



**Our moral obligation is to help our children become successful learners, confident individuals and responsible citizens, and we believe that this policy for whistle blowing, will help us achieve this goal.**

## **Whistle Blowing**

### **Section 1: Definition**

Whistle blowing inside the work place is the reporting by workers, ex-workers and members of the school community, of wrong doing such as child protection, fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Members, the Trustees or by fellow employees and agency partners.

### **Section 2: Context**

We believe that our families, staff and children have the right to speak freely on a range of matters. We also believe that the school and associated colleagues have the right to protect themselves against false or malicious accusations.

We believe that there are some fundamental principles which are vital in supporting these procedures and policy. They are:

- Uphold an open and ethical culture
- Uphold the right to raise a concern
- Establish safe routes for communication of concerns
- Protect the whistle blower
- Ensure a fair and impartial investigative procedure
- Ensure confidentiality
- Safeguard against abuse of the procedure
- Involve the school community in the development of the procedure and it's review

### **Section 3: Legislation**

The Public Interest Disclosure Act 1998 is designed to protect whistle blowers from detriment and unfair dismissal. The people protected by the Act include workers, employees, third party contractor staff, agency workers and work experience providers.

### **Section 4: The Stages**

Stage 1 – A concern is raised with a senior leader. This includes the Headteacher, Deputy Headteacher, Inclusion Coordinator, or School Business Manager. The school will then need to explore the concern raised, gather further information as required, and then decide whether the whistle blowing procedure should be implemented, or whether the concern should be referred to the complaints procedure. Should it be alleged that the Chair of the Trustees is involved the Members should be involved. If the person raising the concern, feels the concern cannot be raised with any of the people or positions mentioned above then the concern can be raised directly with the independent assessor.

Stage 2 – If the concern which is raised requires the implementation of the Whistle Blowing Policy then the independent assessor will take lead on the procedures to be followed and these will take place as soon as is possible. This will include meeting, gathering of information, consulting on next steps to be taken, and advice if the matter falls outside of the school's Whistle Blowing Policy, and reporting to the Trustees.

Stage 3 – The independent assessor can make the following recommendations to the Trustees and Leadership team of the school:





- The matter is to be investigated internally by the school through the implementation of the complaints procedure.
- The matter is to be investigated by the external auditors appointed by the school.
- The matter is to be reported to West Sussex Local Safeguarding Children's Board.
- The matter is to be reported to the Department for Education.
- The matter is to be reported to the police.
- The procedure to be followed in the matter does not fall within any of these recommendations.
- That there is no further action to be taken.

The grounds on which no further action is taken includes:

- The assessor is satisfied, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur.
- The assessor is satisfied that the school is acting in good faith.
- The matter is already (or has been) the subject of proceedings under the school's other procedures or policies.
- The matter is already subject of legal proceedings, or has already been referred to the police, the Department of Education or other public authority.

### **Section 5: Further Information**

During meetings the person raising the concern may be accompanied by a work colleague or recognised trade union representative.

The person raising the concern will have their identity kept confidential unless they otherwise consent or there are grounds they have acted maliciously. The assessor will also reveal the identity if the following applies:

- There is a legal obligation to do so.
- The information is already in the public domain.
- On a confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.
- Where it is essential for evidence to be provided at a disciplinary hearing or other proceedings.

The assessor will be a member of the West Sussex HR Professional Support team contactable via West Sussex Services for Schools.

Whistle Blowing to an external source may take place, but is inadvisable without compelling reasons.

### **Section 6: Review**

This policy will be reviewed every two years or when changes happen due to government legislation.

