



Great Bedwyn CE VC Primary School

Whistle Blowing Policy

Date of Last Review:	November 2015
Date to be Reviewed:	Will stand until LA changes apply
Review Body:	Full Governing Body

Whistle Blowing Policy and Procedures

Nominated Governor - Chair of Governors – Gordon Stone

Governor with responsibility for safeguarding -

Contact tel: 01672 870482 school

Policy Statement

1. Wiltshire County Council and our school are committed to the highest possible standards of openness, probity and accountability. This whistleblowing policy and procedure supports this commitment.
2. Relevant trade unions and professional organisations have been consulted about this policy and procedure, and it has their support.

Scope

3. It gives employees and others with genuine concerns about malpractice or wrongdoing in the school or council a way to voice those concerns without fear of victimisation.
4. Often it is those closest to an organisation who realise that there is something wrong. Sometimes people are reluctant to act upon their concerns because they think that they are being disloyal, or because they are afraid that they might be victimised if they speak up.
5. There are existing procedures in place (e.g. Grievance, harassment and bullying) which make provision for employees to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope. This concern may be about something that is:
 - Unlawful, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc
 - Against establishment standards of practice
 - Improper conduct.
6. Concerns or allegations which fall within the scope of specific procedures, e.g. child protection or financial irregularities will normally be referred for consideration under those procedures. However, please refer directly to the guidance contained on Wiltshire County Council Wisenet for specific procedures relating to safeguarding to consider whether action needs to be taken in accordance with those processes. The direct link to this site is: <http://wisenet.wiltshire.gov.uk/documents/dsweb/View/Collection-744>
7. The Local Authority will not accept liability for any actions, claims, costs or expenses arising out of a school's decision not to follow this policy where it is found that the school's Governing Body has been negligent or has acted in an unfair or discriminatory manner.

Definitions

8. A 'nominated governor' is the governor identified by the governing body as the first point of contact for whistleblowing queries. The nominated governor could be the Chair of Governors or another governor (but not a staff governor).

Aims

9. The purpose of this policy is to provide you with the help and support you need to speak up and be confident that you can do so safely. We will take your concerns seriously and ensure that they are dealt with promptly and fairly.

How to raise a concern

10. Initial concerns should be raised with the nominated governor. If the employee believes that this governor is implicated then the employee should approach the Chair of Governors if they are not the nominated governor. If the Chair of governors is the nominated governor then they should approach the Vice Chair of Governors.
11. Within 48 hours, the nominated governor will contact you to arrange to meet you to discuss your concerns. Before the meeting, it would be helpful if you write down what you consider the problem to be, giving names, dates and places where possible. If there are any other documents that you think might be helpful, please try to bring these with you. You are advised to take a friend, colleague or school professional association / union representative with you to the meeting with the governor.
12. You are encouraged to raise your concern in person, or through your professional association / union representative on your behalf, because concerns that are expressed anonymously are difficult to investigate. However, the school will exercise its discretion in deciding whether to investigate an anonymous allegation. The factors taken into account will include:
 - the seriousness of the issues raised;
 - the credibility of the allegation; and
 - the likelihood of being able to confirm the allegation from attributable sources.

How we will respond

13. After the initial meeting, the nominated governor will arrange for discreet initial enquiries to be made to decide whether an investigation is appropriate and if so, what form it should take.
14. The nominated governor will write to you within 10 days of your initial meeting to:
 - acknowledge that your concern has been received
 - outline our understanding of what the issues are; and
 - indicate how we propose to deal with the matter.

15. If the nominated governor decides that it is appropriate for an investigation to be carried out, this will either be done by them, or by a governor who is asked to investigate – the investigating officer. However, it may sometimes be necessary for a concern to be referred to the police, an external auditor, or for it to be the subject of an independent enquiry. In addition, where it is established that the complaint involves issues of bullying or unlawful discrimination, it will be necessary to involve Human Resources.
16. If an investigation is carried out, you will always be informed of the final outcome. It might not be possible to give you full details of the outcome if it contains personal details of a third party, because we have a duty to protect personal information under the Data Protection Act.

How will the school treat whistleblowers?

