

Policy



Whistle-Blowing Policy

*Nurturing today's young people,
Inspiring tomorrow's exemplary citizens*

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SECTION 1 – POLICY STATEMENT

Whistleblowing is the reporting by staff of wrongdoing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act, either on the part of management or by fellow employees.

This policy is designed to protect staff from victimisation or dismissal when they blow the whistle. It encourages them to raise concerns about malpractice, either inside or outside the school, and helps ensure that we are able to focus on the message rather than the messenger, so that serious malpractice is not covered up.

Any disclosure made in 'good faith' will be protected by this policy if the Whistle-Blower has a reasonable suspicion that malpractice has occurred, is occurring, or is likely to occur.

SECTION 2 – BASIC PRINCIPLES

AJI is committed to the highest possible standards of conduct, openness, honesty and accountability. In line with this commitment, we expect staff to tell us about any serious concerns they might have about any aspect of the school's work or colleagues.

Our Staff Handbook outlines our expectations with regards to our employees, and our Disciplinary and Grievance Procedures contains details of what kind of behaviour is considered unacceptable. All members of staff are expected to have read and understood both documents.

In any case, all employees have a legal duty to pass on any concerns involving the safeguarding or protection of children to someone who can deal with it. This includes concerns about fellow professionals, or anyone who works with or comes into contact with children.

We do not tolerate harassment or victimisation and will take action to prevent it; Whistle-Blowers will be treated as witnesses, not complainants.

However, it is important for us to strike a balance between the right of an individual member of staff to speak freely, and the right of the school or colleagues to protect themselves against false or malicious accusations.

Thus, although victimising people who raise genuine concerns will be treated as a disciplinary offence, it will also be considered a disciplinary offence to make allegations that are untrue or malicious.

SECTION 3 – COMMUNICATING CONCERNS INTERNALLY

All employees must be able to express their concerns without fear of being victimised or penalised in any way. This policy aims to encourage and enable staff to raise concerns internally, rather than ignoring problems, or taking them outside the organisation.

This procedure should be used to raise serious concerns. These include:

- Conduct which has failed, or is likely to fail, to comply with a legal obligation.
- Disclosure related to miscarriages of justice.
- Actions which endanger the health or safety of any individual, including risks to children or the public, as well as other employees.
- Damage to the environment.
- Theft or misuse of school property or assets.
- The unauthorised use of public funds.
- Possible fraud or corruption.
- Serious departure from professional standards.
- Sexual or physical abuse of other members of staff.
- Child abuse.
- Serious breach of school regulations.

It is important that members of staff raise their concerns as soon as possible, rather than wait until they become more serious.

SECTION 4 – REPORTING PROCEDURE

- 1 The Whistle-Blower should raise their concern with the Headteacher or their deputy. They can do this in writing, or by talking to them about it. They have the right to ask for the matter to be treated confidentially.
- 2 If the concern is about the Headteacher, it should be referred to any other member of the Senior Leadership Team, who will refer it to the Governors if the concern is deemed genuine.
- 3 The Headteacher will begin initial enquires, or appoint a member of the SLT to do so, in order to decide whether an investigation is appropriate, and if so, what form it will take.
- 4 If the matter falls within the scope of specific procedures, e.g. child protection, it will normally be considered under those procedures.

- 5 If the individual feels unable to discuss the matter with the Headteacher, or any other member of the SLT, they can take it directly to the Governors. If this is the case, they will be expected to justify why they feel unable to raise their concerns in the normal way.
- 6 If the individual thinks that they might be victimised, or there might be a cover up, or their concerns are being ignored, only then should they contact any external agencies.

SECTION 5 – RESPONDING TO A CONCERN

We will always respond to concerns, but an investigation does not mean that we have accepted or rejected concerns.

The Headteacher will:

- Interview the Whistle-Blower privately within seven working days, or straight away if there is a risk of loss of life/serious injury, or if the matter involves child protection.
- Get as much information as they can from the person reporting the alleged malpractice.
- Discuss with the individual what further steps should be taken, and keep them informed of any actions on a need-to-know basis.
- Advise on the best way forward if the matter does not fall under the whistleblowing procedure.

