



Talavera Junior School
WHISTLE BLOWING POLICY

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Talavera Junior School **Whistle Blowing Policy**

Aim

The Governors and Headteacher are committed to delivery a high quality education service to its pupils and expects high standards from their staff and contractors. In order to maintain these 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 Education Authority will respond

Scope of the Policy

This policy applies to all School employees and former employees, agency staff and contractors engaged by the School.

Whistleblowing is 'making a disclosure in the public interest' and occurs when a worker raises a concern about a danger, illegality or malpractice that affects others, for example members of the public. For the purposes of this policy a worker is defined as an employee, temporary member of staff, agency staff, contractor and suppliers of services.

Whistle Blowing 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:

- Physical, emotional or sexual abuse of pupils or staff
- Failure to follow the safeguarding policy
- Financial maladministration
- Unauthorised use of School funds
- Fraud and corruption
- Failure to comply with legal obligations
- Endangering of an individual's health & 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

How to Raise a Concern

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed, the easier and sooner action can be taken
- Try to pinpoint exactly what practice is concerning you and why
- Approach your immediate manager, Headteacher or Designated Safeguarding Lead (DSL)

- If your concern is about your immediate management/Headteacher or you feel you need to take it to someone outside the school, contact the Chair of Governors or the Local Education Officer
- Ensure you get a satisfactory response - don't let matters rest
- Ideally you should put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but you will need to demonstrate sufficient grounds for the concern.

Advice & 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.

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. You will be kept informed, by the person to whom you reported your concern, or a designated other, about the progress of the investigation and the action that has been taken, although you may not be told the outcome. The Headteacher and Governors will support you in this process and ensure that you are clear about what will happen.

The Headteacher, 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.

Complaints & Grievances

This policy should not be confused with other policies that exist for dealing with complaints or grievances.

Review & Operation of this Policy

The Governors have overall responsibility for the operation of this policy, which will be reviewed, at regular intervals to ensure it is in line with Hampshire County Council guidelines.

The following procedures are adopted in line with the Hampshire's Manuel of Practice:

Step 1 - Raising a concern

Concerns under this procedure should initially be raised with the staff member's immediate line manager. If the staff member believes their manager is involved in the malpractice, they may raise their concerns with a more senior member of staff, including the Headteacher. If the staff member believes it is not appropriate to raise the matter with the Headteacher, he/she may approach the Chair of Governors. (In the event that the matter cannot be raised within the school, the staff member may raise their concerns in accordance with Step 5). The relevant manager is encouraged to take advice from Education Personnel Services who may involve other departments of Hampshire County Council or other relevant external organisations where appropriate.

Within ten working days of a concern being raised, the person receiving it will write to the staff member acknowledging receipt and indicating what initial steps will be taken to deal with it. Where possible an estimate will be given of the time it will take to provide a final response.

Concerns may be raised orally or, preferably, in writing. These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information, etc. Staff must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Staff may wish to make anonymous disclosures although it may be important for the investigating manager to know the source of information to enable a full investigation. The manager would also need to take into account the nature and credibility of an allegation before deciding to proceed with an investigation. However, staff should be reassured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity. The Act provides protection against victimisation to anyone who makes a protected disclosure in good faith.

Step 2 - Determine whether the concern raised is a Protected Disclosure

Qualifying disclosures are disclosures of information where the staff member reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- a criminal offence (e.g. fraud, corruption, sexual or physical abuse of pupils/students or others);
- a failure by a person to comply with any legal obligation to which he/she is subject;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment, or
- a deliberate attempt to conceal any of the above matters.

Following disclosure of one of the above matters, the person receiving the disclosure must determine whether it is a 'qualifying disclosure' under the Act, by considering the following:

- whether any factual information was actually disclosed, as opposed to opinion only, to the employer (or relevant person);
- whether the individual making the disclosure believed that the information tended to show that one of the matters above has occurred, is occurring or is likely to occur; and
- whether that belief was reasonable.

If the above criteria are met, the disclosure will qualify as a protected disclosure, and the remainder of this procedure will apply. If the criteria are not all met but the staff member's disclosure was made in good faith, investigations should still take place into the allegations and the staff member should not be discriminated against because they have raised such an allegation. If it is found that the disclosure was made for malicious purposes or for personal gain, the school should deal with this under the disciplinary procedure, where relevant (guidance on disciplinary issues can be found in the Manual of Personnel Practice).

