



# **NORTHWOLD PRIMARY SCHOOL** no sky too high

## **Whistle-Blowing Policy**

**December 2014**

## Whistle-Blowing Policy and Procedure

**“ Don’t think what if I’m wrong – think what if I’m right!”**

### 1. Purpose

1.1 To set out the Northwold Primary School policy and procedure for dealing with concerns raised by employees.

### 2. Background

Northwold Primary School is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside in an inappropriate way.

As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in ‘the public interest’, from detriment and/or dismissal. This policy builds on the provisions of the Act.

### 3. Aims and Scope of the Policy

3.1 This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;

- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- encourage employees to feel confident in raising concerns and to question and act upon their concerns
- provide avenues for employees to raise these concerns and receive feedback on any action taken
- reassure employees that they will be protected from reprisals or victimisation for whistle blowing in good faith in accordance with the procedure

3.2 This policy applies to all employees including those working on a temporary or casual basis. This policy describes how any school employee can raise any concerns s/he may have about working practices and who should be informed about the concerns.

3.3 Concerns which fall within the scope of the whistleblowing procedure may be about something that is unlawful; or is against Northwold Primary School's Standing Orders or policies; or falls below established standard or practice; or amounts to improper conduct.

3.4 Before initiating the procedure employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees
- Employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- While it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.
- All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, volunteers or outside agencies.
- Concerns raised by employees about their own conditions of service, should be addressed via the Northwold Grievance Procedure.
- Reasons for whistle-blowing:
  - Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
  - To prevent the problem worsening or widening.
  - To protect or reduce risks to others.

- To prevent becoming implicated yourself .

#### **4. Safeguards**

##### 4.1 Harassment or Victimisation

- It is recognised 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. Harassment or victimisation will not be acceptable and necessary actions will be taken to protect employees when they raise a concern in good faith.
- This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

##### 4.2 Confidentiality

- An employee's identity will be protected if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken to address the concern and in some circumstances, the identity of the employee may be disclosed without their consent, although this will be discussed with the employee first.

##### 4.3 Anonymous Allegations

- Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account would include:
  1. the seriousness of the issues raised
  2. the credibility of the concern
  3. the likelihood of confirming the allegation from attributable sources.

#### 4.4 Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

#### 4.5 Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the matter will be concluded and that it should not be raised again unless new evidence becomes available.

#### 4.6 Support available to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation

### **How to raise a Concern**

5.1 If wrong-doing in the workplace is suspected;

- Do not approach or accuse the individuals directly;
- Do not try to investigate the matter;
- Do not convey such suspicions to anyone other than those with the proper authority but do something!

5.2 As a **first step**, raise the concerns with your immediate line manager or supervisor. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that the Head Teacher is involved in the matter of concern, or the normal channels of communication are inappropriate for some reason, you should approach the Chair of Governors.

5.3 Although concerns may be raised **verbally**, they are better put in **writing**. It should set out the background and history of the concern giving relevant names, dates and places where possible, and the reason why the situation is of concern.

5.4 The **earlier** a concern is expressed; the easier it is to take appropriate action.

5.5 Although complainants are not expected to prove the truth of allegations made it will be necessary for them to demonstrate to the person contacted that there are **sufficient grounds** for concern.

5.6 Advice and guidance on how matters of concern may be pursued can be obtained from **Human Resources**

## **6. HOW THE SCHOOL WILL RESPOND**

6.1 The action taken by the School will depend on the nature of the concern. Where appropriate, the matters raised might:

- Be investigated by management, internal audit, or through the disciplinary process
- Be referred to the Police
- Be referred to the external Auditor
- Need to be the subject of a referral to the General Teaching Council of England
- Form the subject of an independent enquiry

6.2 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, which fall within the scope of specific procedures (for example child protection or capability issues), will normally be referred for consideration under these procedures.

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

6.4 Within 10 working days of a concern being raised under this procedure the Officer considering the issues will write to the complainant:

- a) Acknowledging that the concern has been received;
- b) Indicating how it is proposed to deal with the matter;

c) Giving an estimate (so far as is reasonably practicable) of how long it will take to provide a final response;

d) Advising whether any initial enquiries have been made; and

e) Advising whether further investigations will take place and if not, why not

6.5 The amount of contact between the complainant and the Officer considering the issues will depend on the nature of the matters raised; the potential difficulties involved; and the clarity of information provided. If necessary, further information will be sought from the complainant.

6.6 Where any meeting is arranged the complainant has the right to be accompanied by a trade union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.

6.7 The School will take appropriate steps to minimise any difficulties the complainant may experience as a result of raising a concern. For example the complainant may be required to give evidence in criminal or disciplinary proceedings. The School will advise about the procedures.

6.8 The School accepts that the complainant needs to be assured that the matter has been properly addressed. Therefore, subject to any legal constraints, as much information as possible will be provided about the outcomes of any investigation.

### **Appeal**

An employee who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision. An appeal should be made within five days' of receipt of the outcome letter. The appeal should be completed within one month. After the appeal process is exhausted, there is no further right of internal appeal.

### **Recording and monitoring**

All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 1998. Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some information may be withheld to protect a third party.

### **The Role of the Investigating Manager:**

The role of the investigating manager

The investigating manager will have the following responsibilities to the school:

- Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague
- Establish the facts/obtain statements/collect documentary evidence
- Maintain detailed records of the investigation process
- Make any recommendations for action to be submitted to the Head Teacher

The investigating manager will have the following responsibilities towards **the employee who raised the disclosure:**

- Hold a formal meeting with the employee making the complaint to discuss the matter
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague
- Keep the employee up to date with progress on the matter and agree timescales for action
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview
- Give details of employee support mechanisms available

The investigating manager will have the following responsibilities towards the **employee against whom the disclosure is raised:**

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence
- Advise in writing of the procedure to be followed
- Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague
- Give details of employee support mechanisms available
- The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required
- Where necessary the school will provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible



The Role of the Manager / Person appointed to hear an appeal are:

**The manager/person appointed to hear an appeal** will have the following responsibilities:

- Hold appeal meeting with employee who made the disclosure
- Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative/work colleague
- Review the investigation report/procedure followed and findings
- Decide whether to uphold appeal or not
- Initiate a new investigation if necessary
- Report the appeal findings in writing to the head teacher if applicable
- Communicate outcome in writing to the employee making the disclosure and the employee against whom the disclosure is made