

Federation of Shevington Primary Schools

Millbrook and Shevington Vale Primary Schools



Whistle Blowing Policy

Date approved by Governors- 2018

Review date: As Necessary

Shared with staff and approved by School's Governing Body – 3 March 2015
To be reviewed periodically

This policy document, as with all documentation relating to employment matters of the school, will be applied fairly, with a consistent approach, and in accordance with the School's Equal Opportunities commitment.

1. Introduction

Employees are often the first to realise that there may be something seriously wrong within their workplace environment. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. 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.

The Governing Body of this school and Wigan LA are committed to the highest possible standards of openness, probity accountability and to working in close partnership in resolving matters raised through this Whistleblowing Policy.

In line with these commitments, employees with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the school or the LA rather than overlooking a problem or blowing the whistle outside. However, the policy does not override any statutory rights an employee may have.

Please refer to Appendix A

2. Aims and Scope of this Policy

This Whistleblowing Policy aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken
- Allow employees to take the matter further if they are dissatisfied with the school or LA response: and
- Reassure employees that they will be protected from reprisals or victimisation for whistle blowing in good faith

There are existing procedures in place to enable an employee to lodge grievance relating to his/her own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures.

A concern within the scope of this policy may be about something that:

- Is unlawful
- Is against Wigan Council's Standing Orders relating to the use of public funds
- or
- and Financial Regulations
- or

Contravenes school policy or
Falls below established standards or practice or
Amounts to improper conduct

3. Safeguards

Harassment or Victimisation

The Governing Body and LA recognise 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 malpractice. The Governing Body and LA will not tolerate harassment or victimisation and will do what it lawfully can to protect employees when they raise concerns in good faith, including, where appropriate, undertaking disciplinary proceedings against those involved in victimisation or harassment.

This does not mean that if an employee is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of his/her whistle blowing.

Confidentiality

The Governing Body and the LA will do its best to protect the identity of an employee when a concern is raised and the employees do not want his/her name to be disclosed.

However, it must be appreciated 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, particularly if the Police or External Auditors or the /courts become involved. In order to take effective action, the Governing Body and / or LA will need proper evidence which may be required to stand up to examination in Courts or Tribunals.

Anonymous Allegations

This policy encourages employees to put their names to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Governing Body and LA.

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

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee raising the concern.

If, however, an employee makes a malicious or vexatious allegation, that is for no other purpose than to cause trouble or annoyance or, without good reason, is made to discredit the school, Wigan Council, Council Member or school employee, an investigation will take place to determine whether disciplinary action is taken.

4. How to raise a concern

As a first step, an employee should normally raise concerns with his/her immediate manager (eg. Head of Key Stage or Department, a member of the Senior Management Team or the Headteacher). This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if the employee believes that management is involved, an approach may be made to the Headteacher, Chair of Governors, School Link Adviser, the Director of Children & Young People's Services or the Chief Executive of the Council as he/she feels is appropriate.

Concerns are better raised in writing. Employees are advised to set out the background and history of the concern, giving names, dates and places, where possible, and the reasons why they are particularly concerned about the situation. If a member of staff does not feel able to put his/her concern in writing, he/she can telephone or meet the appropriate manager.

The earlier an employee expresses a concern, the easier it is to take action.

Although the employee is not expected to prove the truth of an allegation, he/she will need to demonstrate to the person contacted that there are sufficient grounds for concern.

Advice and guidance on how matters of concern may be pursued can be obtained from the Director of Children & Young People's Services.

An employee may invite a companion, who may be from his/her trade union or professional association, or a friend or legal representation to raise a matter on his/her behalf. (S)He may also have such a companion to represent him/her at any meeting which is held relating to his/her concern.

5. How the school will respond

The action taken by the school and/or LA will depend on the nature of the concern. The school and/or LA could decide that the matters raised may:

- be investigated internally
- be referred to the Police

- be referred to the External Auditor
- form the subject of an independent inquiry

In order to protect individuals, the school and Wigan Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

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

Within ten working days of a concern being received, the school/LA will write to the employee:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter, if possible at such an early stage;
- giving an estimate of how long it will take to provide a final response, if possible at such an early stage;
- indicating whether any initial enquiries have been made; and
- indicating whether further investigations will take place, and if not, why not.

The amount of contact between the school manager and/or the LA officer considering the issues and the employee raising the concern 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.

Where any meeting is arranged the employee raising the concern shall have the right if (s)he so wishes to be accompanied by his/her chosen companion who may be a trade union or professional association representative. That person cannot be directly involved in the area of work to which the concern relates.

The school and the LA will do what it lawfully can to minimise any difficulties that an employee may experience as a result of raising a concern. For instance, if the employee is required to give evidence in criminal or disciplinary proceedings, a Council officer will advise the employee about the procedure. However, neither Wigan Council nor the school can provide legal representation for the employee. Where appropriate, counselling may be provided through the LA.

The school and LA accept that employees need to be assured that matters they have raised have been properly addressed. Thus, subject to legal constraints, employees will receive information about the outcomes of any investigations.

6. How the matter can be taken further

This policy is intended to provide employees with an avenue to raise concerns within the school and/or LA. However, if an employee is not satisfied with this internal approach and feels it is right to take the matter outside, the following are possible contact points:

- a local Council member (if the employee lives in the area of Wigan Council)
- the Council's External Auditor
- relevant professional bodies or regulatory organisations
- a Solicitor
- the Police

OFSTED 0300 123 1231

LADO 01942 487034

It will be safe to raise a concern with any of the above, provided that the employee:-

- a) makes the disclosure in good faith
- b) reasonably believes that the information disclosed, and any allegation contained in it, are substantially true
- c) does not make the disclosure for the purposes of personal gain

If an employee makes allegations which (s)he has no grounds to believe are true, or maliciously or for personal gain then the employee could face defamation proceedings or a prosecution for wasting Police time. If an employee decides to address his/her concerns by going to the Press or the media (s)he may face defamation proceedings if the allegations are unfounded.

7. The Statutory 'Monitoring Officer'

The Director of Legal Services and Solicitor to the Council is the 'Monitoring Officer' for the Council as defined in statute. In this role, she has ultimate responsibility for monitoring the operation of this policy and is required to maintain a record of concerns raised and outcomes.

The Monitoring Officer is required to report to the Council as necessary and appropriate.

If requested, the Monitoring Officer will do all she lawfully can to protect the identity of the employee raising the concern. However, the employee should be aware that, in certain circumstances, she may be obliged to disclose the employee's name to the Police, the External Auditor or the Courts.

- *The contents of this document will be brought to the attention of existing and newly appointed staff on a regular basis.*
- *The document will be available for reference purposes within the copy of Wigan LA's 'Employment Handbook for Schools' retained within the school staff room and on Wigan Council's intranet at*

Appendix A

Please refer to the 20 Principles and Actions as detailed by Sir Robert Francis in the Freedom to speak up Review February 2015