



Reviewed: by L Jeeves	Date: 26 th August 2021
	Next review date: August 2022

CHEXS WHISTLEBLOWING POLICY

Public Interest Disclosure ('Whistleblowing')

What this policy covers

This policy applies to employees, workers and contractors.

The Charity constantly strives to safeguard and act in the interest of the public and its staff. It is important to the Charity that any fraud, misconduct or wrongdoing, by employees or other agents, is reported and properly addressed.

This policy applies to all employees and all other agents of the Charity, who are encouraged to raise concerns in a responsible manner. The Charity prefers that a concern is raised and dealt with properly, rather than kept quiet.

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 charity's disciplinary policy will be used.

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

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 whistleblower to have proof of such an act for the protections of this policy to apply. They must only have a reasonable belief.

Potential whistleblowers 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 occur, it cannot amount to a qualifying disclosure for the purposes of the whistleblowing legislation.

Potential whistleblowers 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.

Protections for whistleblowers

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 whistleblower 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 whistleblower for raising a qualifying disclosure will be a disciplinary offence.

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

Whistleblowers 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).

Obligations for the whistleblower

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistleblower 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

Confidentiality

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

The charity will consult with the whistleblower before divulging their identity to any party, including an investigator.

The charity 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.

The Charity's commitment

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

Whilst the charity 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

Whistleblowing procedure

In the first instance, you should raise any concerns you have with your manager. If you believe your manager to be involved, or if, for any reason, you do not wish to approach your manager, then you should raise it with a more senior person in the Charity.

Any matter raised under this policy will be investigated promptly and confidentially. The outcome of the investigation, as well as any necessary remedial action to be taken, will be confirmed to you. If no action is to be taken, the reason for this will be explained to you.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you raise any concerns under this policy, the Charity is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment. Any such incidents will be dealt with under the Charity's Disciplinary Procedures.

Escalating your concern

If you are dissatisfied with this response, you should raise your concerns in writing directly with a more senior person in the Charity.

If, after escalating your concerns, you believe that the appropriate remedial action has not been taken, you should then report the matter to the proper authority. These authorities include:

- HM Revenue & Customs
- the Financial Conduct Authority
- the Health and Safety Executive
- the Environment Agency or Scottish Environmental Protection Agency
- the Information Commissioner

This list is not intended to be exhaustive, and you must take care to ensure you contact the proper authority in relation to the particular concerns you have.

If you are unsure as to the appropriate authority, advice can be sought from Protect (formerly known as "Public Concern at Work") which is an independent Whistleblowing Charity. Their contact details are at the end of this policy.

If you raise a false allegation and you are found to be culpable, or in any way involved in the wrongdoing, or if you raise a concern maliciously or in a manner not prescribed in this policy, then you may be subject to disciplinary action up to and including dismissal without notice for gross misconduct.

You should not disclose to a non-relevant third party any details of any concern raised in accordance with this policy, and you must not, in any circumstances, publicise your concerns in any way.

Data Protection

When an individual makes a disclosure, the charity 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.

Contacts

The Charity's appointed member(s) of staff for this purpose is: Pete Maiden

The Charity's appointed Governor(s) for this purpose is: Mr Tony Gorton

Or the independent whistleblowing charity Protect Helpline 020 3117 2520 E-mail:
whistle@protect-advice.org.uk