



Whistleblowing Policy

Raising Concerns at Work

Employees are often the first to realise that there may be something seriously wrong within the school. They may not express their concerns for fear of harassment or victimisation or because by speaking up they may be considered disloyal to their colleagues or the school.

This school is committed to the highest possible standards and in line with that commitment and its duties under the terms of the Public Interest Disclosure Act 1998, it will:

- ◆ *encourage employees and others who have serious concerns about any aspect of the School's work to voice those concerns;*
- ◆ *recognise that certain cases will have to proceed on a confidential basis;*
- ◆ *enable employees to participate without fear of reprisals;*
- ◆ *enable employees to raise serious concerns within the school in a constructive and positive way rather than overlook a problem.*

Where the concern relates to an individual's own employment the school's Grievance Policy should be used. The procedures contained in this Whistleblowing Policy should be followed if the concern relates to something which:

1. *is against the school's policies*
2. *falls below established standards of practice ; or*
3. *amounts to improper conduct, including something you believe to be:*
 - a. *against the law;*
 - b. *a Health and Safety risk;*
 - c. *damaging the environment;*
 - d. *misuse of public money;*
 - e. *corruption or unethical conduct;*
 - f. *abuse of pupils;*
 - g. *concealment of any of the above.*

The Policy:

- ◆ *provides avenues for an employee to raise concerns and receive feedback on any action taken;*
- ◆ *allows employees to take the matter further if they are dissatisfied with the school's decision;*

The Policy does not replace:

- ◆ *the school's complaints procedure;*
- ◆ *its grievance procedure;*
- ◆ *managerial responsibilities*

Employees' concerns may be about actions that include:

- ◆ *conduct which is an offence or a breach of law;*
- ◆ *disclosures relating to miscarriages of justice;*
- ◆ *health & safety risks to public or employees;*
- ◆ *damage to the environment;*
- ◆ *unauthorised use of public funds;*
- ◆ *possible fraud and corruption;*
- ◆ *breaches of the school's Financial Regulations, Standing Orders or policies;*
- ◆ *falling below established professional standards or practices;*
- ◆ *improper or unethical conduct*

Support for employees

The governing body is committed to the highest possible standards of openness, integrity and accountability. It encourages employees with serious concerns about any aspect of the school's work to come forward and express those concerns. Once a concern is raised, the governing body is responsible for ensuring that appropriate personal support is given both to the employee raising the concern and to any employee against whom allegations have been made under this procedure. They are responsible for ensuring that both parties are kept informed of progress. If an employee raises a concern in good faith but it is not subsequently confirmed by investigation, no action will be taken against them. If however, a concern is raised frivolously, maliciously or for personal gain, the employee may face disciplinary action.

Safeguards

Harassment or Victimisation

The school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for malpractice. It will not tolerate harassment or victimisation and will take action to protect an employee when a concern is raised in good faith.

If an employee is the subject of disciplinary or redundancy procedures when they raise their concerns, then those procedures will not automatically be affected. The information provided would be assessed in the light of the new circumstances and a decision taken as to how, if at all, those proceedings should be affected.

Confidentiality

The Council will endeavour to protect the identity of an employee who raises a concern. However, as a result of the investigation process a statement may be required, as part of the evidence and this will be seen by all parties.

Anonymous Allegations

Employees are encouraged to put their name to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the school. The key factors to be taken into account in these circumstances will be the:

- ◆ *seriousness of the issues raised;*
- ◆ *credibility of the concern and likelihood of confirming the allegation.*

Malicious or Vexatious Allegations

When an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee voicing the concern. If, however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken against that employee may be the subject of consideration under the provisions of the school complaints policy.

Confidentiality

All concerns are treated sensitively and with due regard to confidentiality. Every effort is made to protect the identity of the person raising the concern if they so wish; however, the information will be passed to those with a legitimate need to have it, and it may be necessary for the individual to provide a written statement or act as a witness in any subsequent enquiry. This is always discussed with the individual first.

