Whistleblowing Policy

May 2024

FALCONER SCHOOL
Falconer Road
Bushey
Hertfordshire
WD23 3AT UK

TEL: 0208 950 2505
FAX: 0208 421 8107
EMAIL: ADMIN@FALCONER.HERTS.SCH.UK

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May 2024

Date approved: March 2023

Review Date: March 2024

Amendments

Periodically the Senior Leadership Team and Board of Governors will add to or revise the content within this policy. Any revision made are noted below.

Edition	Date	Revision made by	Content revised
2	Mar 2024	C Fox	Chair of Governors replaces Chair of IEB

Please note that for the purpose of this policy, the following terminology will apply:

School	Falconer School
Parent	Parent means the person with parental responsibility, and could be the carer.

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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 and the Headteacher 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 and the Headteacher 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, workers, agency staff, contractors, service providers, volunteers, and Governors of The Falconer 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 your concern relates to how you 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 Staff Disciplinary Policy will be used.

The School and the Headteacher 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 related to a "qualifying disclosure".

Qualifying disclosures are disclosures of information where the worker 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
- A breach of any other legal obligation
- A miscarriage of justice

- A danger to the health and safety of any individual
- Deliberate attempt to conceal any of the above

If a worker 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.

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 whistleblowers

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

A qualifying disclosure made to the worker's employer is a protected disclosure. A qualifying disclosure made by a worker 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 detriment, because they have made a protected disclosure.

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

Neither the School nor the Headteacher will decide that anyone should cease to work at a setting within 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 whistle blowing 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 whistle blow to the media 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 and the Headteacher encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, they 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 and the Headteacher do 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 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 Governors Board

It is a requirement under the Schools Financial Standards that schools must have procedures for whistleblowing, and Governors must agree the whistleblowing procedure. The School will appoint at least one Governor and one member of staff who other staff can contact to report concerns and must ensure all staff are aware of the process and how concerns will be managed.

The board of Governors must notify the Education and Skills Funding Agency (ESFA) as soon as possible, of any instances of fraud, theft and/or irregularity exceeding £5k individually, or £5k cumulatively in any financial year. Unusual or systematic fraud, regardless of value, must also be reported.

9. Whistleblowing procedure

9.1 Stage 1 – Disclosure

The whistleblower should initially raise their concern to their line manager. They may do this orally or in writing. The line manager should inform the Headteacher of the concern.

If the concern relates to the line manager or any person to whom they report (other than the Headteacher) the whistleblower should raise the issue with the Headteacher.

If the concern relates to the Headteacher, the whistleblower should raise this with the named Governor, Maire Lynch.

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 – Report to Governors

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, 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 whistle-blower reasonably 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

- Her Majesty's Chief Inspector of Children's services and skills
- the Secretary of State for Education
- the Office of Qualifications and Examinations Regulator.

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 whistleblower may contact their professional association or trade union representative for guidance.

10. Data Protection

When an individual makes a disclosure, 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 member(s) of staff for this purpose is/are:

Carmel Fox – Headteacher

The School's appointed Governor(s) for this purpose is:

Tim Coulson – Chair of Governors

Or the independent whistleblowing charity Protect

Helpline 020 3117 2520

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

Policy Review – Whistleblowing

This policy will be reviewed in full by the Falconer School Governors on an annual basis.

The policy was last reviewed and agreed by the Interim Executive Board September 2022.

It is due for review in September 2023 up to 12 months from the above date.

Signature

Date

Carmel Fox
Headteacher

Signature

Date

Tim Coulson
Chair of GOVERNING BODY