17. If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. If you knowingly make malicious allegations, disciplinary action may be taken against you.
18. Disciplinary action will be taken against any member of staff who tries to stop another employee from raising a concern or who is responsible for any act of recrimination or victimisation against an employee who raises a concern.
19. Where an employee may have been party themselves to an act of possible gross misconduct on which they are now 'blowing the whistle' this could be considered in mitigation. They are not, however, exempt from disciplinary action.
20. Disciplinary action may be taken against employees if they contact the media with concerns about conduct at work without first following the steps set out in this policy.
21. The Governing Body will make every effort to protect an employee's identity when s/he raises a concern and does not want her/his name to be disclosed. It must be appreciated however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.
22. If you raise a concern, you will be given the opportunity to feed back any issues or problems you may have experienced as a result. The purpose of this is to ensure that employees who have raised concerns in good faith do not suffer as a result.

Queries

23. If you have any queries about this policy please contact the Headteacher and / or Chair of Governors.

The nominated governor will contact LA Human Resources department for advice linked to any concern

SCHOOLS HR COMPLIANCE GUIDANCE

HANDLING WHISTLE-BLOWING

DISCLOSURES

Guidance notes for school or academy governors

1. **What is whistle-blowing?**

Whistle-blowing is a confidential way for the employees, contractors and volunteer workers in your School or Academy to raise their reasonably and honestly held concerns they may have about serious matters that could put the School, Academy, Local Authority and/or the wider public at risk. Whistle-blowing usually involves bringing forward concerns that it is in the public interest to investigate and resolve. Examples are crime, fraud, the giving or taking of bribes, financial malpractice or irregular practices, or breach of required practices/processes that might endanger individuals or the environment.

Complaints from parents, pupils or the wider community alleging breaches over school or academy procedures cannot be treated as whistle-blowing disclosures but should be dealt with under the School/Academy's normal complaints procedure.

2. **What should the governing body's approach be towards whistle-blowers?**

As a governing body and as an employer you will be committed to being honest and transparent in all your activities and decision making. This is important if you want to develop and maintain relationships based on trust with your local community, pupils, parents and staff. Although we all try our best to get things right, sometimes things will go wrong or get overlooked. Crime, fraud, neglect, and malpractice are damaging and serious matters that need to be addressed. This means that whistle-blowing, when it arises, is clearly an important governance matter for you to address promptly and in confidence. If a member of school staff suspects that one of their colleagues or a contractor is engaged in such practice, you should encourage them to voice their concerns so that the governing body can address them. Try to remember that whistle-blowers are genuinely trying to protect their local community, pupils, parents and colleagues and you must support and protect any employees who raise their concerns to you through this procedure.

3. **When should staff be expected to blow the whistle?**

It will often be most appropriate to for the member of staff to first raise any concern with their line manager or Head teacher in the first instance. However, sometimes this will not be possible (for example, if they think their line manager or Head teacher may be involved in the issue). If, for whatever reason, the member of staff does not feel able to raise their concern through the normal line management, or if they have done so and no appropriate action has been taken, they can 'blow the whistle' to get the matter addressed in confidence.

4. **Adopting and publishing a Whistle-blowing Policy**

It is therefore very important that your School or Academy has adopted a Whistle-blowing Policy and published it where your staff can find it. The school website is an ideal place to publish the policy but if the school does not have one, pinning it to all staff notice boards in staff rooms and common areas is just as effective way of communicating it. Failure to publish the policy means that staff can be confused about what to do and who to contact and this means they may contact the wrong people or bodies with a matter best addressed at an early stage by the governing body. It is also a key document the governing body will rely on having in place in respect of some of the main provisions of the Bribery Act 2010.

5. Having a nominated governor for whistle-blowing concerns

It is important that your School or Academy has a nominated governor available who will deal with all whistle-blowing disclosures from staff. The nominated governor must not only know what the whistle-blowing policy and procedure is but also how to apply it in practice. Whistle-blowing concerns should always be raised through this nominated governor. However if the member of staff believes that the nominated governor is implicated then they should approach the Chair of Governors (if they are not themselves the nominated governor). If the Chair of governors is the nominated governor then they should approach the Vice-Chair of Governors to ensure impartial and independent receipt of their concern(s). If the nominated governor is absent or unavailable for any length of time then an alternate governor must be identified to temporarily fulfil this important role in their absence.

6. How do staff 'blow the whistle'?

The name of a nominated governor for whistle-blowing concerns should be made well known within the school and to local union representatives/stewards. The school can decide whether to also publicise a specific mobile phone number for the nominated governor to use for any confidential whistle-blowing messages from staff. The initial concern can be raised verbally in person or by telephone call or can be made in writing and addressed to the nominated governor. Whenever and however a 'whistle-blowing' concern is made known to the governing body, the nominated governor must acknowledge receipt of it within 48 hours.