The Whistle-Blower may ask a work colleague or other person to accompany them in the interview. Likewise, the Headteacher may ask another senior member of staff or adviser to join them if they wish.

Within ten working days of the interview, the Headteacher will decide on one or more of the following options; that the matter is:

- Investigated internally by the school.
- Dealt with through the disciplinary process.
- Investigated under procedures designed to deal with allegations made against professionals.
- Investigated under other procedures, such as child protection.
- Investigated by external auditors appointed by the school.
- Referred to the Local Authority Designated Officer (LADO) or children's social care.
- Referred to the police.
- Pursued by the Whistle-Blower using other procedures, if their concern does not fall within these procedures.
- Considered closed, with no further action by the school.

The following examples can be considered grounds on which no further action need be taken:

- The Headteacher is satisfied that there is no evidence, and it is unlikely that malpractice has occurred, is occurring, or is likely to occur.
- The Headteacher believes that the individual is not acting in good faith.
- The matter is already (or has been) subject to proceedings under one of our other procedures or policies.
- The matter is already the subject of legal proceedings or has already been reported to the Police, Children's Services, Ofsted, the DfE, or other public authority.

SECTION 6 – CONFIDENTIALITY

All concerns will be treated in confidence, and every effort will be made not to reveal the identity of the Whistle-Blower, unless they are happy to be named, or unless there are grounds to believe that they have acted maliciously. If there are no such grounds, the investigating officer will only reveal their identity in any one of the following cases:

- They have to do so by law.
- The information is already known.
- It is revealed in confidence to a qualified lawyer in order to get legal advice.
- The Whistle-Blower has to provide evidence at a disciplinary hearing or other proceeding.

Some cases are so serious that police may have to be involved. In these cases, it may be necessary to reveal the identity of individuals.

While these procedures are being carried out, all parties will need to agree that the issue will be kept confidential. However, in order to investigate the matter properly, the investigating officer may need to ask for files or question other employees, so it is impossible for the school to guarantee complete confidentiality.

SECTION 7 – ANONYMOUS ALLEGATIONS

It is far better for Whistle-Blowers to put their name to any allegations, because anonymous allegations are not as powerful as those put forward by a named individual. However, anonymous allegations will be investigated as far as possible.

SECTION 8 – UNTRUE ALLEGATIONS

If allegations are made in good faith but are not confirmed by the investigation, no action will be taken against the Whistle-Blower.

If, however, the allegation was considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the Whistle-Blower.

Allegations that are found to have been malicious will be removed from personnel records, and any allegations that are not substantiated, are unfounded or malicious will not be referred to in employer references.

SECTION 9 – TAKING CONCERNS TO EXTERNAL AGENCIES

Although we prefer that employees do not take concerns to external bodies without first going through the internal procedures, there may be a good reason for doing so, for example, an individual may not be happy with the conclusions of the Headteacher or the SLT, or members of the SLT itself may be involved.

If a member of staff is unhappy with the response they have received, they can take the matter to one of the bodies listed below:

- Governors / Trust Board.
- Children's social care (if the matter is about child protection or safeguarding issues).
- Police.
- Health and Safety Executive.
- Ofsted.
- Department for Education.
- Any other relevant professional agencies or regulatory organisations.

Whistle-Blowers who decide to refer their concerns to external agencies must:

- Reasonably believe that they will be victimised if they raise the matter internally.
- Reasonably believe a cover up is likely.
- Have already raised the matter internally, and believe that the issue has not been addressed.



Employees who decide to take the matter to external agencies need to be aware that they should be careful not to publicly reveal any confidential information, as contracts of employment usually stipulate a duty not to disclose any matters that could be considered confidential.

SECTION 10 – RECORDING, MONITORING AND EVALUATION

All employees should be made aware of this policy and feel able to voice concerns about the attitude or actions of colleagues.

The most senior member of staff dealing with reported concerns will keep records and monitor progress. These will be kept in a safe location.