



WHISTLE BLOWING POLICY

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1	SLT	05/02/19	Updated policy – re-write
Distribution			
Essential reading for:			
Information for:		All stakeholders of the school	

INTRODUCTION

PUBLIC INTEREST DISCLOSURE ACT 1998:

The Act

The Public Interest Disclosure Act 1998 sets out to protect individuals who make certain disclosures of information in the public interest. It is known popularly as 'the whistle-blowers' charter'.

Protected Disclosure

A 'protected disclosure' protects an employee who discloses any information in good faith to his/her employer (or in some circumstances to another person) which in the reasonable belief of the employee tends to reveal some illegal activity or miscarriage of justice, or danger to health and safety, or possible damage to the environment, or any wrongdoing or malpractice, or any conduct which falls short of an acceptable level of probity.

The disclosure must be made in good faith, and not for gain. Disclosure that is motivated by personal antagonism is not protected. 'Good faith' must be the dominant motive of the employee. (*Street v Derbyshire Unemployed Workers Centre 2004*) The employee must reasonably believe that it is substantially true, and at the time of the disclosure must reasonably believe that he will be subjected to detriment by his employer, or that the evidence will be destroyed.

In these cases, the employee can bring a case to an employment tribunal if he/she is sacked.

WHISTLEBLOWING POLICY

School staff are protected, like all other employees, from being victimised by employers if they reveal any wrongdoing in the school. (Public Interest Disclosure Act 1998)

All school staff are covered, including part-time and temporary staff, supply teachers, peripatetic workers and visitors to the school, such as health workers.

Rationale:

The governing body aims to be a good employer and is committed to high standards of probity and good practice in employer/employee relations.

The Public Interest Disclosure Act 1998 protects employees from any victimisation by employers if they reveal any wrong-doing in the workplace, and fear that they might be victimised in so doing. This policy is designed to ensure that employees can follow simple procedures, and to reassure everyone in the school that their concerns will be taken seriously.

Responsibilities

The Head has overall responsibility for the procedures and for ensuring that:

- appropriate procedures in line with Governors' requirements are in place
- they are implemented
- any concerns and any action taken are reported to the local governing body □
all staff are aware of their rights and duties under the Act.

Rights

Any worker at the school is entitled, without any fear of reprisal, to disclose any action which he/she reasonably considers:

- potentially or actually unlawful
- involves a miscarriage of justice
- compromises an individual's health and safety
- might cause environmental damage
- contravenes school policy
- might be considered improper
- falls below the normal standards of conduct in the school
- or any concealment of such action

This right is guaranteed by the governing body, so long as the individual has acted in good faith.

Where appropriate information can be sought through the NSPCC Whistleblowing Advice Line.

(The NSPCC Whistleblowing Advice Line provides free advice and support for professionals concerned about how child protection issues are being handled in their organisation: help@nspcc.org.uk or 0800 028 0285).

Duties

The member of staff must:

- act in good faith when making such a disclosure
- not commit a criminal offence in so doing
- not disclose such confidential information to any person outside the school
(except the CEO of the Mercian Trust or his/her representative)
- not expect any personal gain from making the revelation

Complaints Procedures

Members of staff should consider whether the school's grievance or complaints procedure should be followed in the first instance.

Any disclosure of a lack of probity during these procedures is protected by the whistle blowing legislation, and the governing body's guarantee.

Confidential Reporting

In addition, any member of staff who has a reasonable concern about the probity of any action taken in the school can also choose to follow the 'confidential reporting route'.

In the first instance, he/she should take the matter up in confidence with the Head, or, if the concern is about any action taken by the Head, with the Chair of the local governing body, or, if the concern is about any action taken by the governing body, with the CEO of the Mercian Trust.

The Head, or Chair of the local governing body, must attempt to resolve the matter with the member of staff within a reasonable time, and in any case must report progress to the member of staff within ten days of the making of the complaint.

If the member of staff is not satisfied with the Head's or local governing body's response to the complaint, or the time being taken to resolve it, the member of staff may take the matter up formally and promptly with the governing body, and /or the Mercian Trust.

The local governing body must appoint no fewer than three of its members to consider the formal complaint, and to attempt a resolution within ten working days of receiving the complaint.

If the member of staff is still not satisfied, he/she can formally take the matter to the local governing body.

Protection from Victimisation

At all times the local governing body guarantees the member of staff will be protected from any reprisals or victimisation.

However, any member of staff taking such a course must not make malicious or vexatious allegations which are shown to be untrue. In such circumstances the member of staff's conduct could lead to disciplinary action.

Monitoring and Review

The Head will report all complaints of this nature to the next local governing body meeting, without revealing the name of the complainant or any unnecessary details. The Head will report on the nature of any complaint and the action taken, and the resolution of it.

The local governing body will review the working of the procedures from time to time.