Bernards Heath Infant and Nursery School

Whistleblowing Policy

(Taken from the HfL model Policy updated in Dec 2023)

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1. Introduction

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the School to voice those concerns and feel secure in doing so.

It is important that any fraud, misconduct or wrongdoing is reported and properly dealt with. The School encourages all individuals to raise any concerns they may have about the conduct of others or the way in which the School is run.

The School is committed to the principles of honesty and integrity. A culture of openness and accountability is critical to ensuring these values are authentically lived by.

This policy applies to all employees of the school, agency staff, contractors, service providers, volunteers, and governors of the School.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. Scope

If an employee's concern relates to how they have been treated this should be raised under the grievance or bullying and harassment policies.

The whistleblowing policy will not replace any existing policies or procedures. If misconduct is discovered as a result of any investigation under this policy the School's disciplinary policy will be used.

The School encourages individuals to disclose any concerns they may have regardless of whether they are covered by this or another policy.

3. What is whistleblowing?

Whistleblowing means the reporting of information which relates to actual or suspected wrongdoing. This is called a "qualifying disclosure".

Qualifying disclosures are disclosures of information where someone reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

If someone is going to make a disclosure it should be made to the employer first, or if they feel unable to use the organisations procedure the disclosure should be made to a prescribed person, so that employment rights are protected. (Contacts at the end of this policy.)

It is not necessary for a whistleblower to have proof of such an act for the protections of this policy to apply.

Potential whistleblowers are encouraged to seek support from a senior manager or their trade union representative if they are unsure whether to make a disclosure or to access support in making a disclosure, regardless of whether it is qualifying or not.

4. Protections for whistle-blowers

This policy has been written to take account of the Part IVA of the Employment Rights Act 1996 which protects those making protected disclosures.

A qualifying disclosure made to the employer is a protected disclosure. A qualifying disclosure made by someone under this policy will also be a protected disclosure.

A whistleblower who makes a protected disclosure has the right not to be dismissed (if they are an employee) or subjected to any other detrimental treatment, because they have made a protected disclosure.

Dismissing, or subjecting a whistleblower to any other detrimental treatment for raising a protected disclosure will be a disciplinary offence.

The School will not determine that anyone should cease to work at the school on the basis that they have made a qualifying disclosure in accordance with the law and this policy.

Whistleblowers may seek support and advice from organisations such as the whistleblowing charity Protect (https://protect-advice.org.uk / 020 3117 2520) or ACAS (www.acas.org.uk).

5. Obligations for the whistleblower

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistleblower who is told not to raise or pursue any concern, even by a person in authority, should not agree to remain silent.

Whistleblowing to an external agency without first using the procedure below may be considered a breach of the School's Code of Conduct.

It is not appropriate to whistleblow to the media except in limited circumstances and where those circumstances do not apply such whistleblowing may be considered gross misconduct.

Maliciously making a false allegation is a disciplinary offence

6. Confidentiality

The School encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, the School will make every effort to keep their identity secret.

The person(s) to whom the disclosure is made will consult with the whistleblower before divulging their identity to any party, including an investigator.

The School does not encourage anonymous disclosures as this may makes it harder to establish the credibility of an allegation and may make investigation difficult or impossible. Anonymous concerns will be taken seriously and investigated as far as is possible under this policy.

7. The School's commitment

Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially.

Whilst the person carrying out the investigation will aim to keep the whistleblower informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed

8. Obligations for the Governing Board

An appropriate representative (headteacher or the governor named in section 11 will inform Hertfordshire County Council as the maintaining authority of any qualifying disclosures at the earliest opportunity.

Concerns regarding financial irregularity will be reported to the Shared Internal Audit Service (SIAS) (amend as applicable); where concerns relate to child protection these will be handled in keeping with the relevant policy of the school and reported to the Local Authority Designated Officer (LADO) where the threshold is met.

9. Whistleblowing procedure

9.1. Stage 1 – Disclosure

The whistleblower should initially raise their concern with the Headteacher. Whilst a protected disclosure can be made orally or in writing, the school's policy is that if a member of staff or other person is intending to allege a protected disclosure, the allegation should be made in writing and the person making the allegation should make reference to the whistleblowing policy within their written notification. If an allegation is not made in this manner, there is a risk that the Headteacher will not appreciate that a protected disclosure is being made.

If the concern relates to the Headteacher, the whistleblower should raise this with the named governor.

9.2. Stage 2 – Investigation

The Headteacher will arrange an investigation into the concerns raised, unless the concern relates to the Headteacher, in which case the investigation will be arranged by the named governor. This will take place as soon as is reasonably practicable.

The investigation may involve the whistleblower and other individuals involved meeting with the investigator and giving a written statement.

At any investigatory meetings the whistleblower is entitled to be accompanied by a recognised trade union representative or a work colleague.

9.3. Step 3 – Investigators Report

The investigator will report to the person who arranged the investigation before any further action is taken. That person will decide on potential outcomes including, but not limited to:

- invoking the School's disciplinary process, or other relevant policy
- referral to the police, Hertfordshire County Council department, government department or regulatory agency
- no further action.

On conclusion of any investigation, the whistleblower will, as far as is practicable and where it is reasonable to do so, be told the outcome of the investigation and what the Headteacher/named

governor has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

9.4. Step 4 – Escalation.

If, on conclusion of stages 1, 2 and 3 the whistleblower believes that the appropriate action has not been taken, they should report the matter to the proper authority. The Public Interest Disclosure (Prescribed Persons) Order 2014 (as amended) sets out a number of bodies prescribed by the Secretary of State to which qualifying disclosures may be made. In order for the report to one of these bodies to be a protected disclosure, the whistleblower must reasonably believe that the matter falls within the matters covered by that body. The whistleblower must also reasonably believe that the information disclosed, and any allegations contained in it, are substantially true.

These bodies include:

- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Health and Safety Executive
- the Environment Agency
- His Majesty's Chief Inspector of Education Children's Services and Skills
- the Secretary of State for Education
- the Office of Qualifications and Examinations Regulation.

A full list can be obtained from the charity, Protect or the BEIS (Department for Business, Energy and Industrial Strategy) list on the www.gov.uk website. The DBEIS list contains a description of the type of matter covered by each prescribed body. Alternatively, a whistle-blower may contact their professional association or trade union representative for guidance.

10. Data Protection

When an individual makes a disclosure, the Headteacher/named governor will process any personal data collected in accordance with the School's data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

11. Contacts

The School's appointed Governor for this purpose is: Freya Loftus (floftus@bernardsheath.herts.sch.uk)

The independent whistleblowing charity **Protect**

Helpline 020 3117 2520

E-mail: whistle@protect-advice.org.uk