



*Services for schools, owned by schools*

# G10-WHISTLEBLOWING POLICY FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS

January 2017

**The Governing Body of Essex Primary School**

**adopted this Policy on 18<sup>th</sup> January 2017**

Document review date: September 2017

# Appendix G10

## 1. **Aims**

- 1.1 The Fair Funding Regulations require LAs from April 2002 to set out a procedure to be followed by all persons working at a school, including teachers, support workers, agency workers or school governors who wish to complain about financial management or financial probity at the school, and how such complaints should be dealt with.
- 1.2 This school is committed to the highest possible standards of openness, probity and accountability and aims to comply with the requirements of the Public Interest Disclosure Act, 1998 (as amended in 2007), the Enterprise and Regulatory Reform Act 2013 and the Public Interest Disclosure (Prescribed Persons) Order 2014.
- 1.3 This Whistleblowing Policy is intended to encourage and enable those covered by the policy to raise serious concerns at an early stage, in the right way and to do so without fear of retribution, victimisation, discrimination or disadvantage. Whistle blowers are protected from suffering a detriment, bullying or harassment from another employee(s).

## 2. **Scope**

- 2.1 The legislation provides protection for workers who disclose information that is specifically "in the public interest" which might otherwise be regarded as confidential, if the disclosure falls into one of the categories outlined below:
  - a) A criminal offence has been, is being or is about to be committed.
  - b) The employer has failed, is failing, or is about to fail to comply with its legal obligations.
  - c) A miscarriage of justice has happened, is happening, or is likely to happen.
  - d) An individual's health and safety has been, is likely to be, or is being jeopardised.
  - e) The environment is, has been, or is likely to be, damaged
  - f) Information falling into any of the above categories has been, is being or is likely to be deliberately concealed.

- 2.2 A consequence of the “public interest” requirement is that employees will generally be precluded from being able to “blow the whistle” about breaches of their of their own employment contract. Such a complaint should be made via the Grievance procedure.
- 2.3 By adopting this policy the school is reassuring the workforce that they can safely raise concerns about malpractice internally. This will enable the school to investigate and deal with such concerns raised and continue to foster a responsible and accountable culture in the organisation.
- 2.4 Staff and governors are expected to notify the school of any reasonable and genuine concerns they have about an abuse of the school’s stated standards, malpractice, theft, fraud, financial abuse, criminal offences, breach of legal obligations, dereliction of the school’s health and safety responsibilities, damage to the environment, other unethical conduct or the cover up of any of these.
- 2.5 It is recognised that some cases raised under the Whistleblowing Policy will proceed on a confidential basis. Every effort will be made not to reveal the identity of the individual who raises a concern without their prior consent.
- 2.6 The policy is not designed to replace the Grievance, Disciplinary or Child Protection Procedures. Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures.
- 2.7 The policy is only about employees and governors, and it is not a replacement for the school’s complaints procedures and other statutory reporting procedures that may apply. The Whistleblowing Policy is primarily to protect the interests of others or of the organisation.
- 2.8 .If, an allegation was unfounded and it was clear that it had been raised frivolously, maliciously or for personal gain, then that individual may face disciplinary action.
- 2.9 The school and its governors are committed to treating claims of impropriety seriously irrespective of who the alleged perpetrators are. In all cases the school will seek the most appropriate sanction against individuals that it considers guilty of malpractice. This includes dismissing employees, taking civil legal action and, in conjunction with the law enforcement agencies, instituting criminal proceedings.

2.10 The aim of the Whistleblowing Policy is to enable employees to raise their concerns in-house and to be assured that action will be taken quickly and effectively. It should not be necessary, in most cases, to take concerns outside the school and especially to the media. Staff have a duty of confidentiality towards the school. It is a serious matter to disclose confidential information.

### **3. How the school will handle concerns raised**

#### **Step One – how to raise a concern**

3.1 There are a number of agreed contacts for employees to raise concerns with under the Whistleblowing Policy. This enables the employee to choose the person to whom they wish to make the disclosure.

3.2 Employees who have a concern about any wrongdoing should normally raise their concerns with their Line Manager. If however you feel unable to raise the matter with your line manager, for good reason, you may raise the concern with your Head Teacher or another senior member of school staff. If you feel unable to raise your concern with any member of the school management you may raise it with Schools HR (NPW).

3.3 Concerns may be raised orally or in writing. Make it clear if you want to raise the matter in confidence. The person with whom you raised the concern may have a preliminary meeting with you to discuss the most appropriate route. You may bring a union representative or work colleague to any meeting that is arranged in connection with the concern you have raised as long as the union representative or work colleague is not involved in the matter and that the colleague agrees to maintain confidentiality.

3.4 If you are raising concerns as a school governor you should speak to the chair of governors. If you feel unable to raise the matter with them for good reason, you should contact the Schools' HR, NPW with your complaint.

3.5 You are not expected to prove beyond doubt the truth of an allegation. However, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern and that it is in the public interest.

3.6 The school hopes that this policy gives you the reassurance you would need to raise concerns internally. However, it recognises that there may be circumstances where progressing through the internal route has failed and you can only properly report your concern to external bodies who have responsibilities to monitor the school's

compliance to its own standards and legal obligations. In most cases the most appropriate body would be the school's external auditors, Price Waterhouse Coopers:

### **Price Waterhouse Coopers on 020 7583 5000**

#### **Step Two – What happens once a concern has been raised?**

3.7 This appointed person, while maintaining the confidentiality of the complainant, will ensure that any individual who is the subject of the allegation is given details of the allegations in order to respond.

3.8 Once you have raised your concern, the person receiving the whistleblowing allegation will be responsible for ensuring that it is investigated properly. The nature of the investigation will depend upon the concern raised.

3.9 The person receiving your whistleblowing concern is responsible for ensuring you receive feedback on progress, subject to any issues of confidentiality that may be necessary to guarantee a successful conclusion. It may not be possible to inform you of the precise action undertaken where this would infringe a duty of confidence owed by the school to another party.

#### **4. Safeguards**

4.1 The school recognises that the decision to report a concern can be a difficult one to make. The school will take appropriate action to safeguard you from recrimination or victimisation as a result of raising a genuine concern. In turn, the employee is required to follow this procedure.

4.2 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However in some circumstances you may be needed to come forward as a witness.

4.3 You are encouraged to put your name to your concern wherever possible. Concerns expressed where the complainant wishes to remain anonymous are much less powerful but the school will consider anonymous concerns on a case by case basis.

#### **5. Independent Advice and Helpline**

5.1 If you are unsure whether to use the school's Whistleblowing Policy, or you want independent advice at any stage, you may contact the independent charity called Public Concern at Work. This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give you free expert and

confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy. The contact number is:

**Public Concern at Work on 020 7404 6609**

- 5.2 The Trade Unions encourage their members to contact them for advice before they take action in accordance with the policy.
- 5.3 The act of seeking confidential advice under 5.1 and 5.2 is solely a matter between the parties concerned and could not in itself be grounds for disciplinary action.

**6. Responsible Bodies and Monitoring Arrangements**

- 6.1 The Governing Body has overall responsibility for the policy.
- 6.2 The Head Teacher is responsible for the operation of the policy within the school and the overall maintenance of a record of concerns raised in accordance with this policy and the outcomes.
- 6.3 The LA is responsible for the operation of the policy and records outside the school.
- 6.4 All staff will be advised of this policy and where to access it.
- 6.5 This policy was devised in consultation with the Trade Unions and will be reviewed similarly.