7. What does the nominated governor do?

On receiving the initial concern as a whistle-blowing issue the nominated governor must then contact the whistle-blower(s) within 48 hours to arrange to meet to discuss their concerns. Before the meeting, the whistle-blower should be requested to write down what they consider the problem to be, giving names, dates and places where possible and to bring this to the meeting with any other documents that might be helpful. They should be reminded that they can be accompanied at that meeting with the nominated governor by a union representative or work colleague. The nominated governor may decide to bring a confidential note-taker to the meeting but in most circumstances it is acceptable to receive the disclosure and discuss the main points at an initial meeting without needing an official note-taker.

8. What happens if the disclosure is made anonymously?

If a whistle-blower has insisted on anonymity in making a disclosure to the nominated governor then no meeting can be arranged as there will be no identifiable person to meet with. However, this does not mean that nothing further should be done with the disclosure. Whilst it is difficult to conduct an effective investigation without being able to discuss it fully with the person who first brought the issue forward, the nominated governor should still arrange for the matters complained of to be properly investigated. In considering the disclosure the nominated governor also needs to consider:

- the seriousness of the issues raised;

- the credibility of the disclosure; and
- the likelihood of being able to confirm the concerns from attributable sources.

This means that any anonymous whistle-blowing disclosure needs to be looked at if only for reassurances to the governing body that nothing is amiss but practically cannot go into any formal process unless there is clear factual evidence from initial investigations that the issue raised in the anonymous disclosure is true.

Anonymous whistle-blowing disclosures made about individuals in their personal lives or outside of work are unusual and are not normally followed up unless there is potential for significant damage to the reputation of the School or Academy. This means the nominated governor needs to exercise discretion on how to proceed with anonymous disclosures made under the whistle-blowing procedure. They should where possible encourage the whistle-blower to identify themselves and accord them full confidentiality and protection under the procedure so that the concerns can be fully investigated.

9. How should we respond to an ‘open’ whistle-blowing disclosure?

After the initial meeting with the employee making the disclosure, the nominated governor will arrange for discreet initial enquiries to be made to decide whether an investigation is appropriate and if so, what form it should take. The nominated governor will write to the whistle-blower within 10 days of the initial meeting to:

- acknowledge that the concern has been received
- outline the governing body’s understanding of what the issues are; and
- indicate how the governors propose to deal with the matter.

If the nominated governor decides that it is appropriate for an investigation to be carried out, this will either be done by them, or by a governor who is asked to investigate as the investigating officer in strict confidence. However, it may sometimes be necessary for a concern to be referred to the police, an external auditor, or for it to be the subject of an independent enquiry. In addition, where it is established that the complaint involves issues of bullying or unlawful discrimination, it will be necessary to involve the School or Academy’s HR provider.

If an investigation is carried out, the open whistle-blower must always be informed of the final outcome. It might not be possible to give them the full details of the outcome if it contains personal details of a third party, because the governing body have a duty to protect personal information under the Data Protection Act.

10. How do we protect the whistle-blower and keep matters confidential?

Confidentiality is not the same as anonymity (see 8. above). People who raise concerns through the whistle-blowing procedure may be understandably concerned about their position, and wish to maintain confidentiality. The nominated governor should encourage any whistle-blower to let him/her know their names and contact details when they raise their concern, because it is often difficult to conduct an effective investigation without this information. In practice, it is often desirable for the identity of the whistle-blower to be known as the investigation progresses. That identity should as a matter of course remain confidential to the nominated governor and any investigating officer.

The whistle-blower’s identity should remain confidential unless the investigation reveals that the school or academy is required to disclose it by law or the whistle-blower gives their written consent to identify them to better assist the investigation. If the whistle-blower wishes to maintain confidentiality over their identity, the nominated governor will always seek to observe this.

The governing body must always seek to protect whistle-blowers from reprisals taken as a result of raising their concerns, provided that those concerns were raised in good faith and without malicious intent. Taking reprisals against any member of staff who has raised a concern in good faith is unacceptable, and may give rise to disciplinary proceedings. If a whistle-blower raised a concern and feels at any stage afterwards that they are suffering as a result of that disclosure they should advise the nominated governor about it and they should take necessary steps to protect them. This can include an initial warning letter being issued to the person who is thought to be taking reprisals or who might take reprisals.

11. When is it not a whistle-blowing matter?

Whistle-blowing usually has an element of the wider public interest attached to it. Typically, the matter involved needs to present a risk to others, such as pupils, other staff, the wider community or the environment. It needs to be raised internally by a member of staff or unpaid volunteer worker to qualify as a protected disclosure. This means that complaints from parents or pupils about school processes cannot be treated as whistle-blowing disclosures but should be dealt with under the school's complaints procedure.

