

WHISTLEBLOWING
POLICY
FOR SCHOOLS

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1. Introduction

- 1.1 St Alban's Catholic Primary and Nursery School is committed to the highest possible standards of openness, probity and accountability. We expect that Governors and Staff at all levels will protect the School and its resources and lead by example, ensuring high standards of personal conduct and adherence to the School's Policies, Procedures and Rules.
- 1.2 In line with this commitment, we encourage employees, workers, elected members, school Governors, partners, service users and citizens with any concerns about any aspect of the School's work to come forward and voice those concerns.
- 1.3 Decisions as to whether to raise your concerns can often be difficult to make. This policy outlines the Whistleblowing process for all parties.
- 1.4 We will take all appropriate measures to protect the School, including its children, and public funds and to reduce the risk of an irregularity occurring from either internal or external sources. Whenever an irregularity of any description is discovered, it will be investigated and prosecution, disciplinary and recovery action will be taken as appropriate. The action we take will be influenced by the irregularity or concern raised.

2. Our aims

- 2.1 This Whistleblowing Policy is intended to encourage and enable you to raise any concerns within the School, without fear of reprisals, rather than overlooking a problem or blowing the whistle outside. The procedure allows school based employees and others to raise concerns about the management of the school with the Governing Body or Local Authority. Where the school is a Maintained School, as the Local Authority employs the staff, concerns over the governance of the school can also be raised with the Local Authority. For non-maintained Academies, advice can be sought from the Education and Skills Funding Agency if you are not satisfied with the response by the School whilst the term "Whistleblower" usually refers to an employee, we intend this policy to be used by anyone wishing to raise a concern.
- 2.2 Please note this policy mirrors the Council's Whistleblowing Policy as it goes further than the legal requirement to cover employees only. Schools may decide to extend this to non-employees as the Council has done. It is for the school to decide which process is appropriate even if initially brought under the Whistleblowing process.
- 2.3 This policy aims to:
 - Provide avenues for you to raise concerns and receive appropriate feedback on any action taken;
 - Allow you to take the matter further if you are dissatisfied with the School's response. and
 - Reassure you that you will be protected from possible reprisals or victimisation for Whistleblowing providing that you have a reasonable belief that you have made a disclosure in the public interest. (Please note that the Public Interest Disclosure Act 1998 allows for specific protection for employees and workers that whistle-blow. Whilst this act does not extend to other parties, we aim to reassure all those who raise concerns that we take reprisals and victimisation extremely seriously).

What concerns are covered?

2.4 Whistleblower or Complainant?

2.5 Whistleblowing is basically the act of reporting concerns of wrong-doing so that they may be investigated and acted upon. The term whistle-blower is typically reserved for employees that whistle blow about actual or suspected wrongdoing within their own organisation. This policy is intended to cover employees, Governors, parents, elected members, partners customers or citizens. Whistleblowing however, is not the same as a complaint.

2.6 A way to establish whether an individual raising a concern is a 'whistle-blower' or a 'complainant' is to consider the nature of the concern.

- If the concern is about wrong doing and affects others, e.g. the general public and not just one individual, family or household, then you are likely to be a whistle-blower
- If the concern affects only yourself, your family or household and is not about wrongdoing, then you are likely to be a complainant.

2.7 This Whistleblowing Policy is intended to cover concerns and malpractice that fall outside the scope of other procedures such as something that:

- Is unlawful; or
- Is against the school's policies and procedures; or
- Falls below established standards or practice; or
- Amounts to improper conduct.

2.8 Examples of concerns and malpractice in this context may include:

- **Corruption or Bribery** - including offering or accepting a reward for performing or failing to perform an act which leads to a gain for the person offering the bribe.

E.g. the offering or acceptance, by any School official or representative, of any incentive for them to do something that they should not such as make a decision contrary to policies or procedures, disclose information that they should not or provide or deny services contrary to policies or entitlements.

- **Theft** - the dishonest taking of property belonging to another person with the intention of depriving the owner permanently of its possessions or their use.

