

Learning Now for Future Success



CPD SCHOOLS
FEDERATION

Striving for Excellence

WHISTLEBLOWING POLICY

<i>DRAFTED BY:</i>	Darren Williams
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CPD SCHOOLS FEDERATION

Whistleblowing Policy

1. Introduction

- 1.1 CPD Schools Federation is dedicated to providing the utmost care for its pupils and staff. We aim to ensure that all members of the schools' community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.
- 1.2 The Federation takes responsibility for ensuring that all staff are aware of whistleblowing policy and procedures and how concerns will be managed. The schools will ensure that all concerns raised with them by whistleblowers will be treated properly and fairly.

2. Aims

- 2.1 Staff who are concerned about the conduct of a colleague towards a pupil, for example, or misuse of schools' funds or resources, are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their or their colleague's career. This policy enables staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place.
- 2.2 The Fair Funding Regulations require LAs from April 2002 to set out a procedure to be followed by all persons working at a school, including teachers, support workers, agency workers or school governors who wish to complain about financial management or financial probity at the school, and how such complaints should be dealt with.
- 2.3 This Whistleblowing Policy is intended to encourage and enable those covered by the policy to raise serious concerns at an early stage, in the right way and to do so without fear of recrimination, victimisation, discrimination or disadvantage.

3. Scope

- 3.1 Whistleblowing inside the workplace is defined as the reporting by workers or ex-workers of wrongdoing, such as fraud, malpractice, mismanagement, breach of health and safety law, safeguarding or any other illegal or unethical act either on the part of management, the governing body or fellow employees. This will usually be something you have seen at work, though not always. As well as employees, workers may include volunteers, contractors and outside agencies or others. Such a disclosure, made in the public interest, will be under the protection of the Public Interest Disclosure Act 1998.
- 3.2 The Act provides protection for workers who disclose information which might otherwise be regarded as confidential, if the disclosure falls into one of the categories outlined below:
 - a) A criminal offence has been, is being or is about to be committed.
 - b) The employer has failed, is failing, or is about to fail to comply with his legal obligations.
 - c) A miscarriage of justice has happened, is happening, or is likely to happen.
 - d) An individual's health and safety has been, is likely to be, or is being jeopardised.

- e) The environment is, has been, or is likely to be, damaged
 - f) Information falling into any of the above categories has been, is being or is likely to be deliberately concealed.
- 33 By adopting this policy, each school is reassuring the workforce that they can safely raise concerns about malpractice internally. This will enable the school to investigate and deal with such concerns raised and continue to foster a responsible and accountable culture in the organisation.
- 34 Staff and governors are expected to notify the school of any reasonable and genuine concerns they have about an abuse of the school's stated standards, malpractice, theft, fraud, financial abuse, criminal offences, breach of legal obligations, dereliction of the school's health and safety responsibilities, damage to the environment, other unethical conduct or the cover up of any of these.
- 35 All concerns will be treated in confidence, and each school is committed to protecting the identity of whistleblowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law; if the whistleblower has to give evidence at any hearings.
- 36 In cases where identities are revealed for whatever reason, the school will do its best to support all parties involved and protect them from discrimination and victimisation.
- 37 Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and we urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution.
- 38 The policy is not designed to replace the Grievance, Disciplinary or Child Protection Procedures. Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures.
- 39 The policy is only about employees and governors, and it is not a replacement for the schools' complaints procedures and other statutory reporting procedures that may apply. The Whistleblowing Policy is primarily to protect the interests of others or of the organisation.
- 3.10 It is accepted that there may be occasions when a concern turns out to be unfounded but was raised in good faith. The school will not take action against the individual in these circumstances. If, an allegation was unfounded and it was clear that it had been raised frivolously, maliciously or for personal gain, then that individual may face disciplinary action.
- 3.11 The schools and its governors are committed to treating claims of impropriety seriously irrespective of who the alleged perpetrators are. In all cases the school will seek the most appropriate sanction against individuals that it considers guilty of malpractice. This includes dismissing employees, taking civil legal action and, in conjunction with the law enforcement agencies, instituting criminal proceedings.

3.12 The aim of the Whistleblowing Policy is to enable employees to raise their concerns in-house and to be assured that action will be taken quickly and effectively. It should not be necessary, in most cases, to take concerns outside the school and especially to the media. Staff have a duty of confidentiality towards the school. It is a serious matter to disclose confidential information.

