

Mossley Hollins High School



Whistleblowing Policy

At Mossley Hollins we will ensure that at every level, in all our work and throughout all aspects of the school community and its life, all will be treated equally, with respect and dignity, free from discrimination and harassment. Each person will be given fair and equal opportunities to develop their full potential regardless of their age, disability, gender, gender-identity, race, religion or belief, sexual orientation, pregnancy and maternity (refers to staff / employment), socio-economic background and special educational needs. Our school will tackle the barriers which could lead to unequal outcomes for these protected groups, ensuring there is equality of access and that we celebrate and value the diversity within our school community. The school will work actively to promote equality and foster positive attitudes and commitment to an education for equality

Data Protection Statement

The procedures and practice created by this policy have been reviewed under our Data Protection Policy in line with GDPR.

Accepted by the Governing Body 23rd January 2020

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Introduction

In a large organisation like Mossley Hollins High School, employees are often the first to be aware when something is seriously wrong. However there can be a number of reasons why they might not report what they suspect; they may not know how to report a concern; they may be concerned about reprisals or they may feel that making a report would be a betrayal of confidence. If someone knows about wrongdoing and doesn't report it then the Governing Body loses an opportunity to deal with a potentially damaging situation and gives rise to an even greater risk of financial loss, regulatory breach, higher insurance premiums and damaged reputation.

Mossley Hollins High School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage anyone with serious concerns about any wrongdoing in any aspect of the School's work to come forward with these concerns. Mossley Hollins High School will not tolerate malpractice or wrongdoing and is determined that all instances of malpractice will be fully investigated, and the appropriate action taken against all those concerned.

Any disclosures made by employees which are made to their employer and which are intended to shed light on fraud, corruption or malpractice are in general protected under the Public Interest Disclosure Act 1998. Any employee raising concerns through this policy will be protected from reprisals or victimisation, so long as the employee is not acting maliciously or for personal gain.

Internal systems and procedures must seek to prevent fraud but also protect individual governors and employees against malicious or unfounded allegations of impropriety. Internal controls are the first line of defence against fraud and malpractice and national experience shows it is often the case that where fraud and malpractice does occur the controls were circumvented or ignored.

This policy has been issued to all members of staff and the Governing Body and is available on the website for parental and public use.

Aims of the Policy

This policy aims to:

- Provide avenues for you to raise genuine concerns,
- Allow you to take the matter forward if you are dissatisfied with the school's response,
- Reassure you that you will be protected from reprisals or victimisation for speaking up in good faith.

Scope of the Policy

This policy applies to everyone with a concern about wrongdoing in the school's activities, whether they are an employee, a governor, a parent or a concerned member of the public.

There are existing and separate procedures in place to enable staff to lodge a grievance relating to their own employment.

This policy is intended to cover concerns that fall outside the scope of the procedures mentioned above. That concern may be about something that:

- is unlawful (for example theft, fraud or corruption); or
- breaks the School's ethos; or
- falls below established standards or practice; or
- amounts to improper conduct or
- anything that makes you feel uncomfortable or that you think is wrong.

If you are in doubt then raise it, you will not be criticised for raising concerns in good faith.

Safeguards

Harassment or Victimisation

The School recognises that the decision to report a concern can be difficult, not least because of the fear of reprisal from those responsible for the malpractice. The School will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, the School will take action against anyone who maliciously makes an accusation of malpractice or wrongdoing.

This does not mean that if, for example, you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of you reporting a concern.

Confidentiality

The School will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation and/or disciplinary process may reveal the source of the information and a statement by you may be required as part of the evidence.

Raising concerns anonymously

You are encouraged to put your name to your allegations so we can take the necessary steps to protect you from victimisation should that be necessary. Anonymous allegations are more difficult to investigate as we cannot know if the allegation is made in good faith or is malicious. When an allegation is made anonymously it is also impossible to come to you for more information, and to keep you informed as to the progress of the investigation where possible. From a practical point of view it is impossible to provide protection if we do not know who you are.

For these reasons, anonymous allegations will not normally be investigated.

Allegations which are not found to be proven on investigation

If you provide information in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary, or other appropriate, action will be taken against you.

How to raise a concern

Designated Officer

The Governing Body has appointed a Designated Officer to be point of contact for concerns raised under the Whistleblowing Procedure. S/He is a member of the Senior Leadership Team. The Designated Officer is impartial and capable of taking an independent view on the concern raised.

The Designated Officer is the Deputy Headteacher

To whom should a concern be raised

- A member of staff with a concern should usually raise these with his/her immediate line manager first. The manager would then refer the matter to the Designated Officer.
- If the line manager is involved the member of staff should raise the concerns with the Designated Officer.
- If the Designated Officer is involved the line manager should raise the concerns with the Headteacher.
- If the Headteacher is involved the Designated Officer should raise the concerns with the Chair of Governors.
- If the Chair of Governors is involved the Designated Officer should raise the concerns with the Director of Services for Children and Young People.

Raising a Concern

(whether a member of staff, parent/carer, Governor or member of the public)

- Concerns should be confirmed in writing. You should, as far as possible, set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not initially feel able to put your concern in writing, you can telephone or meet the Designated Officer. Even in this case a record will be made of your discussions for the sake of ensuring an accurate record is held, and you will be asked to confirm this account.

