

St Mary's CE Primary Raising Concerns At Work (Whistleblowing) Policy – April 2017

Do everything in love



1 Corinthians 16:14

Learning to Love, Loving to Learn

Reviewed: April 2017

Approved by governors: Summer Term 2017

Date of next review: Autumn Term 2019

St Mary's Church of England Primary School is a warm, friendly and welcoming Church school that provides high quality education for all its pupils. As a Church school we hold our Christian values at the heart of everything we do. These are: Love; Respect; Determination; Courage; Compassion; and Honesty.

It is very important to us that the children are happy and experience the best education possible. We value strong links and a close partnership between home, church and school and recognise the importance of trust and shared responsibility in education.

Raising Concerns at Work (Whistleblowing) Policy

Rationale

At St Mary's Primary School we believe:

- that good communication between staff and volunteers at all levels throughout the school promotes better work practice and helps keep the staff, children and school safe;
- that schools should conduct themselves with honesty and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice;
- we have a responsibility and duty to take appropriate measures to identify such situations – to protect the interests of the staff and children at the school;
- encouraging staff and volunteers to raise genuine concerns about malpractice in the workplace should be done without fear of reprisal.

Introduction

The Raising Concerns At Work Policy ("Whistleblowing" – In the Public Interest) has been developed to comply with and fulfil the Public Interest Disclosure Act 1988. The Act introduced new rights for employees not to suffer detriment or dismissal for making a protected disclosure.

Policy Statement

"St Mary's Primary School, being part of Halton Borough Council, is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of victimisation, subsequent discrimination or disadvantage.

It is recognised that most cases will have to proceed on a confidential basis."

Implementation of the Policy and Procedures for Raising Concerns

At St Mary's Primary School the working definition for whistleblowing is "the act of raising concerns about misconduct within".

Our school undertakes to act in accordance with UK legislation on disclosure of malpractice in the workplace and to take steps to protect its workers from detrimental treatment or dismissal if they are raised in good faith.

The overall authority for this policy rests with the Headteacher – and it applies to all employees and volunteers.

All staff and volunteers at St Mary's Primary School are responsible for the success of this policy and should ensure that they take steps to disclose and wrongdoing or malpractice of which they become aware immediately.

Our school has introduced these procedures to enable employees and volunteers to raise or disclose concerns about malpractice in the workplace at an early stage and in the right way. They apply in all cases where there are genuine concerns, regardless of where this may be and whether the information involved is confidential or not.

At St Mary's Primary School the term 'malpractice' includes, but is not exhaustive of:

- criminal offences;
- breaches of legal obligations (including negligence, breach of contract, breach of administrative law);
- miscarriages of justice;
- health and safety;
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption;
- safeguarding children;
- sexual, racial, emotional or physical abuse of employees or volunteers;
- the concealment of any of the above.

If an individual raises a genuine concern and is acting in good faith, even if it is later discovered that they are mistaken, under this policy they will not be at risk of losing their job or suffering any form of retribution as a result. **This assurance will not be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice.**

How to Raise a Concern

As a first step a concern should normally be raised with an immediate manager or his/her superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it were believed that the line manager is involved in the alleged malpractice in some way, the matter should be raised with the Headteacher. In circumstances where it would be inappropriate to approach either your line manager or Headteacher, the matter may be raised directly with the Chair of Governors. *If senior management and/or governors are involved, then an approach to the Legal Director, as Monitoring Officer for the Local Authority, would be appropriate*

Concerns may be raised verbally or in writing and should include full details and, if possible, supporting evidence.

You must state that you are using the Whistleblowing Policy and specify whether you wish your identify to be kept confidential.

Employees who wish to make a written report are invited to use the following format:

1. The background and history of the concern (giving relevant dates);
2. The reason why there is particular concern about the situation.

The earlier an expression of concern is made the easier it is to take action.

Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

Employees may wish to consider discussing their concern with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

Employees may invite their trade union/professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

Support for Whistleblowers

Once a disclosure is made, a member of the Senior Leadership Team will be allocated as your key contact to keep you up to date with the matter and provide any specific support that you may need. No member of staff who raises held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment within the workplace as a result of raising a concern under this procedure, you should inform your allocated member of the SLT immediately. *Workers who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.*

How a Disclosure Will Be Handled

1. At St Mary's Primary School all disclosures will be taken seriously and the following procedures will be used: If you have any personal interest in the matter you have raised you must disclose this at the outset. This procedure is not intended to replace the Grievance Procedure, which continues to be the appropriate way to raise personal issues relating to your specific job or employment.
2. Your disclosure under this policy will be acknowledged in writing confirming that the matter will be investigated and that your line manager will get back to you in due course.
3. A suitable person will be identified to manage to disclosure. This will be someone who is in a position to take any necessary action as an outcome, usually the Headteacher.

4. The Headteacher will conduct an investigation into the allegation (they will have had no previous involvement in the matter). We aim to start the investigation within two weeks of the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
5. You may be asked to provide more information during the course of the investigation.
6. The investigation report will be reviewed by the person managing the disclosure.
7. Appropriate action will be taken – this could involve initiating a disciplinary process, or informing external authorities if a criminal action has been committed e.g. fraud or theft. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.
8. If it is found that there is not sufficient evidence of malpractice, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be more appropriate for the manager to take a more informal approach to dealing with the matter.
9. You will receive written notification of the investigation, though not all the details or a copy of the report.
10. Possible outcomes of the investigation could be that:
 - The allegation could not be substantiated.
 - Action has been taken to ensure that the problem does not arise again. You will not, however, be given details about the action taken as this could breach the human rights of the person(s) involved.
11. If you are not satisfied with the response you have received you should raise the matter with the Chair of Governor outlining your reasons.
12. If you have asked to remain anonymous, care will be taken to respect this request (see section on confidentiality above).

Corrective Action and Compliance

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable our school to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. Governors will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required.

False Disclosures

St Mary's Primary School will treat all disclosures of malpractice seriously and protect staff who raise concerns in good faith. However, appropriate disciplinary action will be taken in accordance with the Disciplinary Procedure against any employee or volunteer who is found to have made a disclosure maliciously that they know to be untrue, or without reasonable grounds for believing that the information supplied was accurate. This may result in dismissal.

Any questions or concerns regarding this policy should be made to the Headteacher.