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Kassim Darwish Grammar School for Boys

Whistleblowing Policy & Procedure

Introduction

KD Grammar School for Boys is committed to conducting its business with honesty and integrity, and expects all staff to maintain Grammar school standards in accordance with their contractual **obligations and the School's policies and procedures**. We have a culture of safety and of raising concerns and a culture of valuing staff and of reflective practice.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harboring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure.

Aims of Policy

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistaken.
- To ensure we have transparency and accountability in relation to how concerns are received and handled

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Trustees, Executive Head Teacher, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns; Including poor or unsafe practice and potential failings in the school safeguarding regime. miscarriages of justice;

- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy. Support will be offered to staff who have reported genuine concerns.

This policy should not be used for complaints relating to staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure

If staff are uncertain whether something is within the scope of this policy they should seek advice from the Executive Head Teacher and if the matter is in relation to an alleged wrongdoing by the Executive Head Teacher then Staff should seek the advice of the Designated Trustee.

All staff are trained in what whistleblowing is and how they can raise a concern during their induction training as well as regular refreshers from time to time.

Raising a whistleblowing concern

All whistleblowing concerns should be raised with the Executive Head Teacher or the Trustees if the concerns relates to Executive Head Teacher.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- **The Executive Head Teacher**
- **The Chairman of Trustees with responsibility for Whistleblowing matters**

The Executive Head Teacher will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Executive Head Teacher will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases it will not be possible to maintain confidentiality and the Executive Head Teacher should explain this to the employee. In such instances the employee will have the choice of agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

The School will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The School will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

Safeguard Against Reprisal, Harassment and Victimisation

The Trustees will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the Public Interest Disclosure Act (PIDA) provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the Trust's **staff disciplinary procedures**. Provision for mediation and dispute resolution will be arranged where necessary.

Anonymous Allegations

The school does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the school cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'Whistleblower's who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality. However, in relation to determining whether an anonymous allegation will be taken forward, the Trustees will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Confidentiality

The school hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the school will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's identity, the school will discuss this with the member of staff first.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Executive Head Teacher knows or has a suspicion that an employee comes into this category then s/he will take advice from the Chairman who will help to determine what action should be taken.

Concerns against Trustees

If a concern against a Trustee is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Executive Head Teacher with the Chairman of Trustees who will decide how it should be dealt with.

If the concern is against the Chairman of Trustees then clearly this process cannot be followed. In normal circumstances such a concern would be referred to the Department for Education for action.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. The NSPCC also have a whistleblowing helpline: 0800 028 0285 or help@nspcc.org.uk

Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first.

Investigation and outcome

Once a member of staff has raised a concern, the school will carry out an initial assessment to determine the scope of any investigation. The 'Whistleblower' will be informed of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In most cases a panel of three Trustees will investigate any issue. In rare cases the school may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the school to minimise the risk of future wrongdoing.

The school will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the school concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the school cannot always guarantee the outcome a particular member of staff is seeking, the school will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Executive Head Teacher will have the right to refer any particular case to the Chairman of Trustees for review.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Executive Head Teacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

TAKING THE MATTER FURTHER

If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the Trustees' complaints procedure or raise your concerns with other organisations as listed below:

1. the local authority
2. a relevant professional body or regulatory organisation
3. the Care and Social Services Inspectorate for Manchester
4. a solicitor
5. the Police - for concerns of criminal behaviour
6. a trade union or professional association
7. Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. (www.pcaw.co.uk)).
8. The NSPCC also have a whistleblowing helpline: 0800 028 0285 or help@nspcc.org.uk

Protection and support for 'whistleblowers'

It is understandable that 'whistleblowers' are sometimes worried about possible repercussions. The school aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Executive Head Teacher immediately. If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Executive Head Teacher in the first instance.

Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that the Executive Head Teacher is not taking seriously or that they believe there is a serious safeguarding issue involving the Executive Head Teacher they should in the first instance contact the Designated Trustee (the chairman)/LADO/NSPCC.

Link with other Policies;

- Safeguarding & Child Protection Policy

- Staff Code of Conduct Policy
- Low Level Concern policy.

Don't think what if I'm wrong – think what if I'm right

Reasons for whistle blowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Executive Head Teacher, or the Designated Safeguarding Lead.
- If your concern is about your immediate manager/Executive Head Teacher, or you feel you need to take it to someone outside the school contact The Local Authority
- Make sure you get a satisfactory response – **don't let matters rest.**
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.

A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern

What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Timescale for Response

You will normally receive a written response within five working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing you of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

Self-reporting

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, and/or your professional trade union.

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