E.g. the theft of asset / goods / stocks, misuse grants and public funds for purposes other than they were made available or theft of cash or equipment.

- **Fraud** – fraud is an act of deception intended for personal gain, or to cause a loss to another party. The general criminal offence of fraud can include:

- deception whereby someone knowingly makes false representation in order to gain an advantage (this can include the intentional distortion of financial statements to conceal losses, mis-represent performance or conceal the misappropriation of assets)
- or they fail to disclose information for their own advantage
- or they abuse a position of trust for their own advantage

E.g. the dishonest completion of claim forms such as benefits or grants claims in order to secure a grant or benefit to which someone is not entitled. Dishonest completion of expenses claims or mileage claims, abuse of School services for personal use, dishonest awards of contracts to family or friends, dishonest

manipulation of performance information or targets to award pay increments or other incentives etc

- **Failure to observe, and breaches of, the law and statutory responsibilities** including;
 - Dangerous procedures risking health and safety to the public and/or employees,
 - Damage or the risk of damage to the environment by inappropriate, dishonest or negligent acts,
 - Abuse or bullying including children,
 - Abuse of or a failure to properly protect children by members of school staff and Governors either through their action or inaction,
 - Failure to observe, or breaches of the school's policies and procedures including Contract Procedure Rules and Financial Procedure Rules or other policies,
 - Inappropriate use of School assets such as vehicles, machinery, computers or software licenses.

2.9 Whilst the above examples are not exhaustive, it is clearly in the interest of all parties to identify any instances of these acts, deal with those responsible and take appropriate steps to prevent (where possible), such things from happening again. Whistleblowing concerns are always serious issues and will be treated as such.

2.10 **Examples of complaints and issues that fall outside of the Whistleblowing Policy are:**

- Employee grievances such as bullying or harassment;
- Disputes over pay, bills, leases etc (except where there are suspicions of wrongdoing);
- Dissatisfaction with a policy;
- Dissatisfaction with the quality or level of service received from the School (except where there are suspicions of wrongdoing);
- Dissatisfaction with a School decision (except where there are suspicions of wrongdoing).

There are existing procedures in place to enable service users to complain through the:

School's Complaints Procedure

(insert link here to the school's Complaints Policy)

The Grievance Policy / Procedure

This policy is for employees wishing to lodge a grievance relating to their own employment (Please note that this link will only work for employees accessing this information from the School's intranet site).

Dignity At Work Policy (Bullying and Harassment)

This policy is for employees wishing to report bullying or harassment at work.

2.11 **Modern Slavery** Modern slavery is the illegal exploitation of people for personal or commercial gain, often in conditions, which the victim cannot escape. The school is committed to ensuring that this exploitation does not occur in any of the school activities

and that staff and the public have the opportunity to report suspicions to the appropriate place. Staff or members of the public who suspect that modern slavery or human trafficking may be happening through any of the school activities, particularly in service delivery via third parties, should contact one of the officers listed in section 7. More information and advice can be found on the government's website on modern slavery: <https://www.gov.uk/government/collections/modern-slavery>

3. Employee/Worker protection

- 3.1 Employees are often the first to realise that there may be something wrong within the School. However, they may decide not to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This policy makes it clear that staff can report concerns without fear of reprisal. This policy is intended to encourage and enable staff to raise serious concerns within the School rather than overlooking a problem or blowing the whistle outside.
- 3.2 The School's policy is reinforced by the Public Interest Disclosure Act 1998 and provides statutory protection to employees and workers making disclosures. Protections are afforded to employees and workers where they report a concern provided they reasonably believe their claim is in the public interest. Employees and workers should not make a false or malicious allegation and not seek to gain personally from raising the concern. Action may be taken against those individuals that do.

