

Whitby Heath Primary School



Whistleblowing / Allegations against Staff Policy

Adopted from CWAC standard policy

Policy written	September 2023
Agreed by Governors	September 2023
Next Review	September 2024
Head teacher	Mr S Wright 
Chair of Governors	Mr N Lacey

**Supported by an A4 summary located in several areas in school
and issued to all new staff**

Whistleblowing

Our whistleblowing procedure follows the Local Authority Model Policy for Whistle-Blowing. It enables staff to report, confidentially, serious concerns about any aspects of the school's work which you suspect involves criminal behaviour or other specific forms of malpractice – damage to the environment, for example, or action that threatens health and safety.

Provided that you act in good faith, and that you have a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur, you can disclose your concerns, using this procedure, and be protected by law from victimisation or dismissal.

The law in question is the Public Interest Disclosure Act, which came into force in 1999. Although not strictly required by the Act, the Council's internal procedures give effect to it. The Council believes that having internal procedures is in everyone's interest.

1. What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity
- failure to comply with any legal, professional obligation and/ or regulatory requirements
- miscarriages of justice
- danger to health and safety
- damage to the environment,
- a breach of the Anti-Fraud & Corruption and/or Anti-Bribery Policies
- fraud and/ or mismanagement/ unauthorised use of public funds
- negligence including abuse of Customers (external) including sexual, physical and/or financial
- breach of the Council's internal policies and procedures, including our Code of Conduct
- conduct likely to damage the Council's reputation
- unauthorised disclosure of confidential/ sensitive information
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the school's activities, then it should report it under this policy.

This policy should not be used for complaints relating to an employee's personal circumstances, such as the treatment of individuals at work. In those cases, staff should use the Grievance Procedure and/ or Dignity at Work Policy.

2. Raising a whistleblowing concern

Whitby Heath Primary School hopes that in the majority of cases staff will feel able to raise any concerns with their line manager; this may be in person or in writing if you prefer. It might be that there is an agreed way of resolving your concern quickly and effectively.

What Can I Report? You should report any concerns that you have about the conduct of any staff member that may affect the services we provide or the good name of the school.

Some examples are:

- ✓ inappropriate conduct in any shape or form
- ✓ bullying or abuse of children or other staff
- ✓ any neglect of duty
- ✓ theft of money or other property
- ✓ fraud and corruption
- ✓ alcohol and drug related offences
- ✓ breaches of health and safety rules or damage to the environment
- ✓ poor care standards
- ✓ disclosure of confidential information
- ✓ any other breaches which could damage the School's reputation

The Policy is intended to encourage and enable anybody in and from outside the School to report serious concerns in confidence.

As an employee, Governor, contractor, supplier to or consultant with, the School you may, from time to time, witness practices that seem suspicious. However, you may be deterred from expressing your concerns because you fear harassment or victimisation. You may feel that it may be easier to ignore the concern rather than to report your suspicions.

Our School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the School's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so, without the fear of victimisation, subsequent discrimination or disadvantage.

These procedures are intended to encourage and enable you to raise serious concerns within the School rather than overlooking a problem or 'blowing the

whistle' outside. Premature or unnecessary publicity may damage the School's reputation, impede proper investigations, or hurt individuals unnecessarily.

A Governor shall not disclose confidential information, without first considering using the procedure in this Whistleblowing Protocol to raise concerns about an issue, unless it is necessary for the disclosure to be made to the Police or a Regulatory Body.

However, where the matter is more serious, or it is felt that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Chair of Governors.

If appropriate a meeting will be arranged to discuss your concern and this will take place as soon as possible. You may bring a colleague or union representative to any meetings under this policy, both you and any companion must respect the confidentiality of any disclosure and subsequent investigation.

A written summary of your concern may be taken, if so a copy will be provided. An indication may be given of how the matter will be dealt with.

If Members have concerns about potential wrongdoing within the school, then these concerns should be raised with the Headteacher or Chair of Governors.

3. Confidentiality

The School will protect the confidentiality of all matters raised by concerned employees and Governors if they wish to do so. The school will strongly encourage any disclosure not to be made anonymously as this may make effective investigation more difficult or impossible if such information cannot be obtained. It is also more difficult to establish whether any allegations are credible.

If there is any breach of confidentiality by any of the named officers the employee raising the concern can take the appropriate action under the grievance procedures.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss their concerns with the Headteacher (or one of the other contact points) so that measures can be then be taken, if possible, to preserve confidentiality.

4. Investigation and outcome

Once a concern has been raised, an initial assessment will be carried out to determine the scope of any investigation and the individual making the disclosure will be informed of the outcome of the assessment. There may also be a need to attend additional meetings in order to provide further information.

In some cases, an investigator or team of investigators will be appointed including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to ensure that the risk of future wrongdoing is minimised.

