

Whistleblowing Policy

Issue Date: December 2015, reviewed November 2017 and September 2018, 2020
Review Date: This policy will be reviewed and revised by the administration team on a biennial basis.
Endorsement: Full endorsement to this policy is given by:

Name: Thais Bishop
Position: Brighton Waldorf School Trustee

Signed: 
Date: 03/09/2020

Policy Statement

This policy is designed to provide guidance to all those who work with or within the school who may from time to time feel that they need to raise certain issues relating to the school or its sponsoring body with someone in confidence.

Workers who in good faith raise genuine concerns under this policy will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns.

Purpose

Brighton Waldorf School is committed to high standards and openness in management and governance. If fraud, corruption or malpractice occur they must be tackled. Normally this would be done through management procedures. In some circumstances, however, this procedure will be needed to enable concerns to be raised confidentially inside and, if necessary, outside the organisation.

The purpose of this procedure is to encourage staff to inform management if they are concerned about suspected serious malpractice, fraud or corruption, etc. within the organisation, so that management can investigate. This procedure is not an alternative mechanism to the procedure for staff to raise grievances.

This policy will apply in cases where staff genuinely and in good faith believe that one of the following sets of circumstances is occurring, has occurred or may occur within the school that:

- a criminal offence has been committed, is being committed or is likely to be committed
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and 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 one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Who is covered?

The Public Interest Disclosure Act (PIDA) 1998 protects workers who disclose information in the correct manner. 'Workers' has a broader definition than 'employees' and will apply to individuals who are:

- employed under a contract of employment;
- employed under any other contract under which they perform personally any work or services for another party;
- agency workers;
- work experience;
- individually placed in school

Protected grounds for disclosures

To qualify for protection for disclosure the worker must:

- be acting in good faith;
- have reasonable grounds for believing the information disclosed indicates the existence of one of the problems itemised above in Section 1.

The worker making the disclosure must do so in the belief that it shows one or more of the following:

- that a criminal offence has been committed, is being committed, or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health and safety of any individual has been, is being, or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it;
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

A worker is also protected under PIDA if:

- the worker has previously raised the matter with the employer, or;
- the worker has not done so because of a reasonable fear of being penalised or because he/she believes that evidence will be concealed or destroyed, and there is no regulating body to which genuine concerns can be expressed.

In determining the 'reasonableness' of the above, the following factors will be taken into consideration:

- the identity of the person to whom the disclosure was made
- the seriousness of the problem
- whether it is continuing or likely to reoccur
- whether the worker has complied with any Whistleblowing procedures authorised by the employer.

Any deliberately false or malicious accusations will be dealt with under the disciplinary procedure.

Procedure

There is no need for a worker to prove that the breach or failure that they are alleging has occurred or is likely to occur; a reasonable suspicion will suffice, ie where the worker reasonably believes that the information disclosed is substantially true. Workers should, however, note that they are not entitled to make a disclosure if in so doing they commit a criminal offence.

To whom should the disclosure be made?

If a worker wishes to raise or discuss any issues which might fall into one of the categories listed in clause (1), they should initially contact the administrator, or Staff Care Group.

Any complaints will be, insofar as is possible, treated as confidential and a decision to make the matter known more widely will only be taken after consultation with the complainant. It is likely that an investigation will be necessary and the employee who has made the disclosure may be required to attend an investigatory hearing and/or a disciplinary hearing (as a witness). Appropriate steps will be taken to ensure that the employee's working relationships are not prejudiced by the fact of the disclosure.

A disclosure should be made in writing where possible. Anyone making a verbal disclosure will be requested to set out their concerns in confidence, in writing. Anyone claiming to have made a verbal disclosure may later be required to provide sound reasons why the disclosure was not made in writing.

The member of staff who has been notified of the disclosure will investigate the concerns raised and report back to the complainant (the process by which the matter will be addressed) within ten working days. Details of the proposed action to be taken will be reported back within twenty working days of the initial notification of the complaint. If in exceptional circumstances this deadline cannot be achieved because of complicating factors, e.g. the absence of staff involved, the person making the disclosure will be kept informed of the date by which the investigation should be completed.

Disclosures made which after investigation are not deemed serious, will be fed back to staff care group (for the relevant staff member) and their mentor if applicable.

Staff should be aware that the policy will apply where a disclosure is made in good faith and where they reasonably believe that the information disclosed and any allegation contained in it are substantially true. If any disclosure is made in bad faith (for instance, in order to cause disruption within the school), or concerns information which staff do not substantially believe is true, or indeed if the disclosure is made for personal gain, then such a disclosure will constitute a disciplinary offence for the purposes of the school's Disciplinary Policy and Procedures and may constitute gross misconduct for which summary dismissal is the sanction.

Protection given by the Act

A worker who makes a disclosure is protected from detrimental treatment by the school, by a co-worker or by an agent of the school. An employer is vicariously liable for detrimental treatment. If this occurs, it should be raised immediately with the administrator so that the matter can be investigated thoroughly

without undue delay. Detrimental treatment includes, for example, harassment and bullying or not complying with a person's rights and entitlements under his or her contract of employment.

A worker is also protected from dismissal by the school for making a protected disclosure. There is no qualifying period for an unfair dismissal claim to be made to an employment tribunal.

A worker who feels that he/she has been penalised for making a protected disclosure can make an application to an Employment Tribunal.

What if the matter is not satisfactorily resolved?

A worker who is not satisfied that their concern is being properly dealt with may raise it with the Chair of the College of teachers or administrator, or still not satisfactorily resolved then to the Chair of Trustees. It is likely that an investigation will be necessary and the employee who has made the disclosure may be required to attend an investigatory hearing and/or a disciplinary hearing (as a witness).

Appropriate steps will be taken to ensure that the employee's working relationships are not prejudiced by the fact of the disclosure.

Staff may also make such a disclosure to Public Concern at Work, the leading authority on public interest whistleblowing, if they consider that it has an interest in the matter and, despite the best efforts of the school, staff believe that disclosure within the school is inappropriate or has been unsuccessful.

Other relevant policies:

- Staff Code of Conduct.
- Safeguarding
- Health and Safety
- No Shouting Policy
- Anti Bullying
- Confidentiality.
- Staff Supervision