4. Safeguards – Harassment and Victimisation

- 4.1 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 alleged malpractice. The School will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

5. Anonymous Allegations and Confidentiality

- 5.1 Any concerns you raise will be treated seriously, confidentially and will be investigated as appropriate. During our investigations, we will treat any information you give us confidentially. However, whilst we endeavour to protect you, we also need to ensure that we fairly investigate the concern. This may mean that some of the details passed to us need to be passed on to the person being investigated in the interests of a fair investigation / hearing. In these instances, we may not be able to investigate your concerns without revealing some of the details you give us. If you do wish to remain anonymous we will respect your wishes but it would be useful if you could provide us with a means of contact that does not reveal your identity that would allow us to obtain further information.
- 5.2 We will take all steps possible to protect your identity and confidentiality. Where it is not possible to investigate the concerns without compromising this, we will discuss this with you first. If you request to remain anonymous, all efforts will be made to ensure this is respected and if at all possible, the School, if requested, will not reveal its source.
- 5.3 Any concerns raised anonymously will still be considered, but it may not be possible in all cases to investigate them.
- 5.4 The factors to be taken into account in determining whether to proceed with an anonymous allegation would include –

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources without your information / statements.

6. Untrue Allegations

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.
- 6.2 If, however, you make malicious or vexatious allegations, legal or disciplinary action may be taken against you.

7. How to Raise a Concern

- 7.1 This depends on the nature of the concern, the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. Whistleblowing is always a serious matter and Whistleblowing routes should only be used to raise serious concerns. Please see section 3.4 for further information on the serious issues that should be raised under this policy.
- 7.2 Concerns are best raised as early as possible. The earlier you raise a concern, the easier it is to investigate and take action on. Early Whistleblowing minimises the impact on the School and its stakeholders.
- 7.3 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern. We request that you do not investigate the concern yourself in any way as this can sometimes compromise any evidence that we need to examine in order to investigate and take appropriate action on any concerns.
- 7.4 Please use the details below to contact us about your concern. Please note that you may invite your trade union, professional association or representative to assist you in raising a concern.

Emergencies

If the concern relates to an immediate endangerment to life or to suspected terrorism you should contact the police by telephone on 999.

- 7.5 Advice and guidance on how matters of concern may be pursued can be obtained from:
- Your line manager;
 - Headteacher;
 - Chair of Governors;
 - Your HR Provider;
 - Internal Audit (for maintained schools with the Local Authority employing staff);
 - The Monitoring Officer (for maintained schools with the Local Authority employing staff).
- 7.6 **Employee Whistleblowing** should be raised within the School (*detail here who to raise with ... Headteacher / Deputy Headteacher / Chair of Governors*).
- 7.7 For staff in Local Authority schools they can also raise the issues with the Council with either;
- The Monitoring Officer, Scott Fawcus TheMonitoringOfficer@doncaster.gov.uk.
 - Head of Internal Audit, Peter Jackson peter.jackson@doncaster.gov.uk

- Director of Corporate Resources, Debbie Hogg debbie.hogg@doncaster.gov.uk
- The Assistant Director of Human Resources, Communications and Executive Office, Jill Parker jill.parker@doncaster.gov.uk ; or
- The Chief Executive, Damien Allen damian.allen@doncaster.gov.uk

7.8 Any concerns in writing should include as much detail as you are able to provide. Where possible, please set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. The more information you provide us with, the better we are able to assess your concerns and determine the right course of action.

7.9 If you do not feel able to put your concern in writing, you can telephone or email the officers listed at 7.7. You do not have to give your name if you do not want to.

7.10 For Local Authority schools, an employee may speak in confidence to a Whistleblowing support officer located in Human Resources (who will be allocated on request from the Assistant Director of Human Resources, Communications and Executive Office) who can provide advice and support, independent from any investigation or process.

8. Concerns about safeguarding and the protection of vulnerable adults or children.

8.1 The School takes seriously its responsibilities regarding the safeguarding of vulnerable adults and children. Any concerns relating to safeguarding issues are likely to be dealt with via other policies and procedures.

8.2 Safeguarding concerns regarding children are dealt with by the Doncaster Children's Trust. Any concerns raised regarding children's safeguarding will be shared with the Children's Trust and may be investigated by the Trust rather than the School.

