



# **WHISTLEBLOWING POLICY**

**September 2022**

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## PART ONE: Our commitment

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We always aim to conduct ourselves ethically, and with honesty and integrity. We expect the same high standards from all of our people – employees, workers, contractors, agency workers and volunteers. We do, however, recognise that there may be occasions when we – or our people – do not get this right. In these instances, you may feel that you need to raise your genuine and serious concerns through this whistleblowing policy.

## PART TWO: Aim of the policy

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The aims of this policy are to:

- provide an effective way for you to raise serious concerns
- ensure that you receive feedback on any action undertaken by us as a result of you raising serious concerns
- ensure that you will be protected from reprisals or victimisation for having raised your concern in good faith
- signpost you to further options available to you if you are dissatisfied with our response, or if internal investigation is not appropriate
- allow Joydens Wood Infant School to take action against any employee who makes allegations in bad faith and/or publicly discloses information when it is unreasonable for them to do so.

### **Who this policy applies to:**

This policy applies to everyone who works for and volunteers with the Joydens Wood Infant School. This means our employees, volunteers, agency workers, interns, and contractors.

## PART THREE: Defining whistleblowing

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'Whistleblowing' is a term used to refer to the internal or external disclosure of malpractice as well as illegal acts, or omissions, at work. It covers, for example, how we raise funds, how we commission work or make payments.

Protecting individuals using this policy The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and it provides protection for individuals who raise legitimate concerns about specified matters, outlined below. These are called qualifying disclosures. A qualifying disclosure is one made in good faith by an individual who has a reasonable belief that:

- a criminal offence (including fraudulent and corrupt behaviour, eg theft, fraud or malpractice)
- a miscarriage of justice  
an act creating risk to health and safety
- an act causing damage to the environment

- a breach of any other legal obligation
- concealment of any of the above

It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed. You do, however, need to hold a reasonable belief of such an action having been, being or likely to be carried out.

If you make such a protected disclosure, you have the right not to be dismissed, subjected to any other detriment, or victimised. This is the case even were it to materialise that you were genuinely mistaken. We will not tolerate any individual being subjected to a detriment as a result of their making a disclosure in good faith. Under the law, interns, contractors or volunteers, are not afforded the same legal protection that is afforded to employees.

As the school, however, we want to promote and encourage an open and honest environment in which concerns can be freely raised. We will therefore, in so far as is possible, aim to treat all individuals making a disclosure in the spirit of the Public Interest Disclosure Act 1998.

#### PART FOUR: Malicious disclosures

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If it is found that you have maliciously raised a matter which you know to be untrue or you are involved in any way in the malpractice, wrongdoing or illegal acts or omissions, your behaviour may be addressed through the appropriate Joydens Wood Infant School policy.

#### PART FIVE: Non-whistleblowing concerns

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This policy is only to be used in the exceptional circumstances as outlined in part 3, above. There are a number of Joydens Wood Infant School policies that will be relevant in other circumstances. This list includes but is not limited to:

- safeguarding and child protection
- bullying and harassment
- disciplinary
- grievance

#### PART SIX: Raising a concern

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You should raise your whistleblowing concern as soon as possible. This will make it easier to act and to enable any problems to be resolved or reported quickly. You can make your disclosure orally but written disclosures are preferable as these will make the process more efficient and effective. In your disclosure, you should: provide any relevant context and background, including relevant dates, venues, names etc. state clearly the reason why the situation causes for concern.

You must say that you are raising your concern using the whistleblowing policy and whether you wish your identity to be kept confidential. While we will make every effort to deal with your case confidentially, depending on the circumstances of the case this may not always be possible. Where this is the case, you will be informed of this and the reasons why it was not possible.

We will consider anonymous disclosures, but we do not encourage them as anonymity often makes it difficult to properly investigate concerns, protect employees or give feedback on outcomes.

You should always look to raise the matter with your line manager in the first instance. Where this is not appropriate because they may be involved in the alleged malpractice, wrongdoing or illegal acts or omissions in some way, raise your concern with the Headteacher or DSL. In some circumstances where it would be inappropriate for you to approach the Headteacher or DSL you should raise the matter directly with the Chair of Governors.

If appropriate the senior member of staff may arrange for the concern to be investigated externally and independent of the school, and for appropriate follow-up action to be taken.

Your disclosure will always be acknowledged within **three working days**.

It will be investigated by the senior member of staff that you raised your concern to. They will arrange to meet you as soon as possible, away from the workplace if necessary, to enable you to explain your concern, as outlined in part 6, above.

As per part 6 above, we may not always be able to keep your details confidential but we will always let you know if it is not possible to do so. You will be told either at the meeting or as soon as possible afterwards, what action will be taken to address the concern you have raised. Where action is not taken, you will be informed and given an explanation. The action taken in response to a disclosure will depend on the nature of the concern.

Typically, the matters raised may result in one or more of the following:

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- no action required
  - action being taken under other Joydens Wood Infant School policy or procedure
  - an internal investigation under this policy
  - a referral to the police or relevant statutory body
  - an independent enquiry
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Any senior member of staff/governor receiving a potential whistleblowing concern must notify the Chair of Governors immediately that a concern has been raised and inform them of progress in resolving the concern.

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## PART SEVEN: Raising concerns externally

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We strongly encourage you to exhaust the internal processes set out above in the first instances. In exceptional or urgent circumstances, however, or where, having made a disclosure, you are unhappy with the outcome, we advise you speak to LADO and/or seek advice from Area Safeguarding Leader:

**LADO: 03000 410888**

**Area Safeguarding Advisor: 03000 41 24 45**

Similar to the rights and obligations of an employee, Joydens Wood Infant School reserves the right to make a referral to any of the above agencies without your consent.

## PART EIGHT: Making a disclosure to the press

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Disclosures to the press will not be considered reasonable and may constitute misconduct. As such, the matter might be treated as a disciplinary matter in accordance with our disciplinary and grievance policy and procedure.