

Hindley J and I School



Whistle Blowing Policy

Written and approved: April 2016

***Mrs C Nash* Signed on behalf of the school 12.03.16 date**

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Original signed copy in Policy File in Head teachers office

POLICY FOR WHISTLE BLOWING

Introduction

The Governors and Head teacher are committed to delivering a high quality education service to its pupils and expects high standards from their staff and contractors. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are threefold:

- to encourage staff to raise concerns about malpractice within the school without fear of reprisal
- to reassure staff that concerns will be taken seriously
- to provide information about how to raise concerns and explain how the Governors and the Local Authority (LA) will respond

Scope of the Policy

This policy applies to all school employees and former employees, agency staff and contractors engaged by the school. There is a separate procedure for pupils and parents to raise concerns about school related issues.

What is Whistle blowing?

In practical terms, whistle blowing occurs when a concern is raised about danger or illegality that affects others. As the person blowing the whistle you will not necessarily be directly affected by the danger or illegality. Consequently you will not necessarily have a personal interest in the outcome of any investigation into your concerns.

This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying and you are entitled to seek redress for yourself.

Blowing the Whistle on Malpractice

Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following:

- the physical, emotional or sexual abuse of pupils or staff
- financial maladministration
- unauthorised use of school funds
- fraud and corruption
- failure to comply with legal obligations
- endangering of an individual's health and safety
- damage to the environment
- a criminal offence

- failure to follow financial and contract procedure rules
- showing undue favour to a contractor or a job applicant
- miscarriages of justice
- deliberate concealment of information relating to any of the above

Staff should raise their concerns with the Head teacher, or Deputy Head teacher or their manager or the LA as soon as any suspected malpractice becomes apparent. Remember that the earlier you raise concerns the easier it will be to take action. You (the whistleblower) are a witness to events, not a complainant and so you do not need to wait for proof of malpractice before raising concerns.

When reporting a concern you should provide as much information and detail as possible. In particular you should provide the full names of the people involved or who know about what is happening, including the names of councillors or contractors, dates of events and any relevant documentation. This will help the investigator to focus on the main issues quickly.

There will be some cases where it is not appropriate for you to raise concerns with your Head teacher/Manager, for example where you suspect your Head teacher/Manager already knows about the malpractice and appears to be 'turning a blind eye', or where you suspect your Head teacher/Manager may be involved. In those cases, you should report your concerns to the Governors.

You may alternatively raise the matter with one of the following if for whatever reason you are unable to raise your concerns with one of the above:

- the External Auditor (Audit Commission) 01204 877300
- UNISON whistle blowing hotline 0800 597 9750
- Audit Commission whistleblowers' hotline 0845 052 2646
- the Police 0161 872 5050
- the independent charity Public Concern at work 020 7404 6609

It is stressed that this list is not exhaustive and you are free to contact any organization which you feel will be able to deal properly with your concerns. This may include:

- your local Councillor
- your solicitor
- other relevant professional/regulatory bodies

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. You will be advised whether an investigation takes place or not. When making a decision the Head teacher will consider whether continuing with an investigation is in the public interest.

Advice and Support

The school recognises that staff may wish to seek advice and support from their professional association or trade union before blowing the whistle and you are strongly advised to do so. They may also accompany you at any meetings. Employees may also wish to seek advice from 'Public Concern at Work (PCAW)', an organisation which is entirely separate from the Council. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted by telephone on 020 7404 6609 or via e-mail on helpline@pcaw.co.uk.

You may also seek confidential advice from Care First the Council's independent counseling service (0800 174319) where your School purchases this service or from an alternative supplier nominated by your School.

Confidentiality

The school understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, the school recognises that whistleblowers may wish to raise concerns in confidence. If you (the whistleblower) make a request for the matter to be kept confidential then your identity will not be revealed without discussing the matter with you first.

Anonymous Allegations

You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate. The decision whether to investigate an anonymous allegation will be made by the Head teacher and/ or the Chair of Governors and/or the LA. When making this decision they will take into account the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

Protection for the Whistleblower

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to the external auditor or the police. The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action, which has been taken, although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing.

The Head teacher and Governors will support you in this process and ensure that you are clear about what will happen.

The Head teacher, Governors and the LEA will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action.

Allegations not made in Good Faith

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract. In the case of contractors, the matter will be reported to the Council's relevant Contract Manager so that a decision can be made about the appropriate action to take.

Blowing the Whistle outside the School

In certain circumstances it may be appropriate to raise concerns outside the school to the appropriate 'prescribed regulator'. This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, professional association, trade union or PCAW (see above) before reporting them outside the school or LA.

Examples of prescribed regulators are set out below:

- Department for Education and Skills (DfES)
- General Teaching Council
- The Audit Commission
- The Standards Board for England
- Information Commissioner
- Environment Agency
- Health and Safety Executive
- Commissioner of the Inland Revenue
- General Social Care Council
- The Commission for Social Care Inspection
- National Care Standards Commission

As a last resort you may choose to raise your concern outside the school to someone other than a prescribed regulator, e.g. to the Police or your MP. You should only do this if, in addition to the conditions above, they meet one of three preconditions.

Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are you:

- reasonably believed that you would be victimised if you raised the matter internally within the school; or
- reasonably believed that the matter would be 'covered up' and there is no prescribed regulator; or
- you have already raised the matter internally or with a prescribed regulator

Complaints, Grievances and Members

This policy should not be confused with other policies that exist for dealing with complaints or grievances. Guidance on handling complaints about councilors can be found in the Convention on Working Relations, in the Wigan Council Constitution.

Employees who are aggrieved about their own employment situation should consider whether to use the grievance procedure after having discussed the matter with their immediate manager and/or their trade union representative.

Reviews and Operation of this Policy

The Governors have overall responsibility for the operation of this policy. (This policy has to be formally adopted by the Governors and may be reviewed from time to time.)