



# **The Big Step**

## **Whistle Blowing Policy**

The Whistle Policy will be reviewed annually, or more regularly in light of any new significant development.

Reviewed yearly by:	
Manager of 'The Big Step'	Dan Leverton
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## Contents

1. Introduction	3
2. Background	3
3. Principles	4
4. Safeguards	4
5. Procedure	5
6. The Lead Officer	6
7. Timescales	6

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace.

'The Big Step' encourages employees and others with serious concerns about any aspect of the organisation to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do something without fear of reprisals. This whistle blowing policy is intended to encourage and enable employees to raise concerns within the organisation rather than overlooking a problem or blowing the whistle outside.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistle blowing policy is intended to cover concerns that fall outside the scope of other procedures.

This policy applies to all employees, volunteers and officers of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are also encouraged to use it.

It is important to the business that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## 2. Background

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that is being, has been, or is likely to be, committed.:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and

- attempt to prevent disclosure of any of the issues listed

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure. Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 ("PIDA")**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

Further information is available from the Advisory Conciliation and Arbitration Services (ACAS), CAB, whistleblowing charity Public Concern at Work or your trade union.

### 3. Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue
- No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern
- Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence
- If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures
- Maliciously making a false allegation is a disciplinary offence
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a director

### 4. Safeguards

#### 1. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness, but this will be discussed with you, as to whether and how the matter can be proceeded with.

#### 2. Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Governors. In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

### 3. *Untrue Allegations*

If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### 4. *Allegations Concerning Child Protection Issues*

If you raise a concern related to a child protection issue, the Head teacher or chair of the board (if the concern is about the CEO) should urgently consult the local authority officer designated (LADO) to lead on child protection. However, in relation to child protection issues, the member of staff can use the appropriate procedures to make a direct referral to the social services designated manager (MASH) either before raising their concern with the Head teacher or where the governors or ELT fails to do so after raising their concern and the member of staff remains concerned about the situation.

## 5. **Procedure**

1. In the first instance, and unless the worker reasonably believes his/her line manager to be involved in the wrongdoing, or if for any other reason the worker does not wish to approach his/her line manager, any concerns should be raised with the worker's line manager. If he/she believes the line manager to be involved, or for any reason does not wish to approach the line manager, then the worker should proceed straight to stage 3
2. The line manager will arrange an investigation into the matter (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position). The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account, and he/she will be asked to comment on any additional evidence obtained. The line manager (or the person who carried out the investigation) will then report to the board, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will start the disciplinary procedure. On conclusion of any investigation, the worker will be told the outcome of the investigation and what the board has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained
3. If the worker is concerned that his/her line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the board, he/she should inform a director of the organisation [Kevin Henman 01392662112], who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make his/her own

report to the board as in stage 2 above. If for any other reason the worker does not wish to approach his/her line manager he/she should also in the first instance contact [name of director as above]. Any approach to the director will be treated with the strictest confidence and the worker's identity will not be disclosed without his/her prior consent

4. If on conclusion of stages 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, he/she should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
  - Local Authority
  - HM Revenue & Customs
  - DfE/ OFSTED
  - Financial Conduct Authority (formerly the Financial Services Authority)
  - Competition and Markets Authority
  - Health and Safety Executive
  - Environment Agency
  - Independent Police Complaints Commission
  - Serious Fraud Office

## **6. The Lead Officer**

The Lead Officer has overall responsibility for the maintenance and operation of this policy. They ensure that a central record is kept in such a way as to not endanger your confidentiality and it is their duty to ensure that Space\* acts lawfully. The Lead Officer will ensure this, throughout the process and when the process is completed:

- a record of all concerns raised under this policy is maintained
- the outcomes of any investigations are communicated to you by the Lead Officer
- the outcome is reported to the Council as necessary

## **7. Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for the investigation. The Lead officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The Lead officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the Lead officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.