

# **BYLEY PRIMARY SCHOOL & NURSERY**

# **WHISTLE BLOWING POLICY**

**Approved by Governors: July 2018  
Review Date: July 2020**

## WHISTLEBLOWING PROTOCOL FOR SCHOOL STAFF

### 1.0 INTRODUCTION

- 1.1 As an employee, Governor, contractor, supplier to or consultant with, the School you may, from time to time, witness practices that seem suspicious. However, you may be deterred from expressing your concerns because you fear harassment or victimisation. You may feel that it may be easier to ignore the concern rather than to report your suspicions.
- 1.2 Byley Primary School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the School's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so, without the fear of victimisation, subsequent discrimination or disadvantage.
- 1.3 These procedures are intended to encourage and enable you to raise serious concerns within the School rather than overlooking a problem or 'blowing the whistle' outside. Premature or unnecessary publicity may damage the School's reputation, impede proper investigations, or hurt individuals unnecessarily.
- 1.4 A Governor shall not disclose confidential information, without first considering using the procedure in this Whistle Blowing Protocol to raise concerns about an issue, unless it is necessary for the disclosure to be made to the Police or a Regulatory Body.

### 2.0 PURPOSE AND SCOPE

- 2.1 These procedures have been introduced to provide employees, Governors, contractors, suppliers or consultants with a secure basis for reporting suspicions of impropriety, in the knowledge that the matter will be treated confidentially.
- 2.2 This policy covers the reporting of a malpractice, the information that will need to be recorded and the steps that need to be followed to ensure that you do not suffer any recriminations or victimisation.
- 2.3 These procedures are intended to supplement, rather than replace, existing School policies and procedures (for example the School's grievance procedures and the policies dealing with dignity at work) whereby employees of the School may already raise complaints or matters of genuine concern with the School. They are therefore designed to provide for those instances where the person reporting the matter feels that, for any reason, they cannot make use of other procedures.

2.4 This policy has been designed to take into account Human Rights considerations.

### **3.0 CONTRACTORS, SUPPLIERS AND CONSULTANTS**

3.1 In your dealings with the School you will often work very closely with School employees and Governors. You will also operate under the School's procedures and policies. The School is fully aware that if you notice anything suspicious or come across malpractice, you may be concerned about your relationship or future relationship with the School if you raise this. As with employees and Governors, the School wants to encourage you to voice any concerns you may have, secure in the knowledge that the matter will be taken seriously and investigated, and that you and your organisation will not suffer any disadvantage.

### **4.0 LEGISLATION**

4.1 The Public Interest Disclosure Act 1998 has been introduced to protect employees who expose serious wrongdoing in the workplace. It applies where malpractice is disclosed involving:

- a crime or breach of regulatory, administrative and common law;
- a miscarriage of justice;
- danger to health and safety
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption; and
- sexual, physical or financial abuse of clients

4.2 The Act protects you from victimisation where you reasonably believe the information, and are acting in good faith.

4.3 A disclosure is protected if you have an honest and reasonable suspicion that a malpractice has occurred, is occurring or is likely to occur. As an employee you can raise the matter with your line manager who will refer it to one of the named below, or if you prefer direct to:

- The Head teacher
- The Chair of Governors
- CWAC Council's Monitoring Officer (Head of Legal and Democratic Services) (*Maintained schools only*)
- Chief Executive of the Academy Trust (*Academy Schools only*)

4.4 Governors can also report suspicions to any of the above officers.

4.5 A confidential record will be maintained by the Clerk to the Governing Body of all concerns raised.

## **5.0 SAFEGUARDS**

### **Harassment or Victimisation**

- 5.1 The School is committed to good practice and high standards, and wants to be supportive of employees.
- 5.2 The School recognises that the decision to report a concern can be a difficult one to make. It will not tolerate any harassment or victimisation and will protect you if you raised a concern in good faith.
- 5.3 If you happen to be involved in any disciplinary or redundancy procedures these will be kept separate from the investigation of your complaint provided it is not connected with those.

