



# Whistleblowing Policy for school based staff

Adopted by: Pallister Park Primary School

Date: 23.6.14.

Review Date	Comments
July 2011	Updates in relation to procedure only

## **1.0 INTRODUCTION**

- 1.1 The School and Middlesbrough Council are committed to the highest possible standards of service provision and to full accountability for those services. The vast majority of employees abide by the standards expected of them, and conduct themselves in an appropriate manner. Similarly, the School expects its contractors and suppliers to behave responsibly and appropriately.
- 1.2 Unfortunately, those standards are occasionally compromised, either deliberately or accidentally, leading to unlawful conduct, financial malpractice or dangers to the public or the environment (an “Issue”). In such circumstances, the School has a clear interest in investigating and resolving such Issues.
- 1.3 To that end, the School has adopted this Whistleblowing Policy to enable concerned employees to raise Issues without fear of reprisals from the School. If an employee is victimised because they have raised an issue, the School will treat that victimisation as a disciplinary matter, which may lead to dismissal.
- 1.4 The School does not want such Issues to be ignored, and wants employees to feel comfortable in coming forward with their concerns. This Policy incorporates the provisions of the Public Interest Disclosure Act 1998, in order to provide a framework which allows employees to raise Issues internally rather than externally. The School accepts, however, that there may be times when employees are not comfortable in raising Issues internally, and this Policy also makes provision for appropriate external disclosure.
- 1.5 Where an Issue is raised under the Whistleblowing Policy, the School will investigate it swiftly and thoroughly and, where wrongdoing is identified, will take appropriate steps to remedy the wrongdoing and to prevent its repeat in the future. Such decisive action by the School will act to remedy wrongdoing, provide a basis for internal disciplinary action (where appropriate), and establish a deterrent for future wrongdoing.

## **1.6 PUBLIC INTEREST DISCLOSURE ACT 1998**

This Act protects workers who ‘blow the whistle’ about wrongdoing. It makes provision about the kind of disclosures which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected. The provisions introduced by the Act protect most workers from being subjected to a detriment by their employer because they have made a disclosure. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities, which the employer would otherwise have offered. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

## **2.0 AIMS OF THIS POLICY**

- 2.1 The School aims to ensure that all employees have a secure, confidential method for raising Issues within the School, which will allow the School to investigate those Issues swiftly and, where necessary, to remedy them expeditiously.
- 2.2 This policy aims to:
- a) Provide routes for employees to raise Issues and to receive feedback on any action taken;
  - b) Allow employees to take the matter further if they are dissatisfied with the School's response to the Issues raised; and
  - c) Reassure employees that they will be protected from possible reprisals or victimisation.
- 2.3 This policy does not replace the School's complaints procedure. There are also existing procedures in place relating to Discipline, Grievance and Capability. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of these procedures, such as malpractice or wrongdoing (see section 4).
- 2.4 Thus, any concern that you may have regarding a suspicion of malpractice or wrongdoing in any aspect of the School provision, or the conduct of staff within School, or others acting on behalf of the School, can and should be reported under this policy. Employees are expected to report malpractice and wrongdoing and may be liable to disciplinary action if they knowingly and deliberately do not disclose information relating to malpractice or wrongdoing in any aspect of the School's provision or the conduct of staff or others acting on behalf of the School.

## **3.0 SCOPE**

- 3.1 The policy applies to all employees and those contractors working for the School on School premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the School.

## **4.0 WHAT IS MALPRACTICE OR WRONGDOING?**

- 4.1 Malpractice or wrongdoing may be about something which:-
- Is unlawful; or
  - Against the School's or Council's policies; or

- Is not in accordance with established standards of practice; or
- Amounts to improper conduct by an employee.

The overriding concern should be that it would be in the public interest for the malpractice or wrongdoing to be corrected and, if appropriate, sanctions to be applied.

