

# MYTON SCHOOL, WARWICK

## WHISTLEBLOWING POLICY (CONFIDENTIAL REPORTING CODE)

### 1. INTRODUCTION

The Public Interest Disclosure Act 1998 came into force in July 1999. Myton School is committed to the highest standards of openness, probity and accountability. We therefore encourage those with serious concerns with any aspect of the school's work to voice their concerns. It is recognised that in certain situations, the person may wish to proceed on a confidential basis. Wherever possible, confidentiality will be respected and the person raising the concern will be kept informed as to progress on the issue. The policy is intended to encourage and enable staff to raise serious concerns within the school in order that they can be properly and quickly investigated.

### 2. DEFINITION

Whistle-blowing means the confidential raising of problems or concerns within an organisation or an independent review structure associated with the organisation. Confidential Reporting is intended for matters of impropriety that follow the whistle-blowing provisions (e.g. breach of law, school procedure or ethics). Other procedures, such as the Complaints Procedure and Grievance Procedure, are already in place and provide routes to raise concerns.

### 3. SCOPE

Matters that may fall within the scope of this code are actions that:

- are unlawful
- go against the school's Standing Orders, Policies or Financial Regulations
- fall below established standards or practice
- amount to improper conduct or misconduct.

Particular incidents may relate to (but not be limited to), for example:

- criminal offences
- breach of contract
- negligence
- miscarriage of justice
- a danger to health, safety and welfare of employees, the public or the environment
- the abuse or misuse of public funds
- sexual or physical abuse
- any act of discrimination
- inappropriate use of power or authority
- an attempt to cover up any of the above.

### 4. AIMS

This policy aims to:

- Provide an opportunity for individuals to raise serious concerns and receive feedback on action taken;
- Enable an individual to take the matter further if s/he is dissatisfied with the response
- Reassure the person that they will be protected from reprisals or victimisation for making a disclosure which he/she believes is in the public interest.

## **5. SAFEGUARDS**

### **5.1 Harassment or Victimisation**

It is acknowledged that a decision to report a concern can be difficult, not least because of fear of reprisal from those responsible for the malpractice. The Governors of Myton School will not tolerate harassment or victimisation in any form and will take action to put in place appropriate support measures when a concern is raised.

Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation. Those raising concerns may be assured that concerns will be treated with the utmost respect and play no part in future decisions related to progress or promotion.

Where a person who is already the subject of disciplinary, grievance or redundancy procedures for other reasons, raises concerns through Confidential Reporting, these procedures will not be halted, but every effort will be made on the part of the investigating officer to ensure that the issues are not interrelated or connected in any way.

### **5.2 Confidentiality**

The school will do its best to protect the identity of the person raising concerns where the person does not want to be identified. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

### **5.3 Anonymous Allegations**

The Governors accept that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind, individuals are encouraged to put their name to the allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate. However, anonymous allegations may be considered at the discretion of the Governing Body. Factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from other sources in the event of a flat denial from an accused person.

### **5.4 Untrue Allegations**

If an allegation is made in the belief that it is in the public interest, without personal gain, which is based on evidence, observation or a series of inexplicable instances, but it is not confirmed by the investigation, no action will be taken against the person raising the allegation and s/he will be fully supported after the event.

If however, malicious or vexatious allegations are made, disciplinary action may be taken. Equally, if malicious or vexatious allegations are made against a person, the Governors will ensure that person is fully supported and that appropriate disciplinary action is taken against the person making the malicious allegations.

## **6. PROCEDURE FOR RAISING A CONCERN**

6.1 As a first step, you should normally raise concerns with your immediate manager, or their manager if you feel uncomfortable in discussing the issue with someone working in close proximity to you.

6.2 You may choose to raise the concern in writing, but it is helpful to all concerned if an initial and informal discussion can take place in the first instance. However, this depends on the seriousness and sensitivity of the issues involved and who is thought to be involved in any malpractice.