### **Confidentiality**

- 5.4 The School will protect the confidentiality of all matters raised by concerned employees and Governors.
- 5.5 If there is any breach of confidentiality by any of the named officers in paragraph 4.3, the employee raising the concern can take the appropriate action under the grievance procedures.

### **Anonymous Allegations**

- 5.6 This policy encourages you to put your name to your allegation whenever possible.
- 5.7 This is because concerns expressed anonymously are much less powerful than those raised by an identified individual. Anonymous allegations will, however, be considered at the discretion of the School.
- 5.8 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.

## **6.0 UNTRUE ALLEGATIONS**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, as an employee you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. In the case of Governors, the Governing Body will consider the matter and may make recommendations to the body who appointed or elected the Governor.

## **7.0 PROCEDURES**

### **Raising a Concern**

- 7.1 You can raise your concern orally, (i.e. face to face or over the phone) or in writing. If you write, mark the envelope 'personal, private and confidential' and if the concern is of a serious nature, hand deliver the envelope to the person you wish to report the matter to.

- 7.2 Whichever way you choose, please give as much information as you can. Remember also to give your name, job and say if you do not want to be contacted at work (if so, give your home address and phone number).
- 7.3 You should include the following:
- background information;
  - information as to why you are concerned;
  - details of any other procedures which you have already used, and what happened;
  - the names of the employee/ Governor involved and where they work (if applicable);
  - dates or periods of time relating to the matter;
  - the names and jobs of any other employees/Governors who may support your concern.
- 7.4 The earlier you express your concern, the easier it will be to take action.
- 7.5 Although you will not be expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for the concern.
- 7.6 You may find it easier to raise the matter jointly if there is another employee/Governor who has the same concern, and will support your allegation.
- 7.7 You would be advised to invite your trade union representative, or another person, to be present during any meetings or interviews in connection with the concern raised. In this case you can remain anonymous when the concern is first raised, but you may have to be involved personally if the matter goes further.

## **8.0 HOW THE SCHOOL WILL RESPOND**

- 8.1 One of those named in paragraphs 4.3 will firstly decide whether to carry out an investigation and determine which School procedure it is appropriate to use.
- 8.2 If it is decided that the matter should be taken further under Whistle Blowing Procedures, the concern raised may be:
- investigated by an investigating officer appointed by the school;
  - referred to the police;
  - referred to the school's auditor;
- 8.3 You may be interviewed by the person investigating the matter.
- 8.4 In order to protect individuals accused of a possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will take place before an investigation is undertaken.

## **What You Will Be Told**

8.5 The person to whom you have raised your concern will contact you in writing within 10 working days detailing the following:

- acknowledge that the concern has been received;
- indicating how the School intends to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- detailing any initial enquiries that have been made; and
- informing you whether further investigations will take place (and if not, why not).

8.6 The amount of contact you have with the people considering the matter will depend on the type of concern, the potential difficulties of the investigation and the availability of information. Wherever possible, you will be told the final outcome of any investigation.

8.7 The School will take steps to minimise any difficulties you may experience as a result of raising a concern. For example, if required to give evidence in criminal or disciplinary proceedings, the School will arrange for you to receive advice about the procedure.

## **9.0 THE RESPONSIBLE OFFICER**

9.1 The Head teacher has overall responsibility for the maintenance and operation of this policy.

## **10.0 IF YOU ARE NOT SATISFIED WITH THE SCHOOL'S RESPONSE**

10.1 This procedure is meant to give everyone an effective way to raise a concern within the School (and if possible resolve it internally). However, if you are still unhappy after using the procedure (and getting a final written response) you are entitled to consider taking your concern elsewhere. If you do this, these are some of the contacts that are available:

- CWAC audit department - 01244 972600
- UNISON Whistle blowing Hotline - 0800 597 9750
- Audit Commission Anti-Fraud and Corruption Unit - 0270 630 1019
- The independent charity Public Concern at Work - 0270 404 6609
- a Citizens Advice Bureau
- a relevant professional or regulatory body
- a relevant voluntary organisation
- the police