Whistleblowing Policy
School Based Staff

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WHISTLEBLOWING POLICY

Reporting Serious Concerns At Work

1.0 Introduction

1.1 Employees are often the first to realise that there may be something seriously wrong within the School. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation. In these circumstances, it may appear to be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 The Council is committed to achieving the highest possible standards of service. In line with that commitment, employees with serious concerns about any aspect of the Council's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. The Council encourages staff to participate without fear of reprisals.

1.3 This Whistle blowing Policy has been produced to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. It has been written in accordance with the Public Interest Disclosure Act 1998 and is supported by the recognised trade unions.

1.4 Under the Public Interest Disclosure Act 1998, employees who speak out against corruption and malpractice at work will have statutory protection against victimisation and dismissal, providing that the disclosure is made in good faith. It will be automatically unfair to dismiss any employee because they have made a protected disclosure and it will be unlawful to subject them to any other detriment, such as demotion. Employment Tribunals can award redeployment or compensation to successful claimants.

2.0 Policy Aims

2.1 The policy reflects the guidance included in the Children's Commissioner's *"Telling Concerns Practice Guide"* issued in 2004 and the Welsh Assembly Government Circular No 036/2007.

2.2 **The aims of this policy are to:**

- encourage all staff employed at the school to feel confident in raising serious concerns and to question and act upon concerns about practice;

- provide avenues for staff to raise those concerns and receive feedback on any action taken;
- ensure that anyone who raises concerns receives a response and is aware of how to pursue them if they are not satisfied;
- reassure staff that they will be protected from possible reprisals or victimisation or dismissal for disclosing information or raising genuine concerns about malpractice if they have made any disclosure in good faith;
- ensure that any concerns are dealt with in accordance with the Public Interest Disclosure Act 1998.

3.0 Statement Of Principles And Values

3.1 This policy is founded on the following principles and values:

- A commitment to the highest possible standards of **openness, honesty and accountability**;
- Malpractice and wrongdoing will **not be tolerated** within the school and will be dealt with stringently and firmly;
- Governors and school staff recognise that employees who raise concerns are an **asset** and not a threat;
- Whilst it is recognised that the decision to report a concern is a difficult one to make, all staff have a right and a **moral and professional responsibility** to report improper actions or malpractice;
- We want to promote a culture of **fairness and support** where members of staff feel confident to report concerns without fear of reprisals;

4.0 Procedures

4.1 Members of staff are often the first to realise that there may be something seriously wrong within the school but may not express their concerns as they feel it would be disloyal to a colleague.

4.2 There will be circumstances where ordinary processes available to staff to report on matters of concern cannot be used. This procedure is to be applied to those circumstances and is not intended as an extra mechanism for staff to challenge decisions, practices and policies with which they disagree. It is solely for raising concerns about malpractice or improper actions.

4.3 The Whistle blowing Procedure is to be used by all school staff as well as volunteers, including full and part time, casual, temporary or substitute staff and to individuals undertaking work experience, who become aware of malpractice. This procedure will be brought to the attention of all staff and volunteers and will be included in formal induction procedures for new members of staff.

4.4 Members of staff are encouraged to put their name to any concern they report but if they wish to remain anonymous every effort will be made to protect their identity although It must be appreciated that the investigation process usually reveals the source of the information. A statement may be required from the member of staff raising the concern, as part of the evidence, which will be seen by all parties. At the appropriate time, you may be required to attend a hearing as a witness.

4.5 Untrue and malicious / vexatious allegations – if a member of staff makes an allegation in good faith but it not confirmed by further inquiry, the matter will be closed and no further action taken. If however, the inquiry shows that untrue allegations were malicious and/ or vexatious or made for personal gain, then the Governing Body will consider taking disciplinary action against the member of staff.

4.6 Children and young people should also be made aware of this procedure. Where a concern is raised and that concern involves a child or young person the child or young person should be reassured that the staff raising the concern will be protected and supported by their employer.

4.7 Every manager has a responsibility to ensure that all members of staff are easily able to express their concerns. Where possible concerns about malpractice by others should be reported to the line manager, Head teacher, Chair of Governors or the Governor nominated for whistle blowing, depending on the seriousness and sensitivity of the issue. (It may also be appropriate for staff to act as advocates on behalf of children and young people or parents in taking such concerns through other relevant procedures i.e. complaints or professional abuse procedures.)

4.8 **Allegations concerning child protection issues –** If a member of staff raises a concern related to a child protection issue, the Head teacher or Chair of Governors should urgently consult the LA Officer designated to lead on child protection (01443 490400) (or if they are not available the designated manager for child protection within Children's Services) so that action for the handling of such allegations under the school's disciplinary procedure for staff and child protection procedures established by the Local Safeguarding Boards can be initiated. However, in relation to child protection issues, it is open to the member of staff to make a direct referral to Children's Services either before raising their concern with the Governing Body or where the Head teacher or Chair of Governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

4.9 Where a member of staff feels that, for whatever reason, the line manager/Head teacher or Chair of Governors is not the appropriate person, the concern should be raised with:

- **The Head of School Effectiveness**

  at Ty Trevithick on 01443 744000.

