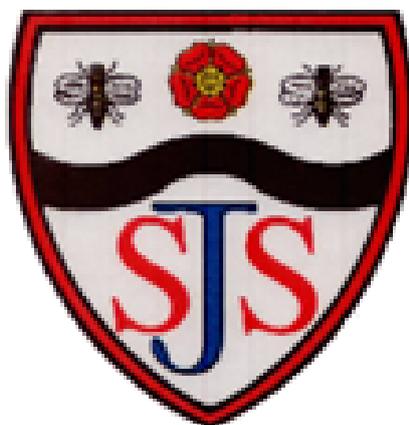


# Shadsworth Junior School

## Whistleblowing Procedure



**Approved by:**

Jackie Gallagher

**Date:**

**Last reviewed on:**

Spring 2016

**Next review due by:**

Spring 2020

## **1. WHO DOES THE POLICY & RELATED PROCEDURES APPLY TO?**

The policy and related procedures apply provided that the Children's Services Authority (CSA) is the employer of the employees in the school. Many of the same principles may be applied in schools where this is not the case, although in this situation, the different employment responsibilities must be recognised.

The policy and related procedures should be applied to all staff employed at the school.

## **2. WHO HAS BEEN INVOLVED IN DEVELOPING THE POLICY & RELATED PROCEDURES?**

This will be completed following discussions with:

- Recognised Professional Associations/Trade Unions
- Head Teacher Advisory Group
- Church of England and Roman Catholic Diocese
- School Improvement Team

## **3. WHAT ARE THE OBJECTIVES OF THE POLICY & RELATED PROCEDURES?**

The objectives of the policy and related procedures are to:

- Demonstrate that Blackburn with Darwen Schools are committed to ensure their affairs are carried out ethically, honestly, and to high standards;
- Support good employment practice;
- Show that Blackburn with Darwen Schools have introduced procedures to protect public safety and public money;
- Support the development of a culture of openness, accountability and integrity;
- Encourage staff to raise matters internally, making wider disclosures less likely;
- Contribute to the efficient running of schools and the delivery of services;
- Help curb corruption, fraud and mismanagement; and
- Help to uphold the reputation of Blackburn with Darwen Schools and maintain public confidence.

## **4. WHY WE NEED A POLICY?**

### **The Law**

This policy is also being introduced to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which protects employees who take action over, or raise concerns about, health and safety at work.

The Children's Services Authority encourages everyone who has serious concerns about malpractice to speak out. Employees and other workers (for example agency staff or consultants) are often the first to realise that there may be something seriously wrong.

However, they may not express their concerns because they feel that speaking out would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation. In these circumstances it is often easier to ignore the concern rather than report what may just be a suspicion of malpractice, particularly if there are no formal mechanisms for raising a complaint.

Where employees fail to report their suspicions to the designated officer they abdicate their responsibilities and may become implicated in the wrongdoing. Such a situation would be treated seriously and may, depending on the merits of the case, lead to disciplinary or court action being taken. However in introducing this policy the Governing Body hopes to avoid such situations and to encourage employees to speak out. We all have a vital role to play in implementing and supporting this policy and the Governing Body expects that all will co-operate with this policy and any investigation.

## **5. WHAT IS THE SCOPE & WHAT ARE THE AIMS OF THE POLICY?**

This policy aims to:

- Encourage a person to feel confident in raising genuine concerns and to question and act upon these.
- Provide avenues for them to raise those concerns inside the School and subject to any legal constraints, receive feedback on any action taken.
- Reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosure in accordance with this policy.
- Allow the complainant to voice their concerns outside the School in certain circumstances.

Finally, it is hoped the introduction of this policy will increase the likelihood that the Governing Body will hear of any wrongdoing in time to prevent any serious accidents or damage.

This policy does not replace other complaints or reporting procedures for example: -

- Financial Regulations
- Child Protection procedures.
- The Dignity at Work policy which is designed to deal with harassment and bullying cases involving employees
- The Complaints procedure
- The Grievance procedure, which an employee would use to resolve contractual disagreements relating to conditions of service.

This policy is intended to cover major concerns that fall **outside** the scope of these procedures. These include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
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- possible fraud and corruption;
- sexual or physical abuse of colleagues, or other unethical conduct;
- serious failure to comply with appropriate professional standards;
- breach of Council or statutory codes of practice;

This policy covers major concerns about the actions of:

- An employee or worker of the School including for example temporary, supply, casual workers.
- Any contractor, supplier, agency staff or consultant working for the School.
- Anybody working on behalf of the School – for example in person’s homes.

## **6. MODEL POLICY STATEMENT**

The Governing Body of ..... School is committed to achieving the highest possible standards of openness, integrity and accountability. In line with that commitment, the Governing Body expects employees and others that it deals with, who have genuine concerns about any aspect of the School’s work, to come forward and speak out under the auspices of this policy and the Public Interest Disclosure Act 1998.

