



M51

Whistleblowing

Policy

Approved by: Governing Board

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Last reviewed on: 07/01/19 M Sheppard

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1. ETHOS

'Whistleblowing' is a term used for a public interest disclosure by a worker who suspects a failure or wrong doing at work. Ash Green Community Primary School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and encourage employees with certain concerns about any aspect of the school's work to come forward and voice those concerns so that they can be investigated. This policy applies to all staff, supply staff and contractors. It explains their rights in relation to whistleblowing, making it clear that they can speak up without fear of reprisals, even if they turn out to be mistaken, providing that it is reasonable; and provides them with guidance on the procedure for making protected disclosures. The intention of the policy is to encourage and enable employees to raise concerns within school rather than overlook a problem or report it externally.

2. AIMS

This policy aims to promote and support the law by:

- Giving employees the confidence to come forward with serious concerns
- Providing a way of raising any such concerns and receiving feedback where possible on any action taken
- Allowing employees to take the matter further if they are dissatisfied with the school's response
- Reassuring employees that they will be protected from possible reprisals or victimisation for whistleblowing if they make a disclosure in the public interest
- Protecting employees under certain provisions contained in the Employment Rights Act 1996 who take action or raise concerns about health and safety at work.

3. POLICY

The governing board (GB) has overall responsibility for the maintenance and operation of this policy and maintains a record of concerns raised and the outcomes (but in a form that does not endanger confidentiality).

The concept of a qualifying disclosure requires a reasonable belief that one of the following six specified situations has occurred or is likely to occur:

- A criminal offence
- A breach of a legal obligation
- A miscarriage of justice
- Putting the safeguarding of pupils at risk and/or endangering the health and safety of another
- Damage to the environment
- Deliberate concealment of any of the above

As a consequence of the new "made in the public interest" requirement, this policy normally should not be used for complaints about the personal circumstances of a member of staff. If there is a breach of an employee's contract of employment, this can be raised using the school's grievance procedure.

How to raise a concern:

Concerns should be raised in writing, setting out the background and history of the concern, giving names, dates and places where possible, and the reason why the situation is of particular concern. A form is available (see appendix) from the school office.

The earlier a concern is expressed the easier it is to take action. A trade union representative can be involved at this stage. Although proof of the allegation is not expected there is a need to demonstrate sufficient grounds for the concern. Advice and guidance on how matters of concern may be pursued can be obtained confidentially by ringing the Local Authority's Fraud Hotline on 01422-393568.

As a first step you should raise concerns in good faith within the school, normally with the head teacher or, or if the complaint is about the head teacher, then with the Chair of Governors, either directly or via the clerk to

the governing board. Concerns can be taken directly to the Local Authority. However, you are encouraged to initially raise concerns within school. You may, however, make a disclosure to a prescribed person, in good faith, where you reasonably believe that the failure or malpractice falls within that person's remit and that your allegations are substantially true. A list of the most relevant prescribed persons is set out at the end of this policy.

If you make a whistleblowing disclosure to anyone else (for example the press) you must make it for all the following reasons:

- In the reasonable belief that the information disclosed and any allegations contained in it are substantially true
- Not for personal gain
- In the reasonable belief that the school or Local Authority maybe subject to detriment or will conceal or destroy evidence
- AND in all circumstances of the case it is reasonable to make the disclosure

THE ABOVE IS AN EXCEPTIONAL HIGH STANDARD TO MEET AND EMPLOYEES ARE ADVISED NOT TO FOLLOW THIS COURSE OF ACTION because the courts will have to have regard to:

- The reasonableness of the disclosure to this person/the press
- The seriousness of the failure
- Whether there is a breach of confidentiality;
- Whether you have followed the whistleblowing procedure set out in this policy

If you fail to comply with the above requirements regarding disclosure the law will not protect your actions and the Local Authority may consider disciplinary action against you including gross misconduct.

SAFEGUARDS

Harassment or Victimisation:

The school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the failure or malpractice. The school will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, this does not mean that if you are already the subject of disciplinary, grievance or redundancy procedures, those procedures will be halted as a result of your disclosure.

Confidentiality:

The school will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. The investigation process may, however, reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous allegations:

This policy strongly encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful and less likely to be effective, although they may be considered at the discretion of the governors.

In exercising this discretion, the factors taken into account would include:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from named individuals or other sources of information

Untrue or malicious allegations:

Disclosures no longer have to be made in good faith and if you have a "reasonable belief" in the subject matter of the disclosure, but it is not confirmed by the investigation, no action will be taken against you.

How will Ash Green Community Primary School respond?

The action taken depends on the nature of the concern. The matters raised may be subject to:

- Internal investigation

- Referral to the police
- Referral to the External Auditor
- Consideration by the Standards Board for England
- Consideration under the disciplinary procedures if the matters relate to an employee

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 that fall within the scope of other specific procedures (for example child protection) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Within 10 working days of a concern being received, school governors will write to you:

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter
- Giving an estimate of how long it will take to provide a response
- Telling you whether an initial enquiry has been made
- Telling you whether further investigation will take place, and if not, why not

The amount of contact between the investigating officer considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, we will seek further information from you.

When any meeting is arranged with the investigating officer you have the right, if you wish, to be accompanied by a trade union representative or a colleague of your choice. The school will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, advice will be given about the procedure.

The school accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal and confidentiality constraints, you will receive information about the outcomes of the investigations.

Who are the “Prescribed Persons”?

This policy is intended to provide you with an avenue to raise concerns within the school. The governors hope that you are satisfied with the internal procedure. If you are not and your allegations are substantially true and you feel it is right in good faith to take the matter outside the school, the following are permissible contact points for their areas of regulatory activity:

- Audit Commission – the proper conduct of business, value for money, fraud and corruption
- Care Quality Commission – matters relating to the provision of regulated care services, as defined in the Care Standards Act 2000
- Environment Agency – matters affecting the environment of the management or regulations of the environment, including pollution and flooding
- Food Standards Agency – matters which may affect the health of any member of the public in relation to the consumption of food and any other matters concerning the protection of the interests of consumers in relation to food
- General Social Care Council – matters relating to the registration of social care workers under the Care Standards Act 2000
- Health and Safety Executive – matters which may affect the health and/or safety of any individual at work or member of the public in connection with the activities of persons at work
- HM Revenue and Customs – income tax, maternity and sick pay, tax credits, child benefits, collection of student loans and the national living and/or minimum wage
- Information Commissioner’s Office – compliance with the requirements of legalisation relating to data protection, freedom of information and environmental information law
- Ofsted – the regulatory body for schools
- Pensions Regulator – matters relating to occupational pension schemes

A confidential file is kept by the Chair of Governors regarding any activity referred under the whistleblowing policy.

Appendix

STRICTLY CONFIDENTIAL

ASH GREEN COMMUNITY PRIMARY SCHOOL

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY REPORT FORM

<p>Name of employee making report.</p> <p>(You are encouraged to insert your name but may choose not to – the recipient of the form will attempt to preserve confidentiality)</p>	
<p>Person(s) reported</p>	
<p>Concerns reported</p> <p>(Give full details of the background to the concern; dates and places; and the reasons why you are concerned – Attach a separate sheet if necessary)</p>	
<p>Date</p>	
<p>Signed</p> <p>(If employees' name appears above)</p>	