

Whistleblowing Policy

Introduction:

Parkinson Lane C P School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees with certain concerns about any aspect of the school's work to come forward and voice those concerns as set out below. It is recognised that certain cases will have to proceed on a confidential basis. This policy makes it clear that employees can do so without fear of reprisals. The policy is intended to encourage and enable employees to raise concerns within school rather than overlooking a problem or reporting it outside. It should be read in conjunction with the Anti-fraud and Corruption Policy.

The policy will help us to comply with the Public Interest Disclosure Act 1998 (the 1998 Act) and the Employment Rights Act 1996 (the 1996 Act) and set out procedure for employees to follow to comply with the Acts.

Aims:

We will protect you from detriment in accordance with the Public Interest Disclosure Act 1998, that is from reprisals or victimisation for "whistleblowing" where the disclosure is made in good faith and relates to a concern set out in the policy.

We will also protect employees under certain provisions contained in the Employment Rights Act 1996 who take action over or raise concerns about health and safety at work.

Responsibility:

The Governing Body (GB) has overall responsibility for the maintenance and operation of this policy and maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality).

Whistleblowing under the 1998 Act:

Whistleblowing disclosures are protected when they relate to any action that is a criminal offence; relates to a failure to comply with a legal obligation; is about a miscarriage of justice; is about endangering the health and safety of another; is about damage to the environment; indicates that there is or is likely to be concealment of any of the matters set out above.

This does not stop you from raising other issues of concern with your line manager, but you must

not voice them outside the school. This does not stop you obtaining your own legal advice.

Employees who whistleblow will be protected by the school and confidentiality will be maintained.

Whistleblowing under the 1996 Act:

Where an employee believes there is serious and imminent danger which they cannot reasonably be expected to prevent, they are protected from suffering a detriment or being unfairly dismissed if this danger necessitates leaving work, refusing to return or taking appropriate steps to protect themselves or others from the danger.

How to raise a concern:

Concerns should be raised in writing, setting out the background and history of the concern, giving names, dates and places where possible, and the reason why the situation is of particular concern. A form is available (see Appendix A) from the school office.

The earlier the concern is expressed the easier it is to take action. A Trade Union representative can be involved at this stage.

Although proof of the allegation is not expected there is a need to demonstrate sufficient grounds for the concern. Advice and guidance on how matters of concern may be pursued can be obtained confidentially by ringing the Council's Fraud hotline on 01422 393568.

As a first step you should raise concerns in good faith within the school, normally with the Head Teacher or, if the complaint is about the Head, the Chair of Governors, either directly or via the GB Clerk. Concerns can be taken directly to the Council. However, you are encouraged to initially raise your concern within school.

You may however make a disclosure to a prescribed person, in good faith where you reasonably believe that the failure or malpractice falls within that person's remit and that your allegations are substantially true. A list of the most relevant prescribed persons is set out at the end of this policy.

If you make a whistleblowing disclosure to anyone else (for example the Press) you must make it for all the following reasons:

- in good faith,
- in the reasonable believe that the information disclosed and any allegation, contained in it are substantially true,
- not for personal gain,
- in the reasonable belief that the school or Council may subject you to a detriment or will conceal or destroy the evidence,
- AND in all the circumstances of the case it is reasonable to make the disclosure.

THE ABOVE IS AN EXCEPTIONALLY HIGH STANDARD TO MEET AND EMPLOYEES ARE ADVISED NOT TO FOLLOW THIS COURSE OF ACTION because the courts will have regard to:

- the reasonableness of the disclosure to this person / the Press
- the seriousness of the failure
- whether there is a breach of confidentiality; and
- whether you have followed the whistleblowing procedure set out in this policy.

If you fail to comply with the above requirements regarding disclosure the law will not protect your actions and the Council may consider disciplinary action against you including gross misconduct.

SAFEGUARDS

Harassment or Victimisation:

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 failure or malpractice. The school will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

However, this does not mean that if you are already the subject of Disciplinary, Grievance or Redundancy procedures, those procedures will be halted as a result of your disclosure.

Confidentiality:

The school will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. The investigation process may, however reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous allegations:

This policy strongly encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful and less likely to be effective, although they may be considered at the discretion of the governors.

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

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from named individuals or other sources of information.

Untrue or malicious allegations:

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, malicious or vexatious allegations may lead to disciplinary action including procedures for gross misconduct.

How will Parkinson Lane C P School respond?

The action taken depends on the nature of the concern. The matters raised may be subject to:

- internal investigation
- referral to the police
- referral to the External Auditor
- consideration by the Standards Board for England
- consideration under the Disciplinary Procedure if the matters relate to an employee.

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. Concerns or allegations that fall within the scope of other specific procedures (for example child protection) will normally be referred for consideration under those procedures.

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

Within 10 working days of a concern being received, school governors will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a response
- telling you whether an initial enquiry has been made
- telling you whether further investigations will take place, and if not, why not.

The amount of contact between the officer considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, we will seek further information from you.

When any meeting is arranged with the investigating officer you have the right if you so wish to be accompanied by a Trade Union representative or a colleague of your choice.

The school will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings advice will be given about the procedure.

The school accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal and confidentiality constraints, you will receive information about the outcomes of investigations.

Who are the "Prescribed Persons"?

This policy is intended to provide you with an avenue to raise concerns within the school. The governors hope that you are satisfied with the internal procedure. If you are not and your allegations are substantially true and you feel it is right in good faith to take the matter outside the school, the following are permissible contact points for their areas of regulatory activity:

- Audit Commission - the proper conduct of public business, value for money, fraud and corruption.
- Inland Revenue - income tax, maternity and sick pay, tax credits, child benefits, collection of student loans and the national minimum wage;
- Environment Agency - matters affecting the environment or the management or regulation of the environment, including pollution;
- Food Standards Agency - matters which may affect the health of any member of public in relation to the consumption of food and any other matters concerning the protection of the interests of consumers in relation to food;
- Health and Safety Executive - matters which may affect the health and safety of any individual at work or member of the public in connection with the activities of persons at work;
- Information Commissioner - compliance with the requirements of legislation relating to data protection and freedom of information;
- Occupational Pensions Authority - matters relating to occupational pension schemes.

Date taken to Headteacher	Date taken to Staff	Governor Approval
2016	2016	16 May 2016

Approved by the Governing Body on16 May 2016....

Signed by: Chair or Vice Chair of Governors

STRICTLY CONFIDENTIAL

APPENDIX A

Parkinson Lane C P School

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

Report Form	
Name of employee making report (You are encouraged to inset your name but may choose not to - the recipient of the Form will attempt to preserve confidentiality).	
<i>Person(s) reported</i>	
<i>Concerns reported</i> (Give full details of the background to the concern; dates and places; and the reasons why you are concerned - ATTACH A SEPARATE SHEET IF NECESSARY)	
<i>Date</i>	
Signed (If employees' name appears above)	