

Riverstone Academy

Whistleblowing Policy

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Signed: K. Bowe

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Statement of intent

Riverstone Academy is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, probity and accountability, members of staff are encouraged to report their concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as “blowing the whistle” – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done in accordance with the school's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the school's Grievance Policy.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of school staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Employees of the school
- Voluntary workers working with the school
- Trainees, such as student teachers

1. Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- DfE 'Keeping children safe in education ' current statutory guidance
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following school policies:

- Staff Handbook
- Complaints Procedures Policy
- Data Protection Policy

2. The Public Interests Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA), through amendments to the Employment Rights Act 1996, provides protection for workers who make a protected disclosure. A worker must reasonably believe that the disclosure is in the public interest and tends to show a relevant type of wrongdoing. Where a disclosure is made to a prescribed person or body, the additional statutory conditions for that route must be met. Riverstone Academy will take reasonable steps to protect the identity of a whistleblower where requested, although absolute confidentiality cannot be guaranteed where disclosure is necessary to investigate the concern, protect a child or comply with a legal obligation.

The headteacher is normally the first point of contact for whistleblowing concerns. Safeguarding concerns should also be brought to the DSL or deputy DSL without delay in accordance with the school's safeguarding procedures. If the concern relates to the headteacher, it will be raised with the proprietor. Concerns about the proprietor may be raised through an appropriate external route where necessary.

Any member of the school community or the public may raise a concern. Statutory whistleblowing protection applies to qualifying workers as defined by the Employment Rights Act 1996; this can extend beyond employees to some other categories of worker. The Non-employees section of this policy explains Riverstone Academy's approach to concerns raised by people who may fall outside statutory protection. Non-employees

3. Definitions

Whistleblowing is when a worker reports suspected wrongdoing in the public interest. A disclosure that meets the statutory conditions is known as a protected disclosure.

As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed.
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.
- The environment has been, is being or is likely to be damaged.
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

In public interest means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served.
- The nature of the interests and the extent to which individuals are affected by the wrongdoing disclosed.
- The nature of the wrongdoing disclosed.
- The identity of the alleged wrongdoer

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

4. Roles and responsibilities

The directors will be responsible for:

- Establishing and agreeing to the whistleblowing procedure.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g., in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the directors include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report their concerns to.
- Appointing one director and one member of staff to act as points of contact for staff members when reporting concerns.

The headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.

The proprietor will be responsible for receiving any concerns raised about the headteacher.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the [Definitions](#) section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

5. Harassment and victimisation of staff

The school recognises that raising a concern can be difficult. Riverstone Academy will not tolerate harassment, victimisation or any other detriment because a worker has made, or is believed to have made, a protected disclosure. Appropriate action will be taken where such treatment occurs.

Workers who make a protected disclosure are protected by law from detriment, and employees have protection from dismissal, where the statutory requirements are satisfied.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

6. Non-employees

Some individuals who are not employees may nevertheless fall within the statutory definition of a worker and may qualify for whistleblowing protection. Where an individual falls outside statutory protection, Riverstone Academy will still take genuine concerns seriously and will not tolerate retaliation, harassment or exclusion because a concern has been raised.

Where an individual feels that they have been unfairly treated following the blowing of the whistle, they should make a complaint under the school's Complaints Procedures Policy.

Whether an individual is legally protected as a whistleblower depends on their employment status and the statutory conditions applying to the disclosure. Individuals who are unsure about their position may seek independent advice from Protect, Acas, their trade union or a legal adviser.

7. Good practice principles

The school will follow current good-practice principles for whistleblowing so that procedures are fair, accessible, clear and consistent, and staff feel confident to speak up.

The school will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the [Procedure](#) section of this policy, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The school will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment.
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

We will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff.
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles.
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

8. Procedure

When raising concerns, individuals will express them in writing to the headteacher. If an individual is raising a concern about the headteacher, they should express their concerns in writing to the proprietor. Where this is the case, the proprietor will take on the headteacher's duties outlined in the Interview and investigation section of this policy.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The school encourages individuals to provide their identity where they feel able to do so, as this can assist an investigation and enable feedback. Anonymous concerns will nevertheless be considered on their merits. The school recognises that anonymous disclosures may be harder to investigate and may limit the feedback that can be provided.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once a concern has been raised, the school will consider it promptly and decide the appropriate route for assessment or investigation. Safeguarding concerns will be managed immediately in accordance with the Child Protection and Safeguarding Policy and current Keeping Children Safe in Education guidance.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

Staff may raise concerns about poor or unsafe safeguarding practice or potential failures in Riverstone Academy's safeguarding arrangements through this procedure. Safeguarding concerns must be acted upon without delay and reported through the school's safeguarding procedures.

If a member of staff feels unable to raise a safeguarding-related concern internally, or believes that a genuine safeguarding concern is not being addressed, they may contact the NSPCC Whistleblowing Advice Line on 0800 028 0285. Where the concern relates to an allegation that an adult working with children may have harmed a child, committed a relevant criminal offence, or behaved in a way indicating they may pose a risk to children, the school will follow its allegations procedures and seek advice from the Local Authority Designated Officer (LADO) as appropriate.

The school will acknowledge a disclosure and maintain appropriate communication with the whistleblower where possible. The school may seek further information and will provide appropriate feedback, subject to confidentiality, data protection, safeguarding and the rights of other individuals. Communication with a whistleblower will not be restricted merely because an investigation is underway.

9. Interview and investigation

The headteacher will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial discussion, the headteacher will ensure that an accurate written record of the concern is made. The whistleblower may provide the concern in writing if they wish, but this is not a condition of the concern being considered.

The headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken because of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the directors will do everything in their power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

Disciplinary action may be considered only where there is clear evidence that an individual knowingly made a false or malicious allegation. A concern that is mistaken or not substantiated will not, by itself, result in disciplinary action.

If an investigation is carried out, the whistleblower will be informed of the outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, to monitor any patterns of concern across the school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

10. What the school asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

Handle information responsibly and respect the confidentiality of other people involved. Nothing in this policy prevents a worker from obtaining legal advice, contacting their trade union, Acas or Protect, making a protected disclosure to an appropriate prescribed person or body, reporting a crime to the police, or making a safeguarding referral through an appropriate lawful route.

Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

11. Appeal process

If the whistleblower believes that the concern has not been properly addressed, they may raise the matter with the proprietor or another appropriate senior route not previously involved. They may also seek independent advice from Protect, Acas, their trade union or a legal adviser and, where appropriate, make a disclosure to a relevant prescribed person or body. The school's Complaints Procedure is not a substitute for a worker's statutory whistleblowing rights.

12. Unfair treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Employment tribunal time limits can be short and depend on the type of claim. Anyone considering a claim should seek prompt advice from Acas, their trade union or a legal adviser rather than relying on a time limit stated in this policy.

13. Monitoring and review

The Directors will review this policy at least annually and earlier where legislation, statutory guidance, safeguarding requirements or school arrangements change.

Any changes made to this policy will be communicated to all members of staff.