The following are examples of issues, which could be raised under this policy. It is not intended to be an exhaustive list and there may be other matters which could be dealt with under this policy:

- a) Any unlawful act or omission, whether criminal or a breach of civil law
- b) Maladministration, as defined by the Local Government Ombudsman
- c) Breach of any statutory code of practice
- d) Breach of, or failure to implement or comply with, any policy determined by the School or Middlesbrough Council.
- e) Failure to comply with appropriate professional standards or other established standards of practice
- f) Corruption or fraud
- g) Actions which are likely to cause physical danger to any person, or give rise to risk of significant damage to property
- h) Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to the School or would otherwise seriously prejudice the School or Council
- i) Abuse of power, or the use of the School's powers and authority for any unauthorised or ulterior purpose
- j) Unfair discrimination in the School's employment or provision
- k) Dangerous procedures risking health and safety
- l) Abuse of clients
- m) Damage to the environment
- n) Other unethical conduct

## **5.0 GENERAL PRINCIPLES**

- 5.1 The School is determined that employees who raise an Issue through this Policy will not be subject to any detriment as a result of following this Policy, providing that they raise the Issue in good faith. This assurance will still apply if that employee is ultimately mistaken, providing they have not acted maliciously or deliberately raised an Issue which they know to be untrue.

## **6.0 SAFEGUARDS**

### **6.1 HARASSMENT OR VICTIMISATION**

The School and Middlesbrough Council recognise that the decision to report an Issue can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from other employees in the School. The School will not tolerate any such harassment or victimisation and will take appropriate action in order to protect employees who raise a concern in good faith. In addition, the Public Interest Disclosure Act protects employees, by law, from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.

This does not necessarily mean that if employees are already the subject of disciplinary procedures that those procedures will be halted as a result of an Issue being raised under this policy.

### **6.2 CONFIDENTIALITY**

It will be easier to follow up and to verify Issues if complainants are prepared to give their names. However, the School understands that the decision to 'blow the whistle' may be difficult and therefore where an employee wishes their identity to be kept in confidence it will not be divulged without their consent. It must be appreciated that any investigative process may reveal the source of the information (where possible this will be discussed before progressing). A statement from complainants may also be required as part of the evidence.

Unfortunately, whilst the School can give the above assurance, it cannot guarantee that other employees (who may or may not be subject to investigation) will not guess, or try to deduce, the employee's identity (correctly or otherwise).

### **6.3 ANONYMOUS ALLEGATIONS**

In dealing with Issues, it is preferable for the School if the employee openly reports it under this Policy. This enables the investigating officer to consider the Issue fully, knowing the position of the source of

the information. However, the School understands that some employees may prefer to report Issues anonymously.

Issues raised anonymously are much less powerful, but they will be treated with caution and considered at the discretion of the School. In exercising this discretion the factors to be taken into account would include:

- a) The seriousness of the Issue(s) raised;
- b) The credibility of the Issue(s); and
- c) The likelihood of obtaining the necessary information and confirmation of the allegation.

#### 6.4 DELIBERATELY FALSE OR MALICIOUS ALLEGATIONS

The School will view very seriously any deliberately false or malicious allegation it receives, and the making of such allegations by any employee may be subject to disciplinary proceedings.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the complainant.

The School will try to ensure that the negative impact of either a malicious or unfounded allegation about any employee is minimised. However, it must be acknowledged that it may not be possible to prevent all of the repercussions potentially involved.

### 7.0 HOW IS A CONCERN RAISED?

7.1 If malpractice or wrongdoing in the workplace is suspected individuals should not -

- approach or accuse the individuals directly; or
- try to investigate the matter; or
- convey such suspicions to anyone other than those with the proper authority but **do** something!

7.2 As a first step, concerns should be raised with the employee's immediate line manager or supervisor. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if it is believed that the Head Teacher is involved in the matter of concern, or the normal channels of communication are

inappropriate for some reason, the Chair of Governors should be approached.