The Governing Body is aware that more often than not, it is members of staff who first become aware of areas of potential malpractice in relation to the way in which the Governing Body carries out its business. This Policy sets out the way in which such concern can, and should, be raised by members of staff without fear of reprisal.

The Governing Body will endeavour to ensure that the highest standards of conduct and probity are maintained and will take appropriate action to prevent serious failure, irregularities, dishonesty and wrongdoing.

The Governing Body wants a culture of accountability and openness not apathy and secrecy. The introduction of this policy will help to achieve this aim.

The Governing Body will not tolerate any victimisation of individuals who raise concerns properly within these procedures.

## **7. WHAT PROTECTION ARE YOU ENTITLED TO WHEN RAISING A COMPLAINT?**

The Governing Body recognises that the decision to report a concern can be a difficult one to make. Because of this, the Governing Body wants to be supportive and will not tolerate any harassment or victimisation. It will take appropriate action to protect you if you raise a genuine concern in good faith. This policy does not, however, replace the Council’s “Dignity at Work” procedure whereby an employee can seek redress to deal with harassment and bullying cases.

If you are victimised or dismissed in breach of the protections of the Public Interest Disclosure Act, you can bring a claim to an Employment Tribunal for compensation.

Any investigation into allegations of potential malpractice will not influence (or be influenced by) any employment procedures that may already be underway. It is not the Governing Body's intention to hold in abeyance action taken under the disciplinary or other policies, pending the completion of investigations taken in accordance with the Whistleblowing policy, unless the Governing Body considers that the merits of a particular case warrant this.

#### **8. WHO WILL BE THE POINT OF CONTACT FOR THE POLICY?**

The Governing Body may wish to appoint a Designated Officer to be the point of contact for concerns raised under the Whistleblowing policy. He/She should normally be the Head teacher or Chair of Governors. It is recognised however that members of staff may wish to raise a concern independently of school and therefore the Local Authority (LA) can be contacted to act as Designated Officer should this be necessary. For more details of who to contact from the LA please see section 19.

#### **9. HOW CAN A CONCERN BE RAISED WITHIN SCHOOL?**

- A member of staff with a concern should usually raise this with his/her immediate line manager first. The manager would then refer the matter to the Designated Officer either in school or at the LA.
- If the line manager is involved the member of staff should raise the concerns with the Designated Officer in school or at the LA.
- If the Designated Officer is involved at school level the line manager should raise the concerns with the Chair of Governors or the LA.
- If the Chair of Governors is involved the Designated Officer in school should raise the concerns with the Director of Children's Services or, in the case of Voluntary Aided Schools, with the Diocesan Education Officer.

In the first instance you may raise your concern verbally, but ideally this should be done in writing. A written outline of your concerns helps to clarify key issues and reduce any misunderstanding. You should include the following information where possible: -

- The background and history of the concern (giving relevant names, dates etc. where possible);
- The reason why you are particularly concerned about the situation.
- The possible implications of your concerns

The earlier your concern is expressed, the easier it is to investigate and take action.

You may wish to consider discussing your concern with a colleague/professional association first and you may find it easier to raise the matter if there are two (or more) who have had the same experience or concerns.

You may invite a trade union, professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

#### **10. HOW WILL THE DESIGNATED OFFICER RESPOND TO A COMPLAINANT?**

The Designated Officer will generally have a co-ordinating role, dealing with concerns and allegations and ensuring that these are investigated thoroughly. The Designated Officer would not normally investigate the concern personally but would have a co-ordinating and liaison role. Where appropriate, the matters raised may:-

- Be disposed of without further action;
- Be investigated internally;
- Be investigated by management, internal audit or other appropriate procedures for example - through Child Protection procedures or the disciplinary procedure.
- Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry;

#### **11. WHEN WILL THE DESIGNATED OFFICER RESPOND TO A COMPLAINANT?**

Within seven working days of a concern being received, the Designated Officer will endeavour to write to you to: -

- Acknowledge that the concern has been received;
- Advise you if more information is required or arrange a confidential meeting;
- Indicate how they propose to deal with the matter;
- Give an estimate of how long it is anticipated it will take to provide a final response if this is possible to determine at the outset;
- Advise whether further investigations will take place and if not, why not.

The Designated Officer will inform the individual to explain that a whistleblowing complaint has been made.

Where the complaint involves partnership organisations and their employees, the Designated Officer will seek full co-operation with the partner and will encourage partner organisations to deal with the matter in accordance with the general principles of this policy, as this complies with the spirit of the Public Interest Disclosure Act. However, where the partner does not co-operate, the investigation will be carried out and the partner will be advised of any action that the Designated Officer intends to take.