Concerns expressed anonymously are always investigated unless the chair of governors and the Director for Education agree that there is insufficient evidence to proceed. Where the governing body is involved in the Whistleblowing Policy complaint, the Director for Education will make the decision. An investigation may be carried out depending on the nature of the allegation and the evidence / information presented.

Raising a concern

The procedure detailed below should be followed by employees wishing to raise a concern.

Step 1

The team leader or usual manager (Headteacher or Designated Safeguarding Officer) is made aware of the concern by the employee. This can be in person or in writing.

Employees may find it useful to refer to other relevant policies which set out the standards expected of employees at our school.

In circumstances where it is inappropriate to approach the team leader or manager, the following people may be approached, depending on the nature of the concern:

- ◆ *Deputy Head teacher*
- ◆ *Chair of governors*
- ◆ *Chair of Personnel Committee*
- ◆ *Safeguarding Governor*
- ◆ *Local Authority adviser*

Employees may obtain assistance in putting forward a concern from the Human Resources Team at County Hall or a Trade Union representative or colleague. Employees may choose to be represented by a Trade Union representative or colleague at any meetings which are required.

Step 2

The manager with whom the concern has been registered acknowledges receipt as soon as possible and writes to the employee within 10 working days with the following:

- 1. an indication of how the concern will be dealt with;*
- 2. an estimate of how long it will take to provide a final response;*
- 3. whether any initial enquiries have been made;*
- 4. whether further investigations will take place, and if not why not;*
- 5. information on employee support services*

Step 3

Initial enquiries will be made to decide if an investigation is appropriate in each case.

Where an investigation is necessary it may take the form of one or more of the following:

- 1. an internal investigation by management leading to a form of disciplinary investigation*
- 2. a referral to the police*
- 3. a referral to the District Auditor*
- 4. the setting up of an external independent enquiry*

Step 4

The governing body informs the employee in writing of the outcome of any investigation or action taken, subject to the constraints of confidentiality and the law. Where an employee feels that their concern has not been addressed adequately, they may subsequently raise it with an independent body such as:

- ◆ *the District Auditor;*
- ◆ *the relevant Trade Union;*
- ◆ *a local Citizens Advice Bureau;*
- ◆ *a relevant professional body;*
- ◆ *the Police;*
- ◆ *the local Government Ombudsman;*

- ◆ *the Equal Opportunities Commission;*
- ◆ *The Commission for Racial Equality;*
- ◆ *The Disability Rights Commission.*

All disclosures must be made in good faith. Employees must not do so for personal gain and they must reasonably believe the information disclosed and any allegation in it to be substantially true and that in all the circumstances it is reasonable for them to make the disclosure.

Employees may disclose their concern to someone other than those listed above if all of the following criteria apply:

- 1. the issue is of an exceptionally serious nature and*
- 2. is believed to be substantially true and*
- 3. the disclosure is not made for personal gain and*
- 4. given all circumstances it is reasonable to make the disclosure*

The identity of the person/organisation to whom the disclosure is made will be considered when determining whether the disclosure is reasonable or not.

Employees of Laurel Avenue Community Primary School have a duty to the school not to disclose confidential information. This does not prevent an employee from seeking independent advice at any stage nor from discussing the issue with the charity Public Concern at Work – <http://www.pcaw.co.uk>, in accordance with the provisions of the Public Interest Disclosure Act 1998.

If any person is observed attempting to change the implementation of these procedures by confronting, persuading, threatening or intimidating the person who has expressed the concern, or by interfering with any witnesses or evidence relevant to the situation, that person will be immediately suspended pending investigation. If found guilty of such behaviour, that person may be dismissed.

An employee raising a concern will need to be assured that the issue has been appropriately addressed. Therefore the School, subject to legal constraints, will inform the employee about the outcomes of any investigations.

Signed: G Davison

Headteacher

Date: October 2017

Signed: C Linfoot

Chair of Community and SMSC Committee

Date: October 2017

Review: October 2020