



Lings Primary School

Whistleblowing Policy

Date of Last Review: May 2017

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1 What is the purpose of this policy?

Lings Primary School and its Governing Body are committed to the highest standards of openness, probity and accountability. In line with this commitment the School encourages employees with serious concerns about any activity in the School to voice those concerns. This also applies to concerns about the actions of staff and Governors and external organisations in their dealings with the School. This policy is provided as a reference document to outline how issues can be raised internally and, if necessary, outside the management structure of the school; it documents our assurance that concerns will be seriously considered and appropriate action taken.

Additionally, it provides the basis on which workers can raise serious concerns they may have, and receive feedback on action taken, allows workers to take the matter further if they are dissatisfied with the School's response, and outlines the protection from reprisals or victimisation for 'whistle-blowing' in good faith.

2. What is the Policy?

There are existing procedures in place to enable employees to raise grievances about their own employment. This Policy is intended to cover concerns that fall outside the scope of individual grievances and relates to both employees and workers. 'Qualifying disclosures' i.e. those which would be raised under this policy, are disclosures of information which a worker reasonably believes to show that one of more of the following is either happening at the present time, took place in the past or is likely to happen in the future:

- (i) a criminal offence
- (ii) the breach of a legal obligation

- (iii) a miscarriage of justice
 - (iv) a danger to the health or safety of any individual
 - (v) damage to the environment
- or deliberate covering up of information tending to show any of the above five matters.

An employee does not have to raise a grievance in order to make a protected disclosure; however, if the employee intends to raise the matter as a grievance, this intention must be clearly stated.

3. What safeguards are there?

In making the disclosure, a worker must have a reasonable belief that the information disclosed shows one or more of the offences or breaches listed above. The belief need not be correct, but the individual must show that they held the belief and that it was a reasonable belief, in the circumstances, at the time of the disclosure.

Individuals are encouraged to come forward in good faith with genuine concerns in the knowledge that they will be taken seriously. The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice. As far as possible the School and the Governors will seek to respect the confidentiality and anonymity of the individual raising the concern and will seek to protect him/her from reprisals. In this regard, neither the School nor the Governors will tolerate any harassment or victimisation of the individual who has raised the concerns, nor will any attempt to prevent individuals from raising concerns in good faith be acceptable.

4. Confidentiality

The School and Governors encourage workers to put their name to allegations made. Concerns expressed anonymously are much less powerful as the ability of the School or Governors to gather crucial information from the complainant is not possible. However, such complaints will be considered at the discretion of the School and the Governing Body. In exercising this discretion, the factors to be taken account of will include:

- the seriousness of the issue raised,
- the credibility of the concern, and
- the likelihood of being able to confirm that the allegation is from attributable sources,
- the ability to trace the source of unfounded or malicious allegations.

The School and Council will endeavour to protect the identity of workers who raise concerns and do not want their name to be disclosed. It must be appreciated, however, that the investigation and statements made by the worker(s) who raised the issue may reveal the source of the information.

5. How do I raise a concern with the School or Governors?

The earlier concerns are expressed by workers, the easier it is to take action. As a first step, the School encourages workers to initially raise concerns with their Head Teacher and to allow those school staff and Governors in positions of responsibility and authority an opportunity to address the issue and seek an explanation for the behaviour or activity. This will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved. Workers who feel that they cannot approach their Head Teacher should approach either:

Chair of Governors

Northampton Primary Academy Trust Partnership (NPAT)

If the employee so wishes, advice may also be sought from a Trade Union or Professional Association. The employee should consider who would be the most appropriate person to deal with the matter. Concerns raised under this policy should, where possible, be submitted in writing, setting out the background and history of the concern, giving names, dates and places, and the reason why the individual is concerned about the situation. Workers who do not feel able to put their concerns in writing can telephone or meet the appropriate manager in line. Workers may invite their trade union or professional association to raise the matter internally on their behalf.

6. How will the School/Governors respond?

The action taken by the School and/or Governors will depend on the nature of the concern. The matters raised may for example:

- be investigated internally,
- be referred to the Police, or other appropriate body
- be referred to NPAT, or
- form the subject of an independent inquiry

In order to protect individuals, the School and the Governors, will carry out a preliminary investigation to establish the facts of the matter, to establish if the concern has any foundation and whether it can be resolved internally.

- Concerns or allegations which fall within the scope of specific procedures (for example, child protection or unlawful discrimination issues) will normally be referred for consideration under those procedures.
- Some concerns may be resolved by agreed action without the need for further investigation.

- The preliminary investigation may identify the need to involve third parties to provide further information, advice or assistance; for example, the involvement of other members of school staff, legal or personnel advisors, the police, the Governors, NPAT, the Department for Education or other appropriate body.
- Records will be kept of work undertaken and actions taken throughout the investigation. The investigator(s), possibly in conjunction with the Governing Body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral.

Within 14 working days of a concern being received, the Chair of Governors or appropriate School representative will write to the employee who raised the issue:

- (i) acknowledging that the concern has been raised,
- (ii) indicating how it is proposed to deal with the matter, where possible, giving an estimate of how long it will take to provide a final response, and
- (iii) telling the employee whether further investigations will take place, and if not, why not.

The amount of contact between the investigator(s) considering the issue and the employee who has raised the issue will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee. When any meeting is arranged with the employee, he or she will be given the right to be accompanied by a trade union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

The School and Governors accept that workers need to be assured that the matter has been properly addressed. Thus, subject to legal

or contractual constraints, workers will receive appropriate information about the outcomes of any investigations. Dependent upon the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the Governing Body and NPAT.