4.10 If a member of staff wishes, for whatever reason, to speak to someone outside of the Education and Lifelong Learning Directorate they should contact:

- **Director of Human Resources; or**
- **The Chief Executive**

at The Pavilions, Clydach Vale on 01443 424000.

4.11 It is hoped that officers within the Council will deal with your concern. If you are dissatisfied you can contact the following external sources:-

- The Local Authority;
- The Diocesan Authority (for Church Schools);
- The Audit Commission - telephone 01716 301019;
- The Children's Commissioner for Wales - telephone 01792 765600
  01492 523333;
  or
- Your union/Professional Association

5.0 When To Use These Procedures

5.1 Use of this procedure is required when a member of staff, in good faith believes that other staff or colleagues are engaged in an improper course of illegal or unethical conduct.

5.2 This may be action that is:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- the breach of a legal obligation;
- health and safety risks, including risks to the public/pupils as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- abuse of power or the abuse of a position of authority for any unauthorised purpose or personal gain;
- showing undue favour over a contractual matter or to a job applicant;
- possible fraud and corruption ;
- sexual, physical or emotional abuse or any other ill treatment of staff or pupils **(Failure to report actual or suspected physical, sexual or emotional abuse of a child by another member of staff or other person having contact with a child is a disciplinary offence and will be dealt with accordingly)**;

- any other unethical conduct;
- breaches of financial regulations or policies;
- mistreatment of any person;
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property;
- unfair discrimination or favouritism;
- racist incidents or acts of racial harassment; or
- any attempt to prevent disclosure of any of the issues listed.

5.3 Guidance notes for staff on raising a concern can be found in Appendix A.

5.3.1 This policy **does not** replace the school's complaints procedures.

5.3.2 This policy complements the school's Child Protection Policy and procedures.

6.0 The Inquiry Process.

6.1 The appointed person, who is independent of the school and experienced in dealing with the specific allegation, will:

a) Look into the allegation – seeking evidence and interviewing witnesses as necessary;
b) Maintain confidentiality wherever possible but will be mindful that there in no guarantee that the whistleblower can remain anonymous;
c) If appropriate, bring the matter to the attention of the LEA appointed person dealing with complaints about financial management in schools;
d) If appropriate, for concerns of criminal behaviour refer the matter to the police;
e) If appropriate, for concerns of a child protection nature, refer the matter to the LA Officer designated to lead on child protection (01443 490400) (or if they are not available the designated manager for child protection within Children's Services). The whistle blowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistle blowing process.

6.2 At all stages of the investigation staff (whistle blowers and those accused of wrongdoing) have the right to be accompanied by a staff representative or work colleague.

6.3 Any child who is involved in the concern raised should be notified of the progress of the investigation and the outcome. There should be minimal delay in resolving the concern where a child or young person is involved.

6.4 Written confirmation that a matter has been raised under this policy will be provided. A written explanation of progress of the investigation will be given not more than 10 working days after the matter has been raised. If the inquiry extends beyond the timescales outlined for specific reasons all individuals concerned will be notified of this in writing with an indication as to when the inquiry should be completed.

7.0 The Inquiry Report.

7.1 Following completion of the inquiry process the person nominated will make a written report and submit to the Chair of Governors, normally within 5 working days. The report will not contain the whistle blowers name, unless you have expressly stated that they wish to be named.

7.2 Following receipt of the inquiry report, the Chair of Governors will convene a committee with at least one other governor and an independent person from outside of the Governing Body, e.g. the LEA or a governor from another school to consider the inquiry report and decide on the action to be taken. This action may include invoking the disciplinary procedure of the school. This should normally take place within 5 – 10 working days following receipt of the report.

7.3 Following notification of the committee's decision, the Chair of Governors will notify the whistle blower of the outcome (except in relation to anonymous allegations) normally within 5 days, setting out the action to be taken or that no further action is to be taken and the reasons why.

8.0 The Human Resources Unit will hold information on the concern raised and the action taken. Any decision not to act on the matter will be explained to the person raising the concern. If the person raising the concern is not satisfied they should discuss the matter with the Director of Education and Life Long Learning.

Appendix A

GUIDANCE FOR STAFF

The following guidance should be followed if you need to report a concern at work.

1. **Don't be afraid to report your concern.**
   Members of staff who raise genuine concerns will be supported and protected from victimisation.

2. **Make a written note of your concerns.**
   Note all relevant details such as the date and time, what was said or done, by whom and who else was present.

3. **Report your concern promptly to the appropriate person.**
   In most cases this will be the Head teacher except where that person may be the subject of the concerns, or it is felt more appropriate to make a referral to one of the persons listed in paragraphs 4.9 and 4.10 of these procedures

4. **Do not try to deal with the matter yourself.**
   You should not approach or accuse any individuals directly or try to investigate the matter yourself. You should not disclose your suspicions to anyone other than the Head teacher or the persons identified in paragraphs 4.9 and 4.10 of these procedures.

GUIDANCE FOR HEADTEACHERS

Head teachers should regularly check with staff through normal school procedures that they have no concerns about the conduct of individuals in their schools.

If a concern is raised the following guidance should be applied:

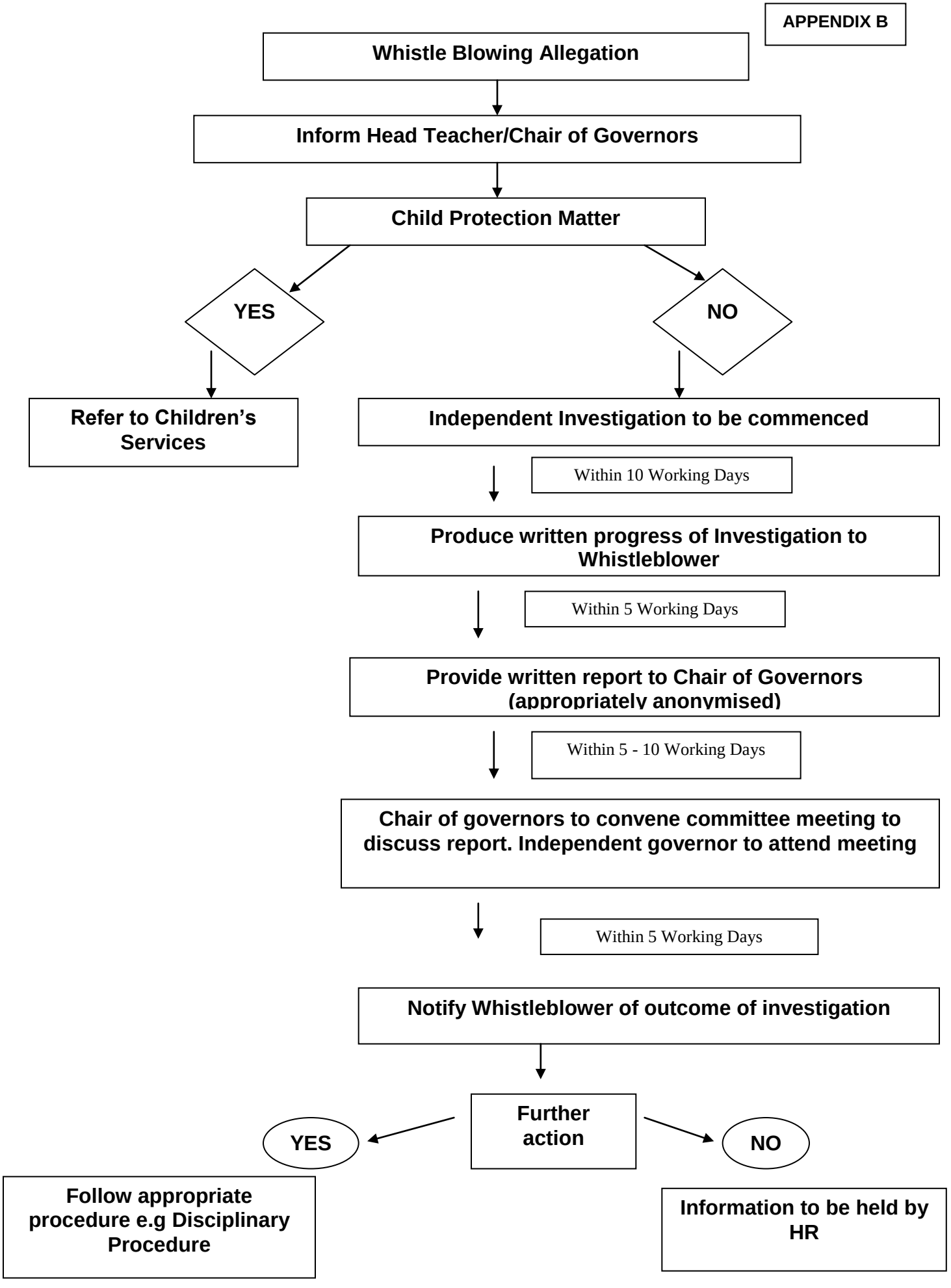
1. **The concern should be treated seriously.**

   The detail of the concern should be reported immediately to the Chair of Governors.

2. **The detail of the concern should not be discussed with anyone other than the appropriate Human Resources Officer.**

3. **The staff member raising the concern should be reassured that they will be protected from victimisation**.

APPENDIX B


Whistle Blowing Allegation
Inform Head Teacher/Chair of Governors
Child Protection Matter
YES
NO
Refer to Children's Services
Independent Investigation to be commenced
Within 10 Working Days
Produce written progress of Investigation to Whistleblower
Within 5 Working Days
Provide written report to Chair of Governors (appropriately anonymised)
Within 5 - 10 Working Days
Chair of governors to convene committee meeting to discuss report. Independent governor to attend meeting
Within 5 Working Days
Notify Whistleblower of outcome of investigation
Further action
YES
NO
Follow appropriate procedure e.g Disciplinary Procedure
Information to be held by HR