



Lincoln Christ's Hospital School

Whistleblowing Policy

SLT Link Member of Staff: Martin Mckeown

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Introduction

Lincoln Christ's Hospital School is committed to providing the highest standards of professional teaching and care for its students. In line with this commitment, this policy is intended to encourage and enable staff and others with serious concerns about malpractice, wrongdoing and unethical behaviour to come forward and raise those concerns within the School. In all other cases where staff are unhappy about decisions or actions affecting their employment, they should use the grievance procedure.

Provided a concern is raised in good faith, it does not matter if it is mistaken. This assurance does not extend to someone who maliciously raises a matter they know to be untrue. The Governors and Senior Managers of the School will not tolerate harassment or victimisation of anyone raising a concern. However, if it transpires that the concern was raised maliciously, we will take disciplinary or other management action.

The Public Interest Disclosure Act (PIDA)

The Public Interest Disclosure Act (PIDA) 1998 came into force in July 1999. It is designed to protect whistleblowers from detriment and/or unfair dismissal. The people protected by the Act include employees, third party contractor staff, agency workers and work experience providers.

The legislation does not introduce a general protection for whistleblowers in all circumstances. A disclosure will qualify for protection if, in the reasonable belief of the worker making it, it tends to show one or more of the following has occurred, is occurring, or is likely to occur

- Possible fraud and corruption
- The unauthorised use of School funds
- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information tending to show any of the above.

A qualifying disclosure will be protected under the Act if it is made

- In good faith to the worker's employer (either directly or through internal procedures authorised by the employer) or to another person whom the worker reasonably believes is solely or mainly responsible for the failure in question
- To a legal advisor in the course of obtaining legal advice.

Qualifying disclosures will also be protected if they are made other than as above, provided that the worker makes the disclosure in good faith, reasonably believes that the information and any allegation contained in it are substantially true and does not act for personal gain. One or more of the following conditions must also apply

- The worker reasonably believed that he or she would be victimised if he or she had made the disclosure to the employer or to a prescribed person
- There was no prescribed person and the worker reasonably believed that disclosure to the employer would result in the destruction or concealment of evidence
- The worker had already disclosed substantially the same information to the employer or a prescribed person.

It must also be reasonable for the worker to make the disclosure. It will be for the employment tribunals to consider whether any particular failure is exceptionally serious: this is a matter of fact, not of a worker's personal belief.

The objectives of the Whistleblowing Policy are

- to encourage and enable employees and other workers to raise genuine and legitimate concerns internally and also to define clearly the situations in which they may raise the matter externally without being subject to any detriment, including victimisation and disciplinary action up to and including dismissal. An employee who makes a rash disclosure (to the media for example) of a matter that could and should have been raised internally will not be protected by PIDA
- to provide an opportunity for those concerns to be investigated and for appropriate action to be taken to ensure the matter is resolved effectively within the School wherever possible
- to deter serious malpractice; and
- to promote accountability throughout the School.

Personal responsibilities

The Governors expect all staff to fulfil their terms of employment to the best of their ability. In doing so they must try to maintain good working relationships with colleagues and managers. The maintenance of acceptable standards of conduct, attendance and performance form a part of the responsibilities of everyone at the School. The high standards expected also apply when staff represent the School at events such as school trips, conferences, training courses, overseas exchanges, sports and recreational events.

How to report a concern

Firstly, concerns should be reported to the line manager or someone else in the management chain. If for any reason this is felt to be difficult, or the report is about someone senior in the management chain, the report should be made to the Headteacher.

If having exhausted these procedures the person raising the concern does not receive what they consider to be an appropriate response, they may report the matter directly to the Chair of Governors.

Confidentiality

While open reporting is encouraged, the Governors and Senior Managers of the School recognise there may be situations where a member of staff wants to raise issues in confidence. Occasionally,

a conflict may arise between protecting matters in confidence and the need to develop information in support of criminal or disciplinary actions. Should this happen the matter will be considered very carefully. If the reported wrongdoing may be so serious that action has to be taken to prevent further harm, by identifying those responsible with a view to criminal or disciplinary procedures, the Governors and Senior Managers will explain what co-operation is likely to entail and what support will be available for the person who raised the original concern.

How a concern will be handled

Once a concern has been raised the Manager or Headteacher will assess what action to take. They will inform the person raising the concern as to who will be responsible for taking the matter forward, how they propose to handle the issue and whether they will need further assistance. If the person raising the concern has a personal interest in the matter this must be made clear at the outset. The Manager or Headteacher will also advise if they feel the concern falls more properly within the Grievance Policy.

Retention of records

Records on all whistleblowing cases will be retained for 6 years. The papers will only form part of an individual's personnel file if disciplinary action has been taken against that individual as a consequence of resolving the matter.

Further information, help and advice

Further information is available from Public Concern at Work (PCAW) – a charitable organisation that promotes accountability and good governance in organisations. They can be contacted on 020 7404 6609 or at www.pcaw.co.uk.

Additional advice for Managers

What to do if someone reports to you a concern about wrongdoing, malpractice or unethical behaviour at work.

When someone reports their concerns to you

- Thank them for raising the matter
- Remember there may be another perspective or plausible explanation
- Listen to and respect any concern they may have about protecting their position or career
- Ascertain whether they have a personal interest in the matter and if so, whether the concern should be properly dealt with under School grievance procedures
- Take care to avoid giving unrealistic expectations

For help in dealing with a reported concern you can speak to your own manager or the Headteacher.

When your enquiries are complete report the outcome and any remedial action you propose to take to the person who raised the concern, unless this would infringe a duty of confidence to another party.

Always remember that

- you must deal appropriately with any malpractice that you find
- you may be required to explain how you handled the concern
- victimising someone who raises a concern is a disciplinary offence.