of governor, if appropriate. In some cases, an external, independent body may investigate. In other cases, the matter may need to be reported to the police.
- 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.

5.2 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, governors 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.

Cotham School Whistle-blowing procedures for raising a concern.

Initial concern raised

Concern raised in confidence with:

- Line Manager or
- Headteacher (more serious and sensitive concerns) or
- Chair of Governor (if it is with regards to the Headteacher

Employees who raise concerns that fall within the scope of other school procedures will not be dealt with in this procedure, but will be advised on the appropriate procedure to use. Such employees will still receive protection as detailed in this policy.

Member of staff demonstrates nature of concern and can show reasonable grounds for raising it. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

Preferably provide written information on background, history, names, 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. A telephone conversation can be an alternative method of communication or a face to face meeting.

Cotham Response

Concerns raised will be treated confidentially. Initial enquiries will be made to establish whether there is sufficient cause for concern to warrant further investigation. Determine the most appropriate form of investigation, either:

Be resolved by agreed action without the need for investigation

or

Be investigated by Leadership team.

or

At discretion of HT and Chair of Governors, be the subject of an Independent inquiry.

or

Be referred to the police.

1. 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
2. Depending on nature of issue, timescale and process may vary.
3. Staff who wish to know, will be kept informed of progress and outcomes (as long as it does not compromise process).
4. The amount of contact between the individual raising the concern and the person(s) investigating the matter will depend upon the issue raised, the potential difficulties involved in the area of work to which the concern relates.
5. At any meeting arranged to investigate a concern the employee will have the right to be accompanied by their trade union representative or a work colleague, who is not involved in the area of work to which the concern relates.
6. Cotham school will take all necessary steps to minimise any difficulties that staff may experience as a result of raising a concern.
7. 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

How can the matter be taken further.

If a member of staff is not satisfied that their concerns have been taken seriously, they should write to the Chair of Governors and request the investigation is reviewed.

If you wish to take your concern outside the school, the following are possible contact points:

- a) The Police
- b) Your Trade Union
- c) Your solicitor

Employees are able to rely on their rights under the Public Interest Disclosure Act 1998, which came into force on 2 July 1999 and provides the following:

- (a) protection from suffering any detriment as a result of making a 'qualifying disclosure', as defined within the Act
- (b) a list of prescribed persons that employees can contact when raising a concern.

For further information on the Act you should contact the school's Human Resources department.

Employees who do take a concern outside the school should ensure that they do not disclose confidential information, except in accordance with this procedure.

If you want to seek external advice, please contact Protect Advice Line (an independent registered charity who can give advice – tel. No. 020 3117 2520 or whistle@protect-advice.org.uk).