In order to protect all individuals (including those accused of possible malpractice), brief initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. However, if immediate or urgent action is required, this will be taken before any investigation is concluded. After initial enquiries, it may be possible to resolve some or all of your concerns with an explanation and/or agreed course of action.

The amount of contact between the Designated Officer and you will depend on the nature of the matters raised, and the clarity of the information provided. If necessary, the Designated Officer will seek further information from you.

The Designated Officer will take reasonable steps to minimise any issues, which may result from your concern. If it is necessary to give evidence in criminal or disciplinary proceedings, the Governing Body, through the Director of Legal and Democratic Services (or their representative), will arrange for you to receive advice about the procedure.

#### **12. WHAT WILL HAPPEN FOLLOWING THE INVESTIGATION?**

Following the Investigation, the Designated Officer will (subject to legal constraints) inform both the Headteacher (or Chair of Governors) and you of the result of the investigation. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned). The Designated Officer will also inform the individual at the centre of the investigation of the outcome.

If the investigation shows there is a case to be answered, the Disciplinary or Capability Procedure may be used.

If there is no case to answer, the Designated Officer or the line manager will inform the Headteacher (or Chair of Governors) of this fact.

Disciplinary action will be taken against you where a false allegation is made maliciously.

The Governing Body accepts that you need to be assured that the matter has been properly addressed. You will therefore be informed of the outcome of any investigations providing there are no legal or other concerns.

#### **13. WHAT RECORDS WILL BE MAINTAINED IN CONNECTION WITH THE POLICY?**

A note of the concern raised, how it was resolved and copies of any records associated with the investigation will be stored confidentially for 36 months following resolution. The information will be shredded as appropriate.

The Designated Officer has overall responsibility for the maintenance and operation of this policy. The Designated Officer will maintain a record of concerns raised, and the outcomes (in a way which does not endanger confidentiality), and shall report as necessary to the Governing Body. Confidential information will be kept by the Designated Officer (Head/Chair of Governors) on the school site, or by the Designated Officer (LA) in the Council offices.

#### **14. HOW CAN CONCERNS BE RAISED OUTSIDE THE SCHOOL?**

In accordance with the Act, this policy is intended to provide you with an avenue **within** the School to raise concerns and the Governing Body hopes you will be satisfied with any action taken. If, however, you remain concerned, having exhausted all internal procedures, and believe it is right to take the matter **outside** the Governing Body, the following are examples of external organisations you can contact:

Health & Safety Executive, Audit Commission, the Environmental Agency, OFTEL, OFFER, OFWAT, OFGAS, Rail Regulator, FSA, Serious Fraud Agency, Inland Revenue, Customs and Excise, DTI, Office of Fair Trading, Trade Union Certification Officer, Charity Commissioners, Data Protection

Registrar, the local authority or the Public concern at Work organisation, notwithstanding the result of the investigation.

If the Whistleblower chooses to take the matter outside the school, the Whistleblower will need to ensure that he/she will not disclose confidential information. The Whistleblower should check this with the Designated Officer.

It will be safe to raise a concern with any of the above so long as you do so in good faith, you reasonably believe your allegations to be true and you do not make the disclosure for personal gain.

## **15. CONFIDENTIALITY**

All concerns will be treated in confidence and the Designated Officer **will make every reasonable effort not to reveal your identity**. Should action be necessary then your anonymity cannot be guaranteed. Anybody involved in an investigation under the scope of this policy must maintain confidentiality – failure to do so will be treated as a disciplinary offence. At the appropriate time, either during the investigation or at the conclusion, you may need to come forward as a witness and will be given assistance and support to help you.

Any discussion with a person against whom an allegation of malpractice has been made must be approved by the Designated Officer. It is a disciplinary offence for other discussions to take place with that person in respect of issues raised under the scope of this policy.

## **16. ANONYMOUS ALLEGATIONS**

This policy encourages you to put your name to an allegation whenever possible and the Designated Officer will do his/her best to protect your identity.

Concerns expressed anonymously are much less powerful and are often more difficult to investigate. However, these will be considered at the discretion of the Designated Officer. In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The likelihood of being able to confirm the allegation from attributable sources.

## **17. ALLEGATIONS WITH NO FOUNDATION**

If you make an allegation in good faith, reasonably believing it to be true and without any motive of personal gain, but it is not confirmed by the investigation, no action will be taken against you.

If, however, you make an allegation which the Designated Officer considers not to be in line with the Public Interest Disclosure Act e.g. to be frivolous, malicious or for personal gain, disciplinary or legal action may be taken depending on the circumstances of the case.

## **18. MONITORING THE POLICY**

Members of Staff who have any comments on the operation of this policy are encouraged to raise them with their Line Manager, Designated Officer, Trade Union/Professional Association or the Director of Children's Services.

#### **19. CONTACTS IN THE LOCAL AUTHORITY**

Principal Governor Services Manager  
Strategy Support Manager/Complaints Manager