The Governing Body's Initial Response

- The Designated Officer or line manager, if requested, will arrange an initial interview. At this stage, the Whistleblower *(whether a member of staff, parent/carer, Governor or member of the public)* will be reassured that he/she will be protected from possible victimisation, and will be asked if he/she wants to make a written or verbal statement. In either case, the Designated Officer or line manager will then write a brief summary of the interview, which will be agreed by both parties.
- As far as possible, the confidentiality of the Whistleblower *(whether a member of staff, parent/carer, Governor or member of the public)* will be protected, however this cannot be guaranteed.

- The Designated Officer or line manager will report to the Headteacher (or Chair of Governors), who may set up any further necessary investigations. This may include an external investigation.

The Investigation

In order to protect individuals and the Governing Body, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. It may be necessary for an investigation to take place in strict confidence (with the employee under investigation not being informed until necessary). If it is necessary to suspend a member of staff while the investigation takes place the procedure in the Disciplinary Policy will be used. Some concerns may be resolved by agreed action without the need for investigation, others may have to be referred to the Police, an external audit or form the subject of an independent inquiry.

The Governing Body recognises the contribution that trade unions can make to any Inquiry and agrees to consult, where appropriate, with the recognised trade union/s about the issues, such as the scope of any inquiry and the implementation of the recommendations of the inquiry

The Designated Officer will endeavour to:

- Confirm receipt in writing (within five working days) of a concern being received, acknowledging that the concern has been received; and
- Write (within ten working days) indicating how he/she proposes to deal with the matter, where possible giving an estimate of how long it will take to provide a response, detailing whether any initial enquiries have been made, and whether further investigations will take place, and if not, why not.

The matters raised may:

- Be disposed of without further action;
- Be investigated internally;
- Be referred to the Police;
- Be referred to an External Auditor; and/or
- Form the subject of an independent inquiry,

In order to protect individuals and the Governing Body, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

How the Governing Body will Respond

Following the Investigation the Designated Officer will (subject to legal constraints) inform both the Headteacher (or Chair of Governors) and the Whistleblower (*whether a member of staff, parent/carer, Governor or member of the public*) of the result of the investigation. (*This will not include details of any disciplinary action, which will remain confidential to the individual concerned*).

If the investigation shows there is a case to be answered, the Disciplinary or Capability Procedure may be used.

If there is no case to answer, the Designated Officer or line manager will inform the Headteacher (or Chair of Governors) of this fact.

Disciplinary action will be taken against the Whistleblower (*whether a member of staff, parent/carer, Governor or member of the public*) where a false allegation is made maliciously.

Records

A note of the concern raised, how it was resolved and copies of any records associated with the investigation will be stored confidentially for at least 12 months following resolution.

Further Recourse

This policy is intended to provide a member of staff, parent/carer, Governor or member of the public with a way in which to raise concerns within the Governing Body. If the Whistleblower (*whether a member of staff, parent/carer, Governor or member of the public*) is not satisfied with the outcome of the investigation, the Whistleblower (*whether a member of staff, parent/carer, Governor or member of the public*) may make a disclosure to a prescribed person, such as the Health and Safety Executive, Audit Commission, the Environmental Agency, OFTEL, OFFER, OFWAT, OFGAS, Rail Regulator, FSA, Serious Fraud Agency, Inland Revenue, Customs and Excise, DTI, Office of Fair Trading, Trade Union Certification Officer, Charity Commissioners, Data Protection Registrar, the local Council or Public Concern at Work, notwithstanding the result of the investigation.

If the Whistleblower (*whether a member of staff, parent/carer, Governor or member of the public*) chooses to take the matter outside the school, the Whistleblower (*whether a member of staff, parent/carer, Governor or member of the public*) will need to ensure that he/she will not disclose confidential information; in this regard the Whistleblower (*whether a member of staff, parent/carer, Governor or member of the public*) should first check with the Designated Officer.

Responsible Officer

The Designated Officer has overall responsibility for the maintenance and operation of this policy. The Designated Officer will maintain a record of concerns raised, and the outcomes (in a way which does not endanger confidentiality), and shall report as necessary to the Governing Body.

The Laws

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects members of staff, parents/carers, Governors or members of the public making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which protects employees who take action over, or raise concerns about, health and safety at work.

How the Concern could be taken further

This policy is intended to provide you with an avenue to raise concerns within the School. The School hopes you will be satisfied. If you are not, you may feel it is right to take the matter to a law enforcement agency outside the School. If employees take matters outside the School they may still be protected, but it is advisable to take advice about this, for example via the Audit Commission or the charity "Public Concern at Work" who operate a helpline (telephone 020 7404 6609).

Before doing this you may wish to discuss matters further with any member of the Standards Panel or Internal Audit.

If you do take the matter outside the School, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. You should consider taking advice about that.

Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer receives a record of concerns raised and the outcomes and will report as necessary (but in a form which does not endanger your confidentiality) to the School.

The Monitoring Officer is Miss Kathryn Martin, Clerk to the Governing Body who can be contacted as follows:

k.martin@mossleyhollins.com

Contacts

Executive Headteacher

Mr. D. Duncan

Headteacher

Mr. S. Marshall

Chair of Governors

Mr. John Denton



Mossley Hollins High School
Huddersfield Road
Mossley
Tameside
OL5 9DP



01457 832491



admin@mossleyhollins.tameside.sch.uk