Humberston Park School

...engaging children in creative and enjoyable learning that is of functional value to them now and in the future.

Inclusiveness, Independence & Enjoyment

Whistleblowing

Approved by:	**Trust Board**	**Date: December 2023**
Last reviewed:	**December 2023**	
Next review due by:	**December 2026**	

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Introduction and Context

Humberston Park Special School Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, volunteers, and anyone associated with Academy who have serious concerns about any aspect of practices encountered within the Academy to come forward and voice those concerns without fear of reprisals. This Policy is to support staff wanting to raise such issues. It is recognised that certain cases will have to proceed on a confidential basis.

This policy takes into account the provisions of the Public Interest Disclosure Act 1998, which also provides legal recourse for the person raising the concern should they feel they have been treated unfairly as a result of "whistleblowing". A purpose of the policy is to give all members of staff the confidence to come forward and raise issues of concern. The issues covered by the policy include things that may be:

- unlawful
- involve fraud or dishonesty
- contrary to Standing Orders (the Constitution)
- is against Corporate and/or Directorate Policies and procedures
- is seen as improper conduct
- endangers the health and safety of staff, pupils or visitors.
- A safeguarding concern.

This policy is written in line with the Corporate Equalities Strategy, the Anti Fraud and Corruption Strategy and Section 17 of the Crime and Disorder Act 1998.

Aims

The aim of this policy is to provide safe and confidential avenues for all staff, volunteers and those associated with the Academy to raise concerns and receive feedback over malpractice including those of child protection, social care, corruption and financial irregularities occurring within the Academy. It will create a broader understanding of issues facing the Academy and raise awareness amongst all staff groups of the opportunity to raise issues of concern. It will result in:

- staff and Members being aware of how to express concerns in regards to suspicion of bad practice
- a recognition that systems are in place to prevent victimisation and / or intimidation of staff who raise concerns in good faith
- an atmosphere that enables and encourages staff to raise serious concerns
- a clear and understandable process regarding taking issues of concern further if they are not satisfied with the response and provide feedback at all stages regarding progress being made

Safeguards

Harassment and Victimisation

The Academy recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Academy will not tolerate harassment or victimisation and will take action to protect the person raising the concern when they raise a concern in good faith. This does not mean that if the person raising the concern is already the subject of disciplinary or other Academy procedures, that those procedures will be halted as a result of their whistleblowing.

Confidentiality
It is recognised that the person raising the concern may wish to raise a concern in confidence. Individuals who raise concerns will not have their identity disclosed without their prior consent. It must be appreciated, however, that in some situations the investigation process may not be concluded unless the source of the information and a statement by the individual is produced as part of the evidence.

Anonymous Allegations
This policy encourages the person raising the concern to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Academy. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issued raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations
If an allegation is made but subsequently, following an investigation, not up held then no action will be taken against the instigator providing they:

- have acted in *good faith*;
- believe that the information disclosed, and any allegation contained in it, is **substantially true**; and
- **have not** *acted for personal gain*.

It should be noted that if a malicious or false allegation is made, disciplinary action may be considered.

Guidelines

Raising a concern

Minor issues of concern should in the first instance be raised with immediate line managers, however issues felt to be of a more serious or sensitive nature should be raised directly with the Headteacher.

Whenever possible, concerns should be raised in writing and should set out the background and history of the concern, giving names, dates and places if known, as well as the reason why the individual is particularly concerned about the situation. Those who do not feel able to put their concern in writing can telephone or meet the appropriate person.

The earlier the concern is expressed, the easier it is to take action.

Although those raising a concern will not be expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

Individuals may seek advice and support, and also invite their Trade Union or professional association to raise a matter on their behalf.

How the allegation will be dealt with

The action taken by the Academy will depend on the nature of the concern. The matters raised may:

- be investigated internally. (Any investigation will be undertaken paying due regard to confidentiality.)
- be referred to the Police.
- be referred to the external Auditor.
- form the subject of an independent inquiry by the Ombudsman.
- Be referred to NELC LADO.

In order to protect individuals and the Academy, 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 other existing procedures (e.g. child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

The Academy will write to the complainant within a maximum of 10 working days of a concern being received;

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling them whether any initial enquiries have been made; and
- telling them whether further investigations will take place, and if not, why not.

N.B. In certain high-risk situations, i.e. child protection concerns, interim action may already have been taken.

The amount of contact between the body considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual.

When any meeting is arranged, the person raising the concern has the right, if they so wish, to be accompanied by a Trade Union representative, workplace representative or a work colleague or a personal supporter who is not involved in the area of work to which the concern relates.

The Academy will take steps to minimise any difficulties, which the person raising the concern may experience as a result of raising a concern. For instance, if the person raising the concern is required to give evidence in criminal or disciplinary proceedings, the Academy will advise and support them through the procedure.

The Academy accepts that the person raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigations.

Alternative methods of taking forward a complaint

This policy is intended to provide the person raising a concern with appropriate avenues to raise those concerns internally with the Academy whenever possible however, if an individual feels it is right to take the matter outside this process, the following are possible contact points:

- individuals' solicitors.
- your Trade Union or professional association – employees may invite their Trade Union or professional association to raise a matter on their behalf.
- the Police – suspicions of fraud or corruption may be reported directly to the Police.
- Public Concern at Work – this is a charity, which provides free and strictly confidential legal help to anyone concerned about a malpractice which threatens the public interest. They operate a helpline on 0207 404 6609 or can be e-mailed at whistle@pcaw.demons.co.uk
- The Health and Safety Executive.
- Any other relevant Inspectorate or regulatory body
- National Care Standards Commission, Tel 01724 749040

If the person raising the concern does take the matter outside the Academy, they need to ensure that any disclosure is made in a reasonable and responsible way. A disclosure will be protected, even if it is proven to be unfounded, as long as it was made in good faith. This can be checked with the Ombudsman who will also advise on ways to proceed.

The Responsible Officer

The Headteacher (as the accounting officer) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality).