



# Whistleblowing Policy

Date reviewed	November 2016
Next review date	November 2019

## **SECTION 1: PURPOSE, SCOPE AND PRINCIPLES**

### **INTRODUCTION**

This policy has been designed to apply to staff employed in the School and much of the text relates to the relationship between the employee and the School. However, the staff employed at St Mary & All Saints School are employees of The Governing Body and, therefore, there are references in the text to the relationship between the employee and the Governing Body where this is appropriate to the operation of this Procedure.

Overall responsibility for the operation and application of this policy rests with the Governing Body. Depending on the nature of the complaint, however, it may be felt necessary for employees to raise their concerns with the Diocesan Board of Education or Local Authority (LA) and not a member of the School Leadership Team (SLT) or Governing Body. Where these circumstances apply employees should make their complaint to the Diocesan Director of Education or LA Director of Education and Community Services in the first instance and references in this Procedure to 'the Diocesan Board of Education' or 'LA' should be interpreted as the Director in most cases.

### **PURPOSE**

- To encourage employees to feel confident in raising serious concerns, to question and to act upon their concerns about practice.
- To provide employees with a procedure for raising concerns and receive feedback on any action taken.
- To ensure that employees receive a response to their concerns and that employees are aware of how to pursue them if they are not satisfied.
- To reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.

### **SCOPE**

All employees of St Mary & All Saints Primary School are covered by this policy.

This policy is in addition to any other complaints procedures operated by the School and other statutory reporting procedures that may apply to some sections.

The School has a grievance procedure that enables employees to lodge a grievance relating to their own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of this and other procedures.

The concern may be about (for example):

- Conduct which is a criminal offence or a breach of law;
- Suspected fraud or corruption (also note that the Audit Commission have produced leaflets for employees and managers about suspected fraud or corruption, copies of which are available from Reading Borough Council's Internal Audit Section);
- Disclosures related to miscarriages of justice;

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- Dangerous procedures or activities risking Health and Safety, including risks to the public as well as other employees;
- Discrimination or abuse on grounds of race, gender or disability;
- Damage to the environment;
- Breaches of established standards of good practice or agreed procedures;
- The inappropriate use or breaches of the Reading Borough Council's standing orders and financial procedures;
- Action which is contrary to the code of conduct for employees;
- Suspected sexual or physical or other abuse of pupils or other clients; or
- Other unethical conduct.

### PRINCIPLES

The following important principles are contained within this policy:

- a) The code is complementary to the School's 'Code of Conduct' for employees;
- b) The Governing Body has overall responsibility for the maintenance and operation of this policy;
- c) It contains the provisions that are required from the Public Interest Disclosure Act 1998, and requirements under common law "duty of care", e.g. to:
  - Draw attention to any matter considered damaging to the interest of pupils, parents (and other service users on the school site), or work colleagues,
  - Put forward suggestions which may improve quality of service,
  - Correct any statutory omission,
  - Prevent malpractice;
- d) The School is committed to tackling malpractice and employees should know that any matter regarding malpractice and other illegal acts will be dealt with seriously;
- e) The policy has the support of the School's recognised trade unions;
- f) When taking action under this policy, an employee may be accompanied and represented by a trade union representative, or other person of their choice;
- g) If a matter raised results in any disciplinary action, the School's disciplinary procedure will apply.

## SECTION 2: KEY ISSUES

### 1. PREAMBLE

- 1.1. Employees are often the first to realise that there may be something seriously wrong within the School. However, employees may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. It may also be that employees fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2. The Governing Body is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, employees are encouraged, if they have serious concerns about any aspect of the School's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 1.3. Employees can raise a matter of concern without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable employees to raise serious concerns **within** the School rather than overlooking a problem or blowing the whistle outside. **Employees should not raise a concern outside or in the press before attempting to resolve it in accordance with this policy.**
- 1.4. It is in the interest of all concerned that disclosure of wrongdoing or irregularity is dealt with properly, quickly and discreetly. This includes the interests of the School, its employees, any persons who are the subject of any disclosure, as well as the person making the disclosure.

### 2. SAFEGUARDS

- 2.1. The Governing Body is committed to good practice and high standards and wants to be supportive of employees.
- 2.2. The Governing Body 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 the malpractice. If employees believe what they are saying to be true, they should have nothing to fear because in reporting their concern they will be doing their duty to their employer and those for whom they are providing a service.
- 2.3. The Governing Body will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith. If appropriate, the School's Harassment Procedure will apply to those who carry out this unacceptable behaviour.
- 2.4. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, grievance, capability or organisational change or other procedures that already affect employees.

### **3. CONFIDENTIALITY**

- 3.1. In operating this policy, the School will do its best to protect employees' identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence. Employees will be given prior notice of this and a chance to discuss the consequences.
- 3.2. Support may also be available from Reading Borough Council's Occupational Support Workers. For more information contact the Education and Community Services Personnel team. Advice and support are also available from trade union officers and representatives. Trades unions can guarantee absolute confidentiality and can advise employees whether or not to proceed. A trade union representative may also accompany or represent employees at any meetings.
- 3.3. The confidentiality of service users will not be compromised as employees have a duty in law and within their professional codes of conduct to maintain this.

### **4. ANONYMOUS ALLEGATIONS**

- 4.1 This policy encourages employees to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the School's Governing Body.
- 4.2 In exercising this discretion, the factors to be taken into account would include:
  - the seriousness of the issues raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources or factual records.

### **5. UNTRUE ALLEGATIONS**

If employees make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employees. If, however, it is established that they have made malicious or frivolous allegations, or allegations for personal gain, disciplinary action may be taken against them. In such cases, the School's disciplinary procedure will apply.

### **6. MONITORING AND REVIEW**

The Headteacher will ensure that all employees are aware of this policy and procedure (below). The Governing Body will monitor the implementation of the policy in collaboration with the Headteacher, and will call for reports from other staff if necessary. Governors will review the contents and operation of this policy and procedure at least every three years and incorporate any recommendations and guidance from the DfE, LA and Diocese.

## **SECTION 3: THE WHISTLEBLOWING PROCEDURE FOR EMPLOYEES**

### **1. HOW TO RAISE A CONCERN**

- 1.1. As a first step, you should normally raise concerns with your immediate manager or the Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, or if you feel that you have not received a satisfactory response to your concern, you should approach the Chair of the Governing Body or a member of the Governing Body.
- 1.2. Concerns may be made verbally or in writing to your manager or other persons (as above). You should set out the background and history of the concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. The earlier you express concern, the easier it is for someone to take action.
- 1.3. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person that you contacted that there are sufficient grounds for your concern.
- 1.4. In addition to the persons referred to above, advice and guidance on how matters of concern may be pursued can be obtained from the Director of Education and Community Services or the following Council Officers: Head of Finance; Monitoring Officer (Head of Legal Services); Chief Auditor; Head of Personnel. You may also want to consider approaching the Diocesan Director of Education.
- 1.5. Because of the difficulty of raising a concern, you may ask your trade union or other representative to raise a matter on your behalf, or ask them to accompany you to meet with your manager or other officer. You may also wish to consider speaking to a colleague who may have experienced the same concern.
- 1.6. Those who may not be in a formal line management relationship because of their employment status, e.g. agency staff, contractors etc., should discuss their concerns with a relevant colleague or manager within the School – in most cases this would be the Headteacher.

### **2. HOW THE SCHOOL WILL RESPOND**

- 2.1 The action taken by the School will depend on the nature of the concern. The matters raised may be followed up in one of the following ways:
  - be investigated internally by the management of the School (it must be emphasised that no-one who is the subject of a complaint or concern will be involved in the handling of it), the Council's Internal audit or through the School's disciplinary procedures;
  - be referred to the Police;
  - be referred to an external auditor;
  - form the subject of an independent enquiry.
- 2.2 In order to protect individuals and the School, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which

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fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under the relevant procedures.

- 2.3 Some concerns may be resolved by agreed action between the manager, individual and those whose actions had caused concern. If urgent action is required, this will be taken before any investigation is conducted.
- 2.4 Receipt of your concern will be acknowledged immediately and, within five working days of the concern being received, the School will write to you:
- indicating how the matter will be dealt with;
  - giving an estimate of how long it will take to provide a final response;
  - tell you whether any initial enquiries have been made;
  - supply you with information on staff support mechanisms, and
  - tell you whether further investigations will take place, and if not, why not.
- 2.5 The amount of contact between the people considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you as part of the investigation process.
- 2.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied and represented by a trade union representative or a person of your choice who is not involved in the area of work to which the concern relates.
- 2.7 The School will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.
- 2.8 The School accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, you will receive information about the outcomes of any investigations and the action that is to be taken against those whose actions caused you concern, as well as, if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

### 3. HOW THE MATTER CAN BE TAKEN FURTHER

- 3.1 This policy is intended to provide you with a way in which you can raise concerns **within** the School and, where appropriate, outside of the School. The Governing Body hopes you will be satisfied that any matter you raise has been considered properly. If you are not satisfied, and if you feel it is right to take the matter outside the School, the following are possible contact points:
- your local Council member or MP (if you live in the area of the Council);
  - the Local Government Ombudsman;
  - the external auditor;
  - relevant professional bodies or regulatory organisations;
  - Citizens' Advice Bureau;

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- an appropriate voluntary organisation;
- the police.

If you do take the matter outside the School, you need to ensure that you do not disclose prohibited confidential information. Check this before you make contact.