

# NEWPORT GIRLS' HIGH SCHOOL ACADEMY TRUST



## WHISTLEBLOWING OR PUBLIC DISCLOSURE PROCEDURES

<b>Policy written by:</b>	DSL
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## **Introduction**

This document sets out the procedure for Newport Girls' High School Academy Trust (the Academy) for disclosure of information in the public interest.

The Academy has a commitment to achieving high standards of integrity and accountability and the purpose of this procedure is to assist in this by ensuring that complaints may be raised without fear of harassment or detriment and by ensuring that all complaints will be given proper consideration.

The procedure is designed to operate in accordance with the provision of the Public Interest Disclosure Act 1998 (PIDA), which gives protection to people who disclose reasonable concerns about serious misconduct or malpractice at work. This is sometimes known as 'whistle blowing'.

## **The scope of the procedures**

The procedure will not undermine other existing procedures such as grievance procedures, disciplinary procedures or child protection procedures. It is designed to deal with major issues that fall outside the scope of those procedures.

Examples of the type of issue that would fall within the scope of this procedure are:

- Criminal offences;
- Failure to comply with legal obligations;
- Miscarriages of justice;
- Health and safety dangers;
- Environmental risks;
- Suspected fraud and/ or corruption;
- Concealing information about any of the foregoing.

The procedure is applicable to staff in school as well as to agency staff, students on placements, supply staff, volunteers, contractors and suppliers operating under contract to the school. The term 'employees' is intended to cover all of these categories of people.

The procedure gives protection to employees who, in good faith, make such a disclosure. Employees have the right not to be subjected to dismissal or 'detriment' by their employers for making a protected disclosure.

PIDA does not, however, exclude the possibility of employees being sued by individuals for defamation in connection with any disclosure they make. Moreover, a disclosure is not protected if it constitutes a criminal offence e.g. under the Official Secrets Act 1989.

There is no time limit to raising a concern under this procedure, but any matter should be raised at the earliest practicable opportunity, since delays in making a disclosure may prevent a full investigation from taking place. Where time limits are included within this procedure they are intended to ensure that disclosures are dealt with as promptly as possible and to ensure that there is a prompt initial response.

The investigation that takes place after a disclosure is made is not time limited but will be dealt with as quickly as possible within the circumstances of the disclosure.

## **Procedure**

### **Raising a concern**

In the first instance, concerns under this procedure should be raised with the employee's immediate line manager, who should then deal with the problem as quickly as possible. If the employee believes that their immediate line manager is involved in the malpractice, they may raise their concerns with

a more senior member of staff, including the Headteacher. If the matter concerns the Headteacher, he/she should approach the Chair of Governors.

Within ten working days of a concern being raised, the person hearing the concern will write to the employee to acknowledge that the concern has been received. They should also indicate what initial steps they intend to take to deal with the matter and, where possible, provide an estimate of the time it will take to provide a final response.

Concerns may be raised orally or in writing, although written submissions are preferred wherever possible. These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information etc.

### **Representation**

Employees are entitled to representation by a professional association/trade union representative or a 'friend', who will normally be another employee, at any meetings or interviews that are held in relation to the disclosure made. Employees should specify that they are making a disclosure under this procedure.

Employees must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Although employees who wish to make an anonymous disclosure may do so, it may be important for the investigating manager to know the source of the information for a full and appropriate investigation to be possible. Furthermore, the manager would need to take into account the nature and credibility of an allegation before deciding whether to proceed with an investigation. However, employees should be re-assured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity. The Act provides protection against victimisation of anyone who makes a protected disclosure in good faith.

### **Resulting action by the school**

Following a disclosure made under this procedure, enquiries will be made to establish the validity of the allegations. If they are found to be true, the appropriate action will be taken, which may include:

- a full internal investigation, possibly resulting in disciplinary action;
- referral to the Chair of the Finance Committee or the Chair of Governors;
- referral to the EFA;
- referral to the Police.

Subject to legal constraints and the need to protect the rights of individuals, the employee raising the concern will be informed of the outcome of any investigation at the earliest practicable opportunity, to reassure them that appropriate action has been taken. Such information will not include confidential details about formal action taken against another employee.

For reasons of sensitivity and confidentiality, all communications with an employee who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

### **Taking the matter further**

In the event that an employee feels that their concerns have not been resolved through the above process, they may write to the Chair of the Governing Body, if he/she has not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of Governors will write to the employee to acknowledge that the concern has been received and indicate what steps will be taken to deal

with the matter, as well as providing an estimate of the time it will take to provide a final response. The Chair of Governors may decide to set up a small group of governors, where appropriate, to investigate the concerns. The Chair of Governors will then inform the employee of the outcome of this process on the same basis as required of the manager above.

If the employee is dissatisfied with the response of the Governing Body, and subject to the concern being a matter covered by the Act, he/she can raise the matter, as appropriate, with one of the following agencies:

- EFA;
- a local member of Parliament;
- the Police;
- Public Concern at Work (0207 4046609);
- a relevant professional body or inspectorate;
- Local Government Ombudsman.

In taking their concern outside of the Academy, employees must ensure that, as far as possible, the matter is raised without personal information relating to other employees being disclosed.

An employee who approaches an accredited legal advice centre eg. Public Concern at Work or Citizens Advice Bureau, does not breach the duty of confidence in this procedure to the Governing Body.

### **Untrue allegations**

If an allegation is found to be untrue, but the employee has made the allegation in good faith, no action will be taken against the employee. However, employees who make allegations maliciously, frivolously or for personal gain may face disciplinary action.

### **Failure to follow this procedure**

Any employee who unreasonably and without justification raised such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.