8.3 If you have concerns regarding abuse to vulnerable adults or children you may also contact the Safeguarding Adult and Children teams rather than using this policy. Information on raising such concerns has been linked to below.

Adults –

<http://www.doncaster.gov.uk/services/adult-social-care/safeguarding-adults-contents-page>

Children –

<http://www.doncasterchildrenstrust.co.uk/reporting-concerns-about-a-child>

9. How the School will respond

9.1 The action taken by the School will depend on the nature of the concern. The matters raised may:

- Be investigated internally (you will be advised if it is considered that the matter falls within the grievance or complaints or another procedure - the decision whether it falls outside of the Whistleblowing procedure will be taken in consultation with the Monitoring Officer and Assistant Director of Human Resources, Communications and Executive Office);
- Be referred to the Police;
- Be referred to the external Auditor;
- Form the subject of an independent inquiry.

- 9.2 Where a concern is about fraud, theft, bribery or corruption, Internal Audit Services will be notified and involved / consulted in any subsequent investigation. Internal Audit are required by professional standards to maintain a register of any such concerns and the results of any investigations into them.
- 9.3 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 and who should undertake it. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 9.4 Some concerns may be resolved by agreed action without the need for investigation.
- 9.5 Providing that you have given us contact details, we will write to you within 20 working days:-
- Acknowledging that the concern has been received;
 - Indicating how we propose to deal with the matter;
 - Giving an estimate of how long it will take to provide a final response;
 - Telling you whether any initial enquiries have been made, and
 - Telling you whether further investigations will take place, and if not, why not.
- 9.6 The amount of contact between those considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information originally provided. If necessary, further information / clarification will be sought from you.
- 9.7 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union or professional association representative or a representative who is not involved in the area of work to which the concern relates.
- 9.8 It is important for you, the whistle-blower, that concerns are properly reviewed and addressed. Whilst we must comply with relevant legislation including the Data Protection Act, we will keep you informed as to the outcome of any investigation. Please be aware that specific personal information relating to individuals cannot be released. This will include details of any action taken against individuals.

10. How the Matter can be Taken Further

- 10.1 This policy is intended to provide you with an avenue to raise concerns within the School. The School hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the School, the following are possible contact points:
- Relevant professional bodies or regulatory organisations;
 - Your solicitor;
 - The Police;
 - Public Concern at Work;
 - Trade Union/Professional Association;
 - The Local Government Ombudsman.

If you do take the matter outside the School, you need to ensure that you do not disclose information that is privileged or confidential to the School and if you are an employee, do not breach your obligations under the School's Code of Conduct for Employees.

11. Officer Responsibility

- 11.1 Within the Council, the Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer maintains a record of genuine concerns raised and the outcomes are reported as necessary to the Council, in a form that endeavours to maintain your confidentiality as far as possible.
- 11.2 Within your school the Chair of Governors will carry out the functions carried out by the Monitoring Officer. The Chair will report as necessary to the Governing Body rather than the Council in a form that endeavours to maintain your confidentiality as far as possible.
- 11.3 Any Local Authority School with staff employed by the Local Authority where a Local Authority Officer or Chair of Governors is receiving any concern will also report it to the Monitoring Officer at the Local Authority. This is because the Monitoring Officer has a statutory duty to consider any issue that has, or may, result in the Council being in contravention of the law or a code of practice.

12. Review and Monitoring

- 12.1 This policy will be reviewed and monitored on an annual basis. Governing Bodies should have particular regard to the identification of the number of incidents concerning those with protected characteristics under the Equality Act.
- 12.2 For Local Authority schools, the Monitoring Officer presents an annual report to the Audit Committee detailing the Whistleblowing complaints received in the year. A report is also produced by Internal Audit Services for the Audit Committee that details identified frauds and other corrupt activities uncovered. These reports can be accessed on the Council Chamber element of the website www.doncaster.gov.uk

13. Communications and Publicity

- 13.1 Training on and awareness of this policy, for all employees, will be through one or more methods e.g. the School's induction process, fraud awareness training, literature and team briefings.