

Whistleblowing Policy & Procedure

Statement

Courtlands Special School is committed to the highest standards of quality, integrity, equality, openness, and accountability. Therefore, it is essential to us that any misconduct, or wrongdoing by staff or contractors, is reported and appropriately investigated. Likewise in relation to malpractice, fraud, or any other issues that may affect those in our community, or the efficient effective running of the school.

We are committed to this policy. If you follow these guidelines when raising a concern your position or prospects in the establishment will not be at risk provided you are acting in good faith. However, the school will not tolerate anyone who maliciously raises a concern they know to be untrue.

Whistle blowers will be protected from suffering a detriment, bullying or harassment from another employee. Employees who mistreat a colleague because of whistleblowing will face disciplinary action.

Context

There are occasions when we have concerns about what is happening at work. Often these can easily be resolved, but sometimes it is hard to know what to do. This can be especially if you believe that it is a “suspicion” and may be difficult to prove or evidence, and relates to a colleague, or a person in a higher position of responsibility, and may be illegal, unethical, or negligent misconduct.

With this in mind, we believe that for the safety of pupils, employees and the organisation, anyone who has a concern, or a suspicion, should be encouraged to speak out and feel safe to do so. As such, this policy and procedure defines the way in which people in our school can raise any concerns that they have and sets out how those concerns will be dealt with.

Exceptions

This policy does not override workers’ legal rights to make a protected disclosure to certain third parties under the Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996. Further information about this can be found on-line.

This policy does not apply to concerns held by an individual member of staff about breaches of their own contract of employment. Where this might be the case, the schools own Grievance procedure is the policy under which breaches of individual contracts of employment should be raised.

Areas that may cause a concern:

Concerns must be raised when employees reasonably believe that one or more of the following has occurred, is in the process of occurring, or is likely to occur:



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- A criminal offence
- A misuse of position of responsibility
- A failure to comply with any legal or professional obligation or regulatory requirements
- Fraud
- Bribery
- Improper unauthorised use of public funds or other funds
- A miscarriage of justice has occurred or is likely to occur
- Maladministration, misconduct, or malpractice
- Endangering of an individual's health and safety or welfare
- The use of substances or materials that place that person or others at risk
- Any matters that relate to safeguarding and Child protection
- Damage to the environment
- Breach of a code of conduct or contract
- Deliberate concealment of any of the above

Where the nature of the disclosure is not included in the above list, advice may be sought on the use of the appropriate policy (i.e. the Whistleblowing or Grievance policy) from the school HR department, a trade union, or professional association.

Raising a concern

1. Concerns can be raised with a Line Manager, The Headteacher, any member of SLT, a Governor, or The Proprietor. Once raised it will be passed on to the school's HR Department who will decide what actions to take and who to consult. Where the concern may be about the HR department, the concern should be raised with the Headteacher, the Chair of Governors, or the Proprietor.
2. Concerns should be raised in writing. If this is not possible, the person raising the concern will meet with the person they shared their concern with. It is likely that a record of the meeting will be kept and that the person raising the concern is asked to sign and date the record as being accurate and clarifies the concern they have.
3. Any letter of concern or statement should set out: The background and history of the concern. Provide names, dates, and places where possible. Give reasons why the employee making the disclosure is particularly concerned about the situation.

At this stage the employee is not expected to prove the allegation, but s/he will need to demonstrate to the person contacted that there are sufficient grounds for concern. The earlier and the more detailed the concern, the easier it will be to act.



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4. The action taken will depend on the nature of the concern. The matters raised may be investigated:
 - By the schools DSL
 - The Business Manager
 - The Business Manager in conjunction with other school officers or a designated Governor
 - Internally by an appropriately skilled and experienced individual, knowledgeable in the area concerned
 - Referred to an External Auditor or Ombudsman
 - The subject of an independent external enquiry by another agency or organisation.
5. To protect individuals, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures, such as child protection or allegations against a professional or discrimination will normally be referred for consideration under those procedures.
6. Some concerns may be resolved by agreed action without the need for investigation.
7. Within five working days of a concern being received the person with whom the employee raised the matter will write to the employee:
 - Acknowledging 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
 - Telling the employee whether any initial enquiries have been made
 - Tell the employee whether further investigations will take place, and if not, the reason why.
8. The amount of contact between the officers considering the issues and the employee who made the protected disclosure will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from the employee in a discreet manner.
9. When any meeting is arranged, the person raising the concern may be accompanied by a union or colleague. The meeting can be 'off site' if requested.
10. The school will take steps to minimise any difficulties experienced because of raising a concern and provide any appropriate support. For instance, if the employee is required to give evidence in disciplinary or criminal proceedings,

the school will advise the employee about the procedure.

11. The school accepts that the person raising the concern needs to be assured that the matter has been properly addressed. So, subject to legal constraints, s/he will receive information about the outcomes of investigations. In addition, s/he will be informed as to what action has been taken to correct working practices where they have been found to be at fault by the investigation.

Speaking in confidence

We recognise that there may be circumstances where you wish to speak in confidence and where possible we will respect that. However, there may be matters where it is not possible, for example in a Child Protection or Safeguarding investigation, or in court. If this is the case, we will not do so without first discussing it with you to inform you how we are going to proceed.

Disclosing a concern anonymously

If you want to raise concern but wish to remain anonymous, it makes it difficult for us to investigate your concern, ask for more clarifying information, or provide feedback. However, please be assured that we will investigate the matter as thoroughly as possible, but this may not be as effective without knowing who you are and asking questions about what the investigation discovers. It may also be that we must hand the matter to other external agencies to investigate who may seek to identify you and ask for your cooperation. This may sound frightening, but you must consider the impact on others if you allow something harmful to continue.

Where a person wishes to remain anonymous the school will take the following factors into consideration when deciding whether to investigate:

- The seriousness of the issues raised
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources and information
- The balance of probability
- The advice and guidance from any appropriate authority or specialist
- Whether or not any similar concerns have been raised previously

False allegations

If an employee makes an allegation, but it is not confirmed by the investigation, no action will be taken against that employee.

However, an employee makes malicious or vexatious allegations, disciplinary action may be taken against him or her.

In determining whether an employee has acted maliciously and/or vexatious the investigator will consider whether the employee was motivated to make the allegation(s) simply out of a desire to pursue a personal vendetta or grudge.

How to proceed if you feel the matter has not been properly dealt with nor investigated

We hope anyone uses this procedure will be satisfied with the response given. However, if the person raising the concern feels it is right to take the matter outside the school, the following are possible contact points:

- Relevant professional bodies or regulatory organisations
- The relevant ombudsman
- The persons solicitor
- The Police

Further independent information

You can find [further information about whistleblowing on the Government website](#) including information about what to do if you are treated unfairly after making a protected disclosure.

You can also contact the independent whistleblowing charity, Protect, for further confidential advice about whistleblowing. Please see [further information on their website](#) or by contacting their free helpline on 020 3117 2520.