



## **Whistleblowing (Duty to Act) Policy**

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## **Introduction**

Whistleblowing is a way for employees to raise reasonably and honestly held concerns they may have about serious matters that could put the school and/or the wider public at risk. Whistleblowing usually involves bringing forward concerns that it are in the public interest to investigate and resolve. Examples are crime, fraud, the giving or taking of bribes, financial malpractice, or practices that might endanger the safeguarding of individuals or the environment. The aim of this policy is to outline what employees can do if they believe they need to raise an issue of this nature, and how they will be protected if you do.

There may be occasions when an employee has concerns about something that is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, illegality, financial malpractice, endangering an individual's health or safety, or dangers to the public, employees, pupils or the environment, it can be difficult to know what to do.

An employee may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling it's none of their business or that it's only a suspicion. They may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Southampton City Council, as our school's employer, has introduced this policy, which reflects the legal framework and the legal obligations placed upon the council, to enable individuals to raise concerns about such malpractice at an early stage and in the proper way. As a school, we would rather that individuals raised matters when it is just a concern rather than wait for proof.

If something is troubling an employee which they think we should know about or look into, this policy should be used. This Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

## **Legislative Context**

The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures about malpractice. The Act makes it unlawful for the council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

## **Our Assurances to Individuals**

If an individual raises a genuine concern under this policy, they will not be at risk of losing their job or suffering any form of retribution as a result. Provided they reasonably believe what they are reporting is true, and that the disclosure is in the public interest, it does not matter if they are mistaken. Of course, we do not

extend this assurance to someone who maliciously raises a matter they know is untrue. In that case, disciplinary action may be taken against an individual.

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Taking reprisals against an employee who has raised a concern in good faith is unacceptable, and may give rise to disciplinary proceedings. If an individual raises a concern and feels at any stage subsequently that they are suffering as a result of doing so, they should let the Headteacher or Chair of Governors know so that appropriate action can be taken.

We recognise that an individual may want to raise a concern in confidence under this policy. If the school is asked to protect an identity by keeping a confidence, we will not disclose it without the individual's consent. If the situation arises where we are not able to resolve the concern without revealing an identity (for instance because evidence is needed in court), we will discuss with the individual, whether and how we can proceed.

In cases where an individual wishes to remain completely anonymous, it is much more difficult for us to look into a matter or to protect an individual's position or to give feedback. Accordingly, while the school may consider anonymous reports, such issues may not be fully resolved.

### **How We Will Handle the Matter**

Once an individual has told us of a concern, the school will look into it to assess initially what action, if any, should be taken. This may involve an internal inquiry or a more formal investigation. We aim to tell the case handler how they can contact the individual and whether any further assistance may be needed.

Whenever a concern is raised, the individual so doing may be asked how they think the matter might best be resolved. If the individual has any personal interest in the matter, we do ask that they inform us of this at the outset. If the concern falls more properly within the school's Grievance Policy we will make that clear.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will try to give as much feedback as we properly can. We may not be able to outline the precise action we take where this would infringe a duty of confidence owed by us to any other individual.

### **How to Raise a Concern Internally**

Step one:

Regarding any concerns about malpractice, wherever possible, these should be raised with a line manager in the first instance. This may be done orally or in writing.

#### Step two:

In cases where an individual feels unable to raise the matter with their line manager, for whatever reason, the matter should be raised with the Headteacher or Deputy Headteacher.

In cases where an individual feels unable to raise the matter with the relevant Headteacher or Deputy Headteacher, for whatever reason, the matter should be raised with the Chair of Governors.

#### Step three:

If these channels have been followed and a concern still remains, or the above are not appropriate, or if it is felt that the matter is so serious that it cannot be discussed any of the above, then the Service Director (Legal & Governance) at Southampton City Council should be contacted.

#### Step four:

If for any reason, an individual feels uncomfortable in reporting a concern directly to the officer above, there is a facility to submit a report via email to the following generic inbox: [Duty.to.act@southampton.gov.uk](mailto:Duty.to.act@southampton.gov.uk).

### **Independent Advice**

If an individual is unsure whether to use this policy or needs independent advice at any stage, they may contact:

- if applicable, their union; *or*
- their professional body (e.g. British Association of Social Workers, National College for Teaching and Leadership etc); *or*
- the independent charity Public Concern at Work on 020 3117 2520 or [www.pcaaw.co.uk](http://www.pcaaw.co.uk). Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work.

### **External Contacts**

While we hope this policy gives the reassurance needed to raise such matters internally, we recognise that there may be circumstances where an individual can properly report matters to outside bodies, such as regulators or the police. Public Concern at Work (or, if applicable, your union) can advise on such an option and on the circumstances in which an individual may contact an outside body safely.

If an individual chooses not to raise a matter internally, we would rather the matter were raised with the appropriate "regulator" than not at all. Provided an individual reasonably believes what they are reporting is true, that it is in the public interest and they have evidence to back up their concern, they can also contact certain external bodies. However, not all disclosures to external bodies or individuals benefit from the protection set out in this policy. Raising a matter with a third party who can reasonably be believed is responsible for the wrongdoing, or a legal adviser, or a person prescribed by Parliament (such as HMRC, the Health and Safety Executive, Office of Fair Trading) will still be protected. Any further disclosure will only be protected if it is reasonably believed that the concern is



substantially true, and that the individual is not acting for any gain, and it is so serious that it could not be disclosed to the council or one of the prescribed bodies first.

### **In case of Dissatisfaction**

If an individual is unhappy with the school's response, they can escalate the matter to a higher level.

While the school can never guarantee that it will respond to all matters in the way an individual might wish, we will handle the matter fairly and properly. By using this policy, we will be helped to achieve this.

This policy is due for review October 2019, or as legislation changes.