4. How the school will handle concerns raised?

Step One – how to raise a concern

4.1 There are a number of agreed contacts for employees to raise concerns with under the Whistleblowing Policy. This enables the employee to choose the person to whom they wish to make the disclosure.

4.2 Employees who have a concern about any wrongdoing should normally raise their concerns with their line manager. If, however you feel unable to raise the matter with your line manager, for good reason, you may raise the concern with your Head Teacher or another senior member of school staff. If you feel unable to raise your concern with any member of the school management you may raise it with a senior officer of the LA i.e. Director of Education (Anita Stewart) or the Education Space (NPW) Head of Compliance (Geetha Unnithan).

4.3 Concerns may be raised orally or in writing. Make it clear if you want to raise the matter in confidence. The person with whom you raised the concern may have a preliminary meeting with you to discuss the most appropriate route. You may bring a colleague / union representative to any meeting that is arranged in connection with the concern you have raised as long as the colleague/union representative is not involved in the matter and that the colleague agrees to maintain confidentiality.

4.4 If you are raising concerns as a school governor, you should speak to the Chair of Governors. If you feel unable to raise the matter with them for good reason, you should contact the Director of Education (Anita Stewart) or the Education Space (NPW) Head of Compliance (Geetha Unnithan).

4.5 You are not expected to prove beyond doubt the truth of an allegation. However, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

4.6 Anonymous allegations

4.7 We would encourage staff to put their name to concerns made as it will aid a more thorough investigation. Concerns expressed where the complainant wishes to remain anonymous are much less powerful but the schools will consider anonymous concerns on a case by case basis and investigate the allegations seriously; following the proceedings outlined in this policy as far as is possible.

4.8 False allegations

4.9 CPD Schools Federation encourages all staff to voice their concerns and allegations safe in the knowledge that those who make allegations in good faith that do not prove to be true will not be reprimanded. The school may take disciplinary action against staff who make claims that are found to be knowingly false, malicious, vexatious or for personal gain.

- 4.10 The school hopes that this policy gives you the reassurance you would need to raise concerns internally. However, it recognises that there may be circumstances where progressing through the internal route has failed and you can only properly report your concern to external bodies who have responsibilities to monitor the school's compliance to its own standards and legal obligations. In most cases the most appropriate body would be the Local Authority's external auditors, Ernst and Young:

Ernst and Young 020 7951 2000

Step Two – What happens once a concern has been raised?

- 4.11 This appointed person, while maintaining the confidentiality of the complainant, will ensure that any individual who is the subject of the allegation is given details of the allegations in order to respond.
- 4.12 Once you have raised your concern, the person receiving the whistleblowing allegation will be responsible for ensuring that it is investigated properly. The nature of the investigation will depend upon the concern raised.
- 4.13 The person receiving your whistleblowing concern is responsible for ensuring you receive feedback on progress, subject to any issues of confidentiality that may be necessary to guarantee a successful conclusion. It may not be possible to inform you of the precise action undertaken where this would infringe a duty of confidence owed by the school to another party.

5. Safeguards

- 5.1 The school recognises that the decision to report a concern can be a difficult one to make. The school will take appropriate action to safeguard you from recrimination or victimisation as a result of raising a genuine concern.
- 5.2 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, in some circumstances you may be needed to come forward as witness.

6. Independent Advice and Helpline

- 6.1 If you are unsure whether to use the Federation's Whistleblowing Policy, or you want independent advice at any stage, you may contact the independent charity called Protect. This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give you free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy. The contact number is:

Protect (formally Public Concern at Work) on 020 3117 2520

- 6.2 The Trade Unions encourage their members to contact them for advice before they take action in accordance with the policy.
- 6.3 The act of seeking confidential advice under 5.1 and 5.2 is solely a matter between the

parties concerned and could not of itself be grounds for disciplinary action.

7. **Responsible Bodies and Monitoring Arrangements**

71 The Governing Body has overall responsibility for the policy.

72 The Head Teacher is responsible for the operation of the policy within the school and the overall maintenance of a record of concerns raised in accordance with this policy and the outcomes.

73 The LA is responsible for the operation of the policy and records outside the school.

74 All staff will be advised of this policy and where to access it.

75 This policy was devised in consultation with the Trade Unions and will be reviewed similarly.

Review:

This policy was last revised Autumn 2021 and, although continually reviewed in line with any statutory advice, the next formal review will be Autumn 2023.