

North Herts



Education Support Centre

North Herts Education Support Centre Whistleblowing Policy

Policy reviewed by:	Ronel Pieterse
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Ratified by:	Management Committee
Signature:	
Date:	
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<p>This policy follows the model guidance from the latest Herts for Learning “Whistleblowing” Policy for Schools updated November 2019.</p>	

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1. Introduction

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the North Herts Education Support Centre (NHESC) to voice those concerns and feel secure in doing so.

It is important to NHESC that any fraud, misconduct or wrongdoing by employees or Management Committee of the school is reported and properly dealt with. The NHESC encourages all individuals to raise any concerns they may have about the conduct of others or the way in which the NHESC is run. The Management Committee will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the ESC, **which are in the public interest**.

The NHESC is committed to the principles of honesty and integrity. A culture of openness and accountability is critical to ensuring these values are authentically lived by.

This policy applies to all employees, workers, agency staff, contractors, service providers, volunteers, and Management Committee members of the NHESC.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. Scope

If your concern relates to how you have been treated this should be raised under the grievance or bullying and harassment policies.

The whistleblowing policy will not replace any existing policies or procedures. If misconduct is discovered as a result of any investigation under this policy, the NHESC's disciplinary policy will be used.

The NHESC encourages individuals to disclose any concerns they may have regardless of whether they are covered by this or another policy.

3. What is whistleblowing?

Whistleblowing means the reporting of information which relates to actual or suspected wrongdoing related to a "qualifying disclosure".

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence
- 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

is being, has been, or is likely to be, committed.

It is not necessary for a whistle-blower to have proof of such an act for the protections of this policy to apply. They must only have a reasonable belief.

Potential whistle-blowers should have reasonable grounds for believing the information they are disclosing is accurate.

Where a disclosure fails to show that one of the six categories of wrongdoing has been or is likely to be occur, it cannot amount to a qualifying disclosure for the purposes of the whistleblowing legislation

Potential whistle-blowers are encouraged to seek support from a senior manager or their trade union representative if they are unsure whether to make a disclosure or to access support in making a disclosure, regardless of whether it is qualifying or not.

4. Protections for whistle-blowers

This policy has been written to take account of the Public Interest Disclosure Act 1998 and other relevant legislations, which protects workers making disclosures.

A whistle-blower who makes a qualifying disclosure has the right not to be dismissed, subjected to any detriment or victimised, because they have made a disclosure.

Victimisation of a whistle-blower for raising a qualifying disclosure will be a disciplinary offence.

The NHESC will not dismiss anyone on the basis that they have made an appropriate lawful disclosure in accordance with the law and this policy.

Whistle-blowers may seek support and advice from organisations such as the whistle blowing charity Protect (<https://protect-advice.org.uk> / 020 3117 2520) or ACAS (www.acas.org.uk).

5. Obligations for the whistle-blower

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistle-blower who is told not to raise or pursue any concern, even by a person in authority, should not agree to remain silent.

Whistleblowing to an external agency without first using the procedure below may be considered a breach of the School's Code of Conduct.

It is not appropriate to whistle blow to the media in any circumstances and may be considered gross misconduct.

Maliciously making a false allegation is a disciplinary offence

6. Confidentiality

The NHESC encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, the NHESC will make every effort to keep their identity secret.

The NHESC will consult with the whistle-blower before divulging their identity to any party, including an investigator.

The NHESC does not encourage anonymous disclosures as this may make it harder to establish the credibility of an allegation and may make investigation difficult or impossible. Anonymous concerns will be taken seriously and investigated as far as is possible under this policy.

7. The NHESC's commitment

Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially.

Whilst the NHESC will aim to keep the employee informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed

8. Obligations for the Management Committee

An appropriate representative of the School (Executive Head or named Management Committee member) will inform Hertfordshire County Council as the maintaining authority of any qualifying disclosures at the earliest opportunity.

Concerns regarding financial irregularity will be reported to the Shared Internal Audit Service (SIAS); where concerns relate to child protection these will be handled in keeping with the relevant policy of the Centre and reported to the Local Authority Designated Officer (LADO) where the threshold is met.

9. Whistleblowing procedure

9.1. Stage 1 – Disclosure

The whistle-blower should initially raise their concern to their line manager. They may do this orally or in writing.

If the concern relates to the line manager or any person to whom they report (other than the Executive Head) the whistle-blower should raise the issue with the Executive Head.

If the concern relates to the Executive Head, the whistle-blower should raise this with the Chair of the Management Committee.

9.2. Stage 2 – Investigation

The NHESC will arrange an investigation into the concerns raised. This will take place as soon as is reasonably practicable.

The investigation may involve the whistle-blower and other individuals involved meeting with the investigator and giving a written statement.

At any investigatory meetings the whistle-blower is entitled to be accompanied by a recognised trade union representative or a work colleague.

9.3. Step 3 – Report to Management Committee

The investigator will report to the named representative of the Management Committee before any further action is taken. The representative of the Management Committee will decide on potential outcomes including, but not limited to:

- invoking the NHESC's disciplinary process, or other relevant policy
- referral to the police, Hertfordshire County Council department, government department or regulatory agency
- no further action.

On conclusion of any investigation, the whistle-blower will, as far as is practicable and where it is reasonable to do so, be told the outcome of the investigation and what the NHESC has

done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

9.4. Step 4 – Escalation.

If, on conclusion of stages 1, 2 and 3 the whistle-blower reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Health and Safety Executive
- the Environment Agency
- Her Majesty's Chief Inspector of Children's services and skills
- the Secretary of State for Education
- the Office of Qualifications and Examinations Regulator.

A full list can be obtained from the charity, Protect or the BEIS (Department for Business, Energy and Industrial Strategy) website. Alternatively, an employee may contact their professional association or trade union representative for guidance.

10. Data Protection

When an individual makes a disclosure, the school will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

11. Contacts

The NHESC's appointed member of staff for this purpose is: Dan Nearney

The Centre's appointed Management Committee Member for this purpose is: Emma Flawn.

Or the independent whistleblowing charity **Protect**

Helpline [020 3117 2520](tel:02031172520)

E-mail: whistle@protect-advice.org.uk