Step 3 - Investigation

A preliminary investigation will need to be undertaken to establish whether the alleged act or omission could actually have occurred, be occurring or be likely to occur in the future. The investigation is not, at this stage, to determine whether the alleged act or omission has actually occurred, but to determine the facts of the case (e.g. was the alleged individual actually where they were purported to be, what does the evidence show). More about investigations can be found in the Manual of Personnel Practice:

Allegations that have some foundation to them should be followed up with a full internal investigation, which may result in one or more of the following:

- no case to answer;*
- disciplinary action taken against the alleged individual;*
- referral to Social Services or the Police, or other relevant organisation;*
- referral to Internal Audit or other County Council departments (for County Council maintained schools).*

If the allegations are unfounded (no evidence or proper basis that supports the allegation), or unsubstantiated (can neither be proven nor disproven), no action need be taken by the school, although it would be pertinent to determine why the staff member felt the need to raise the allegation in the first place, e.g. is there a training need within the school?

If it is found that the allegation was made for malicious purposes or for personal gain, the school should deal with this under the disciplinary procedure (guidance on disciplinary issues can be found in the Manual of Personnel Practice).

Step 4 - Communication

Subject to legal constraints and the need to protect the rights of individuals, the staff member raising the concern will be informed of the outcome of any investigation at the earliest practicable opportunity. Such information will not include confidential details about formal action taken against another staff member.

For reasons of sensitivity and confidentiality, all communications with a staff member who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

Step 5 - Taking the matter further

In the event that a staff member feels that their concerns have not been resolved through the above process, they may write to the Chair of the Governing Body, if he/she has not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of Governors will write to the staff member to acknowledge that the concern has been received and indicate what further steps will be taken, as well as providing an estimate of the time it will take to provide a final response. The Chair of Governors may decide to set up a small group of governors, where appropriate, to investigate the concerns. The Chair of Governors will then inform the staff member of the outcome of this process on the same basis as required of the manager above.

Where appropriate, the Chair of Governors should also involve the relevant Diocese at an early opportunity.

In the event that the matter cannot be satisfactorily resolved within the school, the staff member may escalate their concerns further. How they do this will depend on the status of the school, as follows:

5.1 Hampshire County Council maintained schools

Staff should raise their concerns, in writing, with the following officers of the County Council, and in the following order:

- a. Area Director for the relevant school*
- b. Director of Children's Services*
- c. Chief Executive of Hampshire County Council*

These officers will follow the same basic procedure outlined above in the same timescales and will feed back the outcome to the staff member. The address for all of the above is: Children's Services Department, Hampshire County Council, Elizabeth II Court West, The Castle, Winchester, SO23 8UG or childrens.services@hants.gov.uk.

If a staff member is dissatisfied with the response of the Governing Body and the County Council, and subject to the concern being a protected disclosure (see step 2 above), they can raise the matter, as appropriate, with any of the following:

- an elected Member of the County Council;*
- the Local Government Ombudsman;*
- others as set out below.*

5.2 Hampshire County Council Maintained and Academy and Independent schools

Staff in Hampshire County Council maintained schools who are dissatisfied after having raised concerns under 5.1 above, and staff in Academy and Independent schools, can also raise their concerns, as appropriate, with any of the following, subject to the concern being a protected disclosure (see step 2 above):

- a local Member of Parliament;*
- a relevant professional body or inspectorate (e.g. Ofsted or Health & Safety Executive);*
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "Whistleblowing: list of prescribed people and bodies".*

Staff can only make a disclosure to a prescribed person if they:

- make the disclosure in good faith;*
- reasonably believe the information is substantially true;*
- reasonably believe they are disclosing the issue to the appropriate person or body (e.g. Health and Safety issues to the HSE).*

In taking their concern outside of the school, staff must ensure that, as far as possible, the matter is raised without personal information relating to other staff, or confidential information about unrelated matters, being disclosed. A staff member who approaches

an accredited legal advice centre, e.g. Public Concern at Work (0207 404 6609 or www.pcaw.org.uk) or Citizens Advice Bureau, must not breach the duty of confidence in this procedure to the Governing Body.

6. Failure to follow this procedure

Any staff member who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

Please refer to Hampshire Manual of Practice for the full Whistle Blowing Procedures that we adopt.

Record Keeping

Details of all whistleblowing concerns and investigations are retained for 6 years plus the current year from the close of the case, except where separate retention rules apply, e.g. child protection records.