

WHISTLE-BLOWING

Bournemouth School for Girls is committed to achieving the highest possible standards of conduct and accountability. This whistleblowing policy will enable staff to raise concerns of a serious nature without the fear of reprisal. This policy is designed to protect staff members who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties and applies to all individuals working at Bournemouth School for Girls, whether they are employees, contractors, temporary staff or volunteers.

1. INTRODUCTION

- 1.1. Employees are often the first to realise that there may be something wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or to the Governors. They may also fear detriment such as harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be suspicion of malpractice.
- 1.2. The Governing Body, is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Governing Body would wish to encourage employees and others with concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This Whistle-Blowing Policy is intended to encourage and enable employees and other concerned persons to raise concerns within the school rather than overlooking a problem or blowing the whistle outside.
- 1.3. The basic framework for this Policy is established by the Public Interest Disclosure Act, 1998, (PIDA) which added new clauses to the Employment Rights Act 1996, and as amended by The Enterprise and Regulatory Reform Act 2013, (ERRA) but this Policy goes beyond those minimum legal requirements.
- 1.4. This policy is designed to sit alongside the school Grievance Policy for complaints about employment related issues and the school Complaints Policy for use of complaints by parents. This policy will be applied in accordance with employment law and Bournemouth School for Girls Equal Opportunities Policy.

2. PURPOSE AND SCOPE OF THIS POLICY

- 2.1. Provide avenues for concerned persons to feel confident about raising concerns and for them to receive feedback on any action taken;
- 2.2. Allow concerned persons to take the matter further if they are dissatisfied with the response from the Governors; and
- 2.3. Reassure concerned persons that they will be protected from detriment for whistle-blowing in the public interest.
- 2.4. There are existing procedures in place within the school to enable employees to lodge a grievance relating to their own employment. This whistle-blowing policy is intended to cover concerns that fall outside the scope of other procedures and raise matters of public interest.

This may be a concern about:

- a) a criminal offence has been committed, is being committed or is likely to be committed,
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which the person is subject,
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur
- d) that the health or safety of any individual has been, is being or is likely to be endangered,
- e) that the environment has been, is being or is likely to be damaged, or
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been or is likely to be deliberately concealed.

A disclosure could be made by any concerned person about any matter mentioned above or matters arising from any school policy.

- 2.5. Examples of malpractice in this context may include concerns about possible corruption, financial irregularities, including fraud and unauthorised use of public funds, dangerous procedures risking health and safety, abuse of pupils, evasion of statutory or contractual responsibilities, etc. The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.
- 2.6. For protection under PIDA for disclosing concerns the person making the disclosure should consider why the matter is one in the public interest.

3. SAFEGUARDS

Detriment, Harassment or Victimisation

- 3.1. The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate detriment, harassment or victimisation and will take action to protect concerned persons when they raise a concern in the public interest.
- 3.2. This does not mean that if employees are already subject to disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistle-blowing.

Confidentiality

- 3.3. The Governing Body will do its best to protect a concerned person's identity when he/she raises a concern and does not want his/her name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the concerned person may be required as part of the evidence.

Anonymous Allegations

- 3.4. This policy encourages a concerned person to put their name to any concern and is designed to protect that person. Concerns expressed anonymously may be less capable of being actioned effectively and it may not be possible to apply all aspects of the policy, or to give feedback.
- 3.5. In exercising the discretion, the factors to be taken into account would include :
 - the seriousness of the concern raised;
 - the credibility of the concern;
 - the likelihood of confirming details of the concern from attributable sources;
 - the extent to which the concern raises matters that are in the public interest.

Untrue Allegation

- 3.6. If concerned person makes an allegation or discloses a concern in good faith, but the facts are not confirmed by the investigation, no action will be taken against him/her.

