

Procedure for Protected Disclosures (Whistle Blowing Policy)

Date Reviewed:	January 2018	Next Review:	January 2019
Committee responsible for Policy review:	FGB	Linked Policies:	Information sharing and confidentiality Safeguarding and Child Protection Staff Code of Conduct Health and Safety Financial policies and guidelines Equality Policy Capability Procedure Pay Policy Performance Management

Introduction

This procedure has been designed to operate in accordance with the provisions of the Public Interest Disclosure Act 1998, which gives protection to people who disclose reasonable concerns about serious misconduct or malpractice at work. This is sometimes known as **Whistle blowing**.

The procedure applies to all staff in the school and is intended to encourage staff to raise concerns within the school as a first priority, rather than make a wider disclosure outside of the school.

Principles

The Governing Body of the school will treat all matters of malpractice very seriously and responsible allegations about such matters will be dealt with quickly, seriously and with appropriate confidentiality.

In order to meet the requirements of the Act, in addition to staff in schools, the procedure is applicable to agency staff, students on placements, supply staff, volunteers, contractors and suppliers operating under contract to the school. The term “employees” in this procedure is intended to cover all of these categories of people.

This procedure should not be confused with other existing procedures such as the individual or collective grievance procedures that exist to enable employees to raise concerns about their own employment. It is designed to deal with major issues that fall outside of the scope

of those procedures. Therefore, any matter which is more appropriately covered by those procedures is excluded from being considered under the “Whistle blowing” procedure.

Examples of the type of issue that would fall within the scope of this procedure are:

- Conduct which is a criminal offence or a breach of the law
- Sexual or physical abuse of pupils or others
- Major health and safety risks – to staff or members of the public
- Fraud and/or corruption
- Other unethical conduct of a serious nature

The Act also covers issues relating to miscarriage of justice and environmental damage.

The procedure gives protection to people who, in good faith, make such a disclosure, from victimisation, discrimination or disadvantage. It also ensures employees receive an appropriate response to their disclosure and are aware of how they may pursue the matter outside of the County Council if this response is not satisfactory.

It is acknowledged that there are some circumstances in which there may be a statutory requirement to report information to an external agency, such as the police.

Disclosures made under this procedure are likely to be of a sensitive nature and all parties should preserve confidentiality at all times.

Representation

Employees are entitled to representation by a professional association/trade union representative or a ‘friend’, who will normally be another employee, at any meetings or interviews that are held in relation to the disclosure made. Employees should specify that they are making a disclosure under this procedure.

The individual manager hearing the disclosure is encouraged to take advice from Education Personnel Services who may involve other departments of the County Council where appropriate.

Time limits

There are no time limits on raising concerns under this procedure, but they should be raised at the earliest practicable opportunity, since delays in making a disclosure may prevent a full investigation from taking place. Where time limits are included within this procedure, they are there to ensure that disclosures are dealt with as quickly as possible, and to ensure that there is a prompt initial response from management.

The investigation that takes place after a disclosure is made is not time limited, but will be conducted as quickly as possible within the circumstances of the disclosure.

Untrue allegations

If an allegation is found to be untrue, but the employee has made the allegation in good faith, no action will be taken against the employee. However, employees who make allegations maliciously, frivolously or for personal gain may face disciplinary action.

Model Procedure

Raising a concern

In the first instance, concerns under this procedure should be raised with the employee's immediate supervisor, who should then deal with the problem as quickly as possible. If the employee believes that their immediate supervisor is involved in the malpractice, they may raise their concerns with a more senior member of staff, including the Headteacher. If the employee believes it is not appropriate to raise the matter with the Headteacher, he/she may approach the Chair of Governors.

Within ten working days of a concern being raised, the person hearing the concern will write to the employee to acknowledge that the concern has been received. They should also indicate what initial steps they intend to take to deal with the matter and, where possible, provide an estimate of the time it will take to provide a final response.

Concerns may be raised orally or in writing, although written submissions are preferred wherever possible. These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information, etc. Employees must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Although employees who wish to make an anonymous disclosure may do so, it may be important for the investigating manager to know the source of the information for a full and appropriate investigation to be possible. Furthermore, the manager would need to take into account the nature and credibility of an allegation before deciding whether to proceed with an investigation. However, employees should be re-assured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity. The Act provides protection against victimisation of anyone who makes a protected disclosure in good faith.

Resulting action

Following a disclosure made under this procedure, enquiries will be made to establish the validity of the allegations. If they are found to be true, the appropriate action will be taken, which may include:

- A full internal investigation, possibly resulting in disciplinary action
- Referral to Social Services or the Police
- Referral to Internal Audit or other County Council departments.

Subject to legal constraints and the need to protect the rights of individuals, the employee raising the concern will be informed of the outcome of any investigation at the earliest practicable opportunity, to reassure them that appropriate action has been taken. Such information will not include confidential details about formal action taken against another employee.

For reasons of sensitivity and confidentiality, all communications with an employee who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

Taking the matter further

In the event that an employee feels that their concerns have not been resolved through the above process, they may write to the Chair of the Governing Body, if he/she has not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of Governors will write to the employee to acknowledge that the concern has been received and indicate what steps will be taken to deal with the matter, as well as providing an estimate of the time it will take to provide a final response. The Chair of Governors may decide to set up a small group of governors, where appropriate, to investigate the concerns. The Chair of Governors will then inform the employee of the outcome of this process on the same basis as required of the manager above.

In the event that the matter cannot be satisfactorily resolved within the school, the employee may raise their concerns, in writing, within the County Council's Children's Services Department, in the following order:

1. with the Area Director
2. with the Director of Children's Services
3. with the Chief Executive

These officers will follow the same basic procedure outlined above in the same timescales and will feed back the outcome to the individual employee.

Action and support outside of the County Council

If an employee is dissatisfied with the response of the Governing Body and the County Council, and subject to the concern being a matter covered by the Act, he /she can raise the matter, as appropriate, with one of the following agencies:

- An elected Member of the County Council
- A local Member of Parliament
- The Police
- Public Concern at Work (0207 4046609 or www.pcaw.org.uk)
- A relevant professional body or inspectorate
- Local Government Ombudsman
- Diocesan Director of Education (for staff in Voluntary Aided Schools)

In taking their concern outside of the County Council, employees must ensure that, as far as possible, the matter is raised without personal information relating to other employees being disclosed.

An employee who approaches an accredited legal advice centre, e.g. Public Concern at Work or Citizens Advice Bureau, does not breach the duty of confidence in this procedure to the governing body or the County Council.

Failure to follow this procedure

Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

Approvals

Date Reviewed:	
Signed:	
Position	