The appointed investigator will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent specific details of the investigation and/ or any disciplinary action being given. Any and all information about the investigation must be treated as confidential.

If it is concluded that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to disciplinary action.

5. If you are not satisfied

Whilst the school cannot always guarantee the outcome, all concern/s will be dealt with fairly and in an appropriate way. The appropriate use of this policy will help us to achieve this.

If you are not happy with the way in which any concern has been handled, you can raise it with one of the other key contacts.

Alternatively contact the Chair of Governors (Nick Lacey, nlacey@whitbyheath.cheshire.sch.uk).

6. External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. It is strongly recommended to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect operates a confidential helpline and you may wish to contact them for advice. They also have a list of prescribed regulators for reporting certain types of concern.

7. Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The school aims to encourage openness and will support anyone who raises genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern.

If any individual believes that they have suffered any such treatment, then this should be raised with the Headteacher immediately. If the matter is not remedied, then the matter can be raised formally using the school's Grievance Procedure.

Whistleblowers must not be threatened or retaliated against in any way; involvement in such conduct may result in disciplinary action. In some cases, the whistleblower could have a right to sue the individual personally for compensation in an employment tribunal.

8. Key Contacts and additional information

Headteacher	Stuart Wright 0151 355 1781 swright@whitbyheath.cheshire.sch.uk
Chair of Governors	Nick Lacey nlacey@whitbyheath.cheshire.sch.uk
Whistleblowing Officer- Cheshire West and Chester	Helen Peters (Internal Audit) 01244 977 375 07909 533639 helen.peters@cheshirewestandchester.gov.uk
Director of Governance (Monitoring Officer) - Cheshire West and Chester	Vanessa Whiting 01244 975 970 vanessa.whiting@cheshirewestandchester.gov.uk
Whistleblowing hotline (Internal) - Cheshire West and Chester	01244 973 223 whistleblowing@cheshirewestandchester.gov.uk
Fraud hotline - Cheshire West and Chester	0300 123 7030 fraud@cheshirewestandchester.gov.uk
Council's Employee Assistance Programme - Cheshire West and Chester	0808 168 2143 Website: http://www.carefirst-lifestyle.co.uk/
Protect (previously Public Concern at Work) (Independent whistleblowing charity)	Helpline: (020) 3117 2520 Website: Contact our Advice Line - Protect - Speak up stop harm (protect-advice.org.uk)

9. Personnel responsible for the policy

The school's Chair of Governors has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Headteacher has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Headteacher, in conjunction with a representative from Legal Services and HR will review this policy from a legal and operational perspective at least once a year.

All Employees and Members are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

10. Legalisation

The Public Interest Disclosure Act 1998 has been introduced to protect employees who expose serious wrongdoing in the workplace. It applies where malpractice is disclosed involving:

- a crime or breach of regulatory, administrative and common law;
- a miscarriage of justice;
- danger to health and safety
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption; and
- sexual, physical or financial abuse of clients

The Act protects you from victimisation where you reasonably believe the information, and are acting in good faith.

A disclosure is protected if you have an honest and reasonable suspicion that a malpractice has occurred, is occurring or is likely to occur. As an employee you can raise the matter with your line manager who will refer it to one of the named below, or if you prefer direct to:

- The Headteacher: Mr Stuart Wright swright@whitbyheath.cheshire.sch.uk
- The Chair of Governors Mr Nick Lacey
nlacey@whitbyheath.cheshire.sch.uk
- CWAC Council's Monitoring Officer (Head of Legal and Democratic Services)

Governors can also report suspicions to any of the above officers.

A confidential record will be maintained by the Clerk to the Governing Body of all concerns raised.

11. Safeguards

Harassment or Victimisation

The School is committed to good practice and high standards, and wants to be supportive of employees.

The School recognises that the decision to report a concern can be a difficult one to make. It will not tolerate any harassment or victimisation and will protect you if you raised a concern in good faith.

If you happen to be involved in any disciplinary or redundancy procedures these will be kept separate from the investigation of your complaint provided it is not connected with those.

12. Untrue allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, as an employee you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. In the case of Governors, the Governing Body will consider the matter and may make recommendations to the body who appointed or elected the Governor.

13. Procedures

Making a Disclosure

You should normally report your concerns to the Headteacher. However, if you think that this person will not be able to deal with your concerns properly, because they are implicated or you believe they have already been told of the concern and failed to act, you may contact the school's Chair of Governors.

You should explain the concern in your own words and give as much information as you can. If you feel that the Headteacher or Chair of Governors will not be able to deal with the concerns properly or if you have already reported your concerns and they have not been dealt with you should contact one of the following:

- ✓ **Cheshire West Schools Human Resources Dept:**
- ✓ **iArt**

You can raise your concern orally, (i.e. face to face or over the phone) or in writing. If you write, mark the envelope 'personal, private and confidential' and if the concern is of a serious nature, hand deliver the envelope to the person you wish to report the matter to. Whichever way you choose, please give as much information as you can. Remember also to give your name, job and say if you do not want to be contacted at work (if so, give your home address and phone number).