4. HOW TO RAISE A CONCERN

Concerns that may attract full protection against detriment should be raised in writing with the Headteacher. If the concerned person does not feel able to raise their concern with the Headteacher directly, they may raise their concern with a deputy Headteacher or the Chair of Governors.

- 4.1. Advice and guidance on how matters of concern may be pursued can be obtained from :
- the Headteacher or Chair of Governors;
 - Trade Union or Professional Association;
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 - Protect (Tel: 020 3117 2520 email: protect-advice.org.uk), an independent charity which provides free advice for workers who wish to express concerns.
- 4.2. The earlier a concern is expressed, the easier it is to take action.
- 4.3. Concerned persons are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation.
- 4.4. Concerned persons may invite their trade union or professional association representative to raise the matter on their behalf.
- 4.5. Although concerned persons are not expected to prove the truth of the concerns (and indeed may not be able to do so), they will need to demonstrate to the person contacted that there are sufficient grounds for their concern.
- 4.6. Concerned persons will meet with the Headteacher or appointed person to outline further their concerns within three working days of the initial report (or earlier if there is a significant risk of harm). The purpose of this meeting will be to:
- Obtain as much information as possible about the grounds for the belief of malpractice;
 - Consult with the concerned person about further steps that could be taken;
 - Inform the concerned person of appropriate routes if the matter does not fall within the Whistleblowing procedure;
 - Report all matters raised to the Chair of the Governing body.

5. HOW THE GOVERNING BODY WILL RESPOND

- 5.1. All concerns must be brought to the attention of the Governing Body as outlined above. The Governing body will make a formal response within ten working days of the concern being raised.
- 5.2. The action taken by the governing body will depend on the nature of the concern. The matters raised may :
- be investigated internally;
 - be referred to the Department for Education, the Director of Children's Services or the Police;
 - be referred to the external Auditor appointed by the Governing Body;
 - form the subject of an independent inquiry;
 - be subject to no further action.

- 5.3. In order to protect individuals and the Governing Body, 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 (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.4. Within ten working days of a concern being received by the Chair of the Governing Body, the Headteacher or Chair of Governors will write to the concerned person raising the concern :
- 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;
 - telling the concerned person whether any initial enquiries have been made;
 - telling the concerned person whether further investigations will take place and, if not, why not.
- 5.5. The amount of contact between those considering the issues and the concerned person(s) raising the concerns 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.
- 5.6. When any meeting is arranged, the concerned person will have the right, if they so wish, to be accompanied by a representative of their trade union or professional association, or a friend who is not involved in the area of work to which the concern relates.
- 5.7. The Governing Body will take steps to minimise any difficulties which the concerned person may experience as a result of raising the concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, they may be advised about about the procedures.
- 5.8. The Governing Body accepts that concerned persons will need to be assured that the matter has been addressed properly. Thus, subject to legal constraints, the concerned person will receive information about the outcomes of any investigations.

6. HOW THE MATTER CAN BE TAKEN FURTHER

- 6.1. This policy is intended to provide employees with an avenue to raise concerns with the Headteacher and the Governors. The Governors hope they will be satisfied. If they are not, and feel it is right to take the matter outside the school, the following are possible contact points :
- The Department for Eductaion
 - your local Member of Parliament
 - the external Auditor
 - the Health and Safety Executive
 - relevant professional bodies or regulatory organisations
 - the Police
- 6.2. If concerned persons do take the matter outside the school, they need to ensure that they do not disclose confidential information, or that disclosure would be privileged, and in particular this means being careful about what is said to the media. Concerned persons should be aware of the changes to protection for making protected disclosure outside of the employer. These can be found in the Public Interest Disclosure Act 1998, as amended from time to time. This should be consulted if the concerned person chooses to raise a concern outside of the policy outlined above.

7. MALICIOUS ACCUSATIONS

Deliberately false or malicious accusations will be dealt with under the School's Disciplinary Procedure or other appropriate action may be taken.

Reviewed by S&S (usually Staff and Student Committee) June 2022
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