7. What happens if I am not satisfied with the action?

This policy is intended to provide workers with an avenue to raise relevant concerns within the School. If the employee is dissatisfied with the resolution of the matter, or has genuine concerns that the matter has not been dealt with appropriately, these concerns should initially be raised with the investigating officer, the Governing Body or directed to NPAT. Where the concern is of a particularly serious nature, the employee may feel that it is more appropriate to take the matter outside of the School or NPAT. There are a number of bodies which have been prescribed by the Secretary of State for the purpose of receiving disclosures. Again, any disclosure made to a prescribed person must be made in good faith and the worker must believe that the information given and the allegations made are substantially true and ensure that they are not acting for personal gain. Appendix 1 provides details of some of the bodies that have statutory functions and are able to provide authoritative advice and guidance to workers about matters disclosed to them.

If a worker does take the matter outside of the School or NPAT, they must ensure that they do not disclose confidential information which is unrelated to the issue being raised. In making a disclosure outside of the School or NPAT, workers should be aware that at least one of the following conditions must be met.

- (i) The worker must reasonably believe that he/she would be subjected to a detriment by their employer if the disclosure were made to the School or NPAT.

- (ii) In the absence of an appropriate prescribed person, the worker reasonably believed that disclosure to the School or NPAT would result in the destruction or concealment of information about the wrongdoing.
- (iii) The worker had previously disclosed substantially the same information to his employer or to a prescribed person.

8. Raising unfounded or malicious concerns

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee. However, if an employee makes an allegation which is malicious, mischievous or vexatious, or makes a disclosure for personal gain, such actions will be considered as disciplinary offences and are likely to result in disciplinary action being taken against the employee.

Whistleblowers making untrue allegations may expose themselves to actions for libel or slander which together make up the civil wrong of defamation. This is a complex area of law. In essence a person puts themselves at risk of being sued for damages if, without justification, they publish or communicate a false accusation statement about someone which may injure his or her reputation in the eyes of ordinary members of society. However, a whistleblower will not generally be liable provided that they had a legal, moral or social duty or interest in making the statement to a person with a similar interest.

9. Responsible Officer

The Chair of Governors has overall responsibility for the maintenance and operation of this policy. That person maintains a record of concerns raised and the outcomes and will report as necessary to the Governing Body and NPAT.

Appendix 1 LIST OF EXTERNAL PRESCRIBED PERSONS

Prescribed Persons	Matters in respect of which the person is prescribed:	Contact
<p>The Audit Commission for England and Wales (including auditors appointed by the Commission).</p>	<p><i>The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies</i></p>	<p>The Audit Commission 1 Vincent Square London SW1P 2PN Tel: 020 7630 1019</p>
<p>The Certification Officer</p>	<p><i>Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations</i></p>	<p>Certification Officer Brandon House 180 Borough High Street London SE1 1LW Tel: 020 7210 3734/3735 Fax: 020 7210 3612</p>
<p>The Charity Commissioners for England and Wales</p>	<p><i>The proper administration of charities and of funds given or held for charitable purposes</i></p>	<p>Charity Commission Liverpool Head of Operations 2nd Floor 20 Kings Parade Queens Dock Liverpool L3 4DQ Tel: 0870 3330123 Fax: 0151 703 1556</p>

Chief Executive of the Criminal Cases Review Commission

Actual or potential miscarriages of justice (The Commission has responsibility for these matters in respect of England, Wales and Northern Ireland)

Criminal Cases Review Commission
Alpha Tower Suffolk Street
Queensway Birmingham B1 1TT
Tel: 0121 633 1800 Fax: 0121
633 1804 Email: info@ccrc.gov.uk

Independent Police Complaints Commission

Matters relating to the conduct of a person serving with the police (as defined in section 12(7) of the Police reform Act 2002) or of any other person in relation to whose conduct the Independent Police Complaints Commission exercises functions

Independent Police Complaints Commission
90 High Holborn
London WC1V 6BH Tel: 020 7166
3000

Appendix 2: ADVICE AND INFORMATION

(a) Advisory, Conciliation and Arbitration Service (ACAS)

ACAS operates a nationwide network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law. The service is available to any individual or organisation free of charge. Any worker who contacts ACAS will wish to bear in mind the distinction between seeking information about the provisions of the Public Interest Disclosure Act 1998, and the requirements attached to making a protected disclosure.

ACAS East Midlands Office
Lancaster House
10 Sherwood Rise
Nottingham
NG7 6JE
Tel: 0115 985 8253

General Helpline numbers

08457 47 47 47	Monday - Friday 08:00 - 18:00
08456 06 16 00 for Minicom users	Monday - Friday 08:00 - 18:00

(b) Public Concern at Work

Public Concern at Work is an independent organisation which can provide guidance and training to employers on whistleblowing and can also offer free advice to employees unsure whether or how to raise a concern about workplace wrongdoing.

Public Concern at Work
Suite 301 16
Baldwins Gardens
London EC1N 7RJ

Telephone (general enquiries and helpline): 020 7404 6609
Fax: 020 7404 6576

Email: UK enquiries: whistle@pcaw.co.uk
helpline@pcaw.co.uk
services@pcaw.co.uk

Confirmatory Signatures

Signed.....Head Teacher

Signed.....Governor

Approved on.....

To be reviewed on.....