- 7.3 Although concerns may be raised verbally, they are better put in writing. It should set out the background and history of the concern giving relevant names, dates and places where possible, and the reason why the situation is of concern.
- 7.4 The earlier a concern is expressed, the easier it is to take appropriate action.
- 7.5 Although complainants are not expected to prove the truth of allegations made, it will be necessary for them to demonstrate to the person contacted that there are sufficient grounds for concern.
- 7.6 Advice and guidance on how matters of concern may be pursued can be obtained from Human Resources.
- 7.7 Alternatively, complainants may wish to seek advice from their trade union.

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

- 8.1 The action taken by the School will depend on the nature of the Issue. Where appropriate, the matters raised may:
  - Be investigated by management, internal audit, or through the disciplinary process
  - Be referred to the Police
  - Be referred to the external Auditor
  - Need to be the subject of a referral to the General Teaching Council of England
  - Need to be the subject of a referral to the Independent Safeguarding Authority
  - Form the subject of an independent enquiry
- 8.2 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 fall within the scope of specific procedures (for example child protection or capability issues), will normally be referred for consideration under those procedures.
- 8.3 Some Issues may be resolved by agreed action without the need for investigation.
- 8.4 Within 10 working days of an Issue being raised under this procedure the Officer considering the issues will write to the complainant:

- a) Acknowledging that the concern has been received;
- b) Indicating how it is proposed to deal with the matter;
- c) Giving an estimate, so far as is reasonably practicable, of how long it will take to provide a final response;
- d) Advising whether any initial enquiries have been made; and
- e) Advising whether further investigations will take place and if not, why not

8.5 The amount of contact between the complainant and the Officer considering the issues will depend on the nature of the matters raised; the potential difficulties involved; and the clarity of information provided. If necessary, further information will be sought from the complainant.

8.6 Where any meeting is arranged the complainant has the right to be accompanied by a trade union or professional association representative, or a school colleague who is not involved in the area of work to which the Issue relates.

8.7 The School will take appropriate steps to minimise any difficulties the complainant may experience as a result of raising an Issue. For example the complainant may be required to give evidence in criminal or disciplinary proceedings. The School will advise about the procedures.

8.8 The School accepts that the complainant needs to be assured that the matter has been properly addressed. Therefore, subject to any legal constraints, the School will (at appropriate times) provide as much feedback as possible to the employee in relation to progress, and the ultimate outcome of any investigation. However, the level of such feedback may be limited in relation to disciplinary proceedings (if any) arising from the investigation.

## **9.0 HOW CAN THE MATTER BE PURSUED FURTHER?**

9.1 This policy is intended to provide employees and other persons with an avenue to raise concerns within the School, and it is hoped that this will be the option taken in the first instance. The School hopes this will be sufficient to resolve the issue. If not, and it is felt necessary to take the matter outside the School, then depending upon the nature of the issue involved, the following are possible contact points:

1. The District Auditor
2. Relevant professional bodies or regulatory organisations
3. The Police
4. The Local Government Ombudsman
5. The General Teaching Council of England

6. The local Citizens Advice Bureau
7. An independent legal adviser within the meaning of the Public Interest Disclosure Act 1998
8. A regulatory body designated for the purpose of the Public Interest Disclosure Act 1998

9.2 If the matter is taken outside the School, confidential information must not be disclosed. In addition, to secure the protections afforded by the Public Interest Disclosure Act, the disclosure must be protected within the meaning of the Act and comply with a set of specific conditions which vary according to whom the disclosure is made. If necessary, advice may be sought from Human Resources, Trade unions or Professional Associations.

## **10.0 RESPONSIBILITY FOR THE POLICY**

10.1 The responsibility for the effectiveness and efficiency of this policy rests with the Governing Body of the School. The Governing Body will be advised about, and maintain records of, Issues raised and the outcomes (but in a form which does not endanger confidentiality) and will report if necessary to Middlesbrough Council.

## **11.0 EQUALITY STATEMENT**

11.1 The Whistleblowing Policy must be applied fairly to all employees irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

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