A concern raised about any individual's own employment situation is more properly addressed by means of the grievance procedure, or if it relates to bullying and harassment of themselves or other staff, to the dignity at work procedure. The whistle-blowing procedure therefore cannot be used as an alternative to the School or Academy's Grievance policy and procedures.

The whistle-blowing procedure cannot be used as an alternative to raising child protection or safeguarding concerns through the appropriate procedures. Child protection concerns must always be passed to the designated child protection person at the school as soon as possible. The designated person will then need to make a professional judgement about what action needs to be taken in accordance with Wiltshire Council child protection procedures.

12. What do we need to tell the whistle-blower while the investigation is proceeding?

It is important for the nominated governor to stay in touch with the whistle-blower throughout the investigative stage. Once the investigation has started the whistle-blower should be told that an investigation is taking place to look at the concerns they have raised. If possible, the nominated governor should update the whistle-blower in general terms of the progress of those enquiries and advise them when an outcome is likely to be known. However no details relating to specific individuals, or the internal processes that might be applied to them, should be disclosed to the whistle-blower. This is due to the individual rights of those staff and other confidentiality reasons that might prejudice later criminal or disciplinary proceedings.

13. What do we tell the whistle-blower once the investigation is over?

Once the investigation is completed the whistle-blower should be told the outcome of the investigation in broad terms. If possible, the nominated governor should provide the whistle-blower with a copy of the investigative report. However, it may not always be possible to give details of the findings if that would involve breaching the rights of individuals afforded by the Data Protection Act, or for other significant reasons.

14. What if the whistle-blower wishes to raise their concern outside the School/Academy?

Staff should feel reassured that they can raise concerns safely by using the School or Academy's whistle-blowing procedure, and that their concerns will be taken seriously.

Governing bodies therefore should always encourage staff to raise concerns via internal procedures before taking them to any external authorities.

However if staff wish to raise concerns externally rather than remain silent they may do so, however those external bodies may then still refer the matter to the governing body before proceeding to investigate the concerns.

If a whistle-blowing concern has been referred to the nominated governor and the subsequent investigation and finding does not satisfy the whistle-blower that it has been addressed appropriately, then they also have the option of raising the matter externally with the relevant prescribed bodies such as Her Majesty's Revenue and Customs, the Audit Commission, the Serious Fraud Office, the Environment Agency, Health & Safety Executive etc....

To make a disclosure to persons other than the employer or other prescribed bodies it will only be considered to be a 'protected disclosure' if the whistle-blower:

- reasonably believes their employer would treat them unfairly if they made the disclosure to your employer or a prescribed person
- reasonably believes that their disclosure to the employer would result in the destruction or concealment of information about the wrongdoing
- have previously disclosed the same or very similar information to their employer or a prescribed person.

An Employment Tribunal (ie if the member of staff makes a claim as a result of subsequent victimisation or detriment arising from a whistle-blowing disclosure) must also think it was reasonable for them to make the disclosure. The Employment Tribunal will take into account:

- the identity of the person they made the disclosure to (eg, disclosing to a relevant professional body may be more likely to be considered reasonable than to the media)
- the seriousness of the wrongdoing
- whether the wrongdoing is continuing or likely to occur again
- whether their disclosure breached their employer's duty of confidentiality (eg if information they made available contains confidential details about a client)
- if they made a previous disclosure, whether they followed any internal procedures then, and the employer's action that followed such a previous disclosure

It is however unusual for a whistle-blowing concern to escalate to the point that an external disclosure or a tribunal claim is thought necessary by the member of staff.

15. What help can the governing body expect in looking at whistle-blowing issues?

Whistle-blowing is an important governance issue for any organisation and in schools and academies this will always be something that needs to involve governors in taking a lead role. However, it is always wise to contact an HR Advisor (or other external HR provider) when a whistle-blowing concern is raised by a member of staff. HR can offer confidential and general advice on following the procedure and determining whether it applies to a particular complaint.

However if the complaint clearly involves issues of bullying or unlawful discrimination against staff, it will be necessary to involve an HR Advisor to assist the investigation as early as possible.

If a complaint is about health and safety concerns then the LA's Schools H&S Advisor may be able to offer suitable H&S guidance to the nominated governor to aid an investigation.

For locally maintained schools professional advice assistance can usually be obtained from the Local Authority in respect of investigating any alleged financial irregularity or fraud. For Academies such matters may need to be referred instead to their own external auditor.