- 6.3 Once initial concerns have been raised, it is important that these are translated into writing. The person raising the concern will be asked to set out the background and history of the concern, giving names, dates and places where possible, and the reason why s/he is particularly concerned about the situation.
- 6.4 The earlier the concern is raised, the easier it is likely to be to investigate and, if necessary, take action.
- 6.5 Although the person raising the concern is not expected to prove the truth of the allegation, s/he will need to demonstrate to the person they contact, that there are sufficient grounds for their concern.
- 6.6 Advice and guidance on how matters of concern may be pursued can be obtained from:
- the HR Manager
  - your trade union representative
  - a school Governor
  - the whistle-blowing charity "Protect" (Helpline: 020 3117 2550, E-mail: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk), Website: <https://protect-advice.org.uk>)

## **7. CONCERNS ABOUT A COLLEAGUE**

This policy enables staff to raise concerns or allegations, initially in confidence, about the conduct of a colleague (including visiting professionals and volunteers) towards a student and for a sensitive enquiry to take place.

Staff are expected to report all concerns about poor practice or possible child abuse by colleagues - including what may seem minor contraventions of the school's Staff Code of Conduct - to the Headteacher to facilitate proactive and early intervention in order to maintain appropriate boundaries and a safe culture that protect children and reduce the risk of serious abuse in school.

Concerns or complaints about the Headteacher should be reported to the Chair of Governors, whose contact details are displayed in the staff room for any member of staff to use in such an instance.

Staff may also report concerns about suspected abuse or neglect directly to Children's Social Care or the Police if they believe direct reporting is necessary to secure action.

Staff can also contact the Designated Officer in the Local Authority, who is responsible for the co-ordination of responses to allegations against people who work with children, by submitting a 'Warwickshire MASH - Position of Trust Referral' form or via the Multi-Agency Safeguarding Hub on 01926 414144.

The NSPCC whistleblowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 between 8.00a.m. and 8.00p.m. Monday to Friday or e mail [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

The NSPCC whistleblowing helpline and contact numbers for Children's Social Care, the Police and the LADO are all displayed in the staff room.

## **8. PROCEDURE FOR RESPONDING TO A CONCERN**

- 8.1 The action taken will depend on the nature of the concern and may include:
- internal investigation
  - referral to the Internal Auditor
  - referral to the police
  - referral to the External Auditor
  - an independent enquiry by a nominated person or body outside the school organisational structure.

- 8.2 In order to protect individuals, and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.3 Some concerns may be resolved by agreed action without the need for investigation.
- 8.4 Within 10 working days of a concern being received, the Headteacher, or member of the Governing Body, will write to the person:
- acknowledging that the concern has been received
  - proposing how the matter will be handled and if possible, who the investigating officer will be
  - giving an estimate of how long it will take to provide a final response
  - advising whether any initial enquiries have been made
  - advising whether further investigations will take place and if not, why not.
- 8.5 The amount of contact between the officers considering the issues and the person raising the concerns will depend on the matter raised, the potential difficulties involved and the clarity of information provided.
- 8.6 The person raising the concern may be accompanied at any meetings by a trade union representative or professional association, or a work colleague, who must respect the confidentiality of your disclosure and any subsequent investigation.
- 8.7 Steps will be taken to minimise any difficulties the person may experience as a result of raising the concern by providing appropriate information and support at each stage.
- 8.8 The Governors accept that individuals need to be assured that the matter has been properly addressed. Therefore, subject to any legal constraints, the individual raising a concern will receive feedback and information about the progress and outcomes of any investigation.

## **9. TAKING THE MATTER FURTHER**

This policy provides an opportunity to raise concerns within the School in the hope that matters can be resolved satisfactorily. If the concerned person is dissatisfied with the outcome, they should seek guidance from the whistle-blowing charity "Protect" on the contact details outlined above.

## **10. 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 employees should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for employees 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 whistle-blowing charity "Protect" operates a confidential helpline and can be contacted on the details above. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of School employees, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, employees are encouraged to report such concerns internally first. Employees should contact one of the other individuals set out above for guidance.

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