

# Whistle Blowing Policy



## Deal Parochial Church of England Primary School.

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Written by: Ms J Brown (Headteacher)

Lead governor contact for whistle blowing – Ms Gaye Waters

Signed: C o G Ms G Waters.....

### Values Statement

At Deal Parochial Primary School the curriculum is firmly rooted in its Christian foundation: enabling every child to grow spiritually and emotionally; fostering imagination and a deep sense of personal identity and self-worth; providing guidance through the loving example of Jesus Christ.

### Mission Statement

Our hope is that each child at Deal Parochial Primary School will develop an appetite for learning that will endure throughout their lives. To achieve this, the curriculum will need to motivate and excite children so that they engage fully in learning, cultivate positive attitudes and relationships, make good progress and fulfil their true potential; living up to our motto - "The best that I can be".

### 1.0 Purpose

1.1 Deal Parochial School is committed to operating with honesty and integrity. This whistleblowing policy is designed to provide a procedure to allow you to confidentially voice any serious concerns regarding any suspected misconduct, illegal or unethical acts or failure to act on the part of the management, the Governing Body or by school employees.

1.2 A whistleblower is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation. This means that the wrongdoing you disclose must be in the public interest ie. it must affect others.

1.3 As a whistleblower you're protected by law - you won be treated unfairly or lose your job because you 'blow the whistle'.

1.4 You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future. We will treat your issue seriously.

### 2.0 Scope

2.1 The Head teacher is responsible for ensuring compliance with school policies and procedures. This procedure applies to all school staff and also to the Governing Body, contractors, Agency workers and suppliers providing goods or services to, or on behalf of, the school.

### 3.0 Guiding Principles

- 3.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. You should be watchful for illegal or unethical conduct and report anything of that nature that you become aware of.
- 3.2 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- 3.3 You will not be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern.
- 3.4 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- 3.5 If misconduct is discovered as a result of any investigation under this procedure the organisation's disciplinary procedure will be used, in addition to any appropriate external measures.
- 3.6 Maliciously making a false allegation is a disciplinary offence.
- 3.7 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, you should not agree to remain silent. You should report the matter to a senior member of staff.
- 3.8 This procedure is for disclosures about matters other than a breach of your own contract of employment. If you are concerned that your own contract has been, or is likely to be, broken, you should use the school's grievance procedure.

### 4.0 Procedure

4.1 If you have legitimate concerns about possible misconduct where the interests of the school, your colleagues, or the public are at risk, you may wish to raise your concerns confidentially (referred to as 'whistleblowing'). The law protects workers who raise legitimate concerns about specified matters called "qualifying disclosures". This is something made in the public interest by a worker who has a reasonable belief or concern relating to possible:

- Unlawful conduct
- Criminal offences
- The failure to meet legal obligations
- Financial reporting and/or malpractice
- The intentional provision of incorrect information to public bodies
- The violation of rules of conduct applicable within the organisation
- The endangerment of health, safety or the environment
- The suppression of information relating to any of the above

4.2 If you are raising the concern (you are the Representor) you should:

- Speak or write to your line manager, or if you feel unable to do this or if it is inappropriate, you can speak or write to the Headteacher. You may be asked why you feel unable to raise it with your line manager. The matter will be treated confidentially, and your identity will remain confidential unless otherwise agreed.
- If the relevant manager believes the concern to be genuine and that it is appropriate to use the Whistleblowing procedure, it should be referred to the Headteacher. This person is known as the Assessor.

4.3 The Assessor will:

- Meet you within seven working days, in confidence (or earlier if the matter is more serious);
- Obtain as much information as possible from you about the grounds for your complaint (you must say straight away if you don't want anyone else to know it was you who raised the concern);
- Advise you of the appropriate route if the matter does not fall under the school's Whistleblowing Procedure (such as the Grievance Policy);
- Where relevant, report the matters raised to the Chair of the Governing Body or his/her delegated representative.

4.4 At the interview with the Assessor, you may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a colleague to take notes. All those involved in the reporting process are bound to respect confidentiality and aren't permitted to discuss the allegations with anyone, until the course of action to be followed has been approved.

4.5 You will be informed of the outcome of the investigation.

4.6 Within ten working days of the interview, the Assessor will make a recommendation which could be:

- the matter be investigated internally by the school;
- the matter be investigated by the external auditors appointed by the school;
- the matter be reported to the Department for Education;
- the matter be reported to the Police;
- the route for the member of staff to pursue the matter if it does not fall within this procedure; or
- that no further action is taken is to be taken by the school.

4.7 The grounds on which no further action is taken include:

- the Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- the Assessor reasonably believes that you are not acting in good faith;
- the matter is already or has been the subject of proceedings under another school procedure or policy;
- the matter concerned is already the subject of legal proceedings, or has already been referred to the Police, the external auditors, the Department for Education or other public authority.

4.8 The recipient of the recommendation will ensure that it is implemented unless there is good reason for not doing so. This reason will be reported at the next meeting of the Governing Body.

4.9 Your identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that you have acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal your except:

- where the Assessor is under a legal obligation to do so;
- where the information is already in the public domain;
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice
- where it is essential that the Representor provides evidence at a disciplinary hearing or other proceedings.

4.10 The conclusion of any agreed investigation will be reported by the Assessor to the Representor within 28 days. All responses to the Representor will be made in writing and sent to the Representor's home address. If the Representor has not had a response within the above time limits they may appeal to the Chair of the Governing Body or if appropriate the appointed external auditors but will inform the Assessor before doing so. The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

4.11 If on conclusion of the above steps you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation (The Public Interest Disclosures Act 1988) sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Conduct Authority (formerly the Financial Services Authority);
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Police Complaints Commission; and
- the Serious Fraud Office.

## 5.0 External Sources

5.1 Whistleblowing should be raised internally in the first instance unless there is a compelling reason not to do so.. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the Governing Body as a whole, serious health and safety issues or possible discrimination. The external sources which could be used are:

- Department for Education
- Member of Parliament
- National Audit Office
- Health and Safety Executive.
- Police

**6.0 NB: It is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child or member of staff at risk.**