You should include the following:

- ✓ background information;
- ✓ information as to why you are concerned;
- ✓ details of any other procedures which you have already used, and what happened;
- ✓ the names of the employee/ Governor involved and where they work (if applicable);
- ✓ dates or periods of time relating to the matter;
- ✓ the names and jobs of any other employees/Governors who may support your concern.

The earlier you express your concern, the easier it will be to take action.

Although you will not be expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for the concern. You may find it easier to raise the matter jointly if there is another

employee/Governor who has the same concern, and will support your allegation.

You would be advised to invite your trade union representative, or another person, to be present during any meetings or interviews in connection with the concern raised. In this case you can remain anonymous when the concern is first raised, but you may have to be involved personally if the matter goes further.

Do I Have To Give My Name?

It is always better to give your name if you feel able to do so as the report will appear more reliable.

If you do not wish to give your name, we would recommend that you provide us with at least a contact email address or a phone number; this way, your identity will not be established but we will still be able to contact you to update you on progress or ask you for more details which could help the enquiry. Any contact details you provide to us will be kept strictly confidential.

How the school will respond

The Headteacher/Chair of Governors will firstly decide whether to carry out an investigation and determine which School procedure it is appropriate to use. If it is decided that the matter should be taken further under Whistle blowing procedures, the concern raised may be:

- ✓ investigated by an investigating officer appointed by the school;
- ✓ referred to the police;
- ✓ referred to the school's auditor

You may be interviewed by the person investigating the matter. In order to protect individuals accused of a possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will take place before an investigation is undertaken.

What You Will be Told

The Headteacher / Chair of Governors will look at your concerns and will contact you in writing within 10 days to discuss the report with you and as far as is reasonable, tell you what enquiries have been made, they will:

- ✓ acknowledge that the concern has been received;
- ✓ indicating how the School intends to deal with the matter;
- ✓ giving an estimate of how long it will take to provide a final response;
- ✓ detailing any initial enquiries that have been made; and
- ✓ informing you whether further investigations will take place (and if not, why not).

S/he may ask you for further details about your concern. In some cases, it may be useful that you continue to keep a log of situations and events which you may consider relevant for the matter under enquiry.

The amount of contact you have with the people considering the matter will depend on the type of concern, the potential difficulties of the investigation and the availability of information. Wherever possible, you will be told the final outcome of any investigation.

The School will take steps to minimise any difficulties you may experience as a result of raising a concern. For example, if required to give evidence in criminal or disciplinary proceedings, the school will arrange for you to receive advice about the

procedure.

Will I Be Protected?

You will be protected under the Public Interest Disclosure Act 1988 if you raise your concerns with any of the above, provided that;

- ✓ you believe the disclosure to be in the public interest
- ✓ you reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- ✓ you do not make the disclosure for personal gain

This policy is designed to ensure that you are not treated unfairly as a result of making a whistle blowing report. We will treat in confidence the information you provide and take all allegations and reports under this policy seriously. We will try to keep your identity confidential but if a case went to Court you may be asked to appear as a witness. If you have reported a concern in good faith that you believe to be true we will protect you from any victimisation, bullying or harassment which may occur as a result of your actions.

The responsible officer

The Headteacher has overall responsibility for the maintenance and operation of this policy.

If you are not satisfied with the school's response - how the matter can be taken further

This procedure is meant to give everyone an effective way to raise a concern within the School (and if possible resolve it internally). However, if you are still unhappy after using the procedure (and getting a final written response) you are entitled to consider taking your concern elsewhere. If you do this, these are some of the contacts that are available:

CWAC audit department - 01244 972600

UNISON Whistle blowing Hotline - 0800 597 9750

Audit Commission Anti Fraud and Corruption Unit - 0270 630 1019

The independent charity Public Concern at Work - 0270 404 6609

- ✓ a Citizens Advice Bureau
- ✓ a relevant professional or regulatory body
- ✓ a relevant voluntary organisation
- ✓ the police

It is stressed that this list is not exhaustive and you are free to contact any organisation that you feel will be able to deal properly with your concerns. You should, however, take legal advice before reporting an issue to a body other than those specified above to ensure that you are making a protected disclosure.

However, the school may take action against people who deliberately make false, frivolous or vexatious allegations. If you have made a valid complaint but feel that you have been victimised as a result of raising concerns, you can also raise the matter with one of the contacts above.

Please refer to associated policies as appropriate:

Low Level Concerns Policy

Appraisal Policy

Complaints Policy and Procedure

Confidentiality Policy
Dignity at Work Policy
Disciplinary Policy
Safeguarding Policy
Confidentiality Policy
Complaints Policy and Procedure
Grievance Policy and Procedure