



## **Whistleblowing Policy**

# **Godinton Primary School**

**June 2016**

**Approved by the Governing Body Strategy Group 15/06/16**

**This Policy is due for renewal in Term 6 2017-2018**

**Godinton Academy Trust is a charitable company limited by guarantee and registered in England and Wales with company number 9404783. The registered office is at Lockholt Close, Ashford, TN23 3JR.**

## 1. INTRODUCTION

**N.B: The word whistleblowing in this Policy refers to the disclosure by workers of malpractice, either internally or externally, as well as illegal acts or omissions at work.**

1.1 Employees are often the first to realise that there may be something seriously wrong with their school and/or Local Authority (LA). However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or to the LA. They may also fear harassment or victimisation.

1.2 Godinton Primary School is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees and others with genuine concerns about any member of staff or member of the Governing Body to come forward and voice those concerns.

This policy document makes it clear that employees can do so without fear or reprisals. The whistleblowing policy is intended to encourage and enable employees to raise such concerns **within** their school or where appropriate the LA rather than overlooking the problem or raising the problem outside.

1.3 This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act 1998.

1.4 The procedure allows school-based employees to raise concerns about the management of the school with the governing body and to raise concerns about the governance of the school with the Local Authority.

1.5 This procedure is separate from the school's complaints procedure.

1.6 Where school-based employees have concerns about the LA, the Kent County Council Whistleblowing policy should be referred to.  
[http://www.kelsi.org.uk/school\\_management/day-to-day\\_administration/complaints/whistleblowing.aspx](http://www.kelsi.org.uk/school_management/day-to-day_administration/complaints/whistleblowing.aspx)

## 2. AIMS AND SCOPE OF THIS POLICY

2.1 This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- provided with avenues to raise concerns and receive feedback on any action taken

- given a response to their concerns and are aware of how to pursue them if not satisfied
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith

2.2 The school follows the Local Authority's existing procedures which enable staff to lodge a grievance relating to their own employment, this includes Discipline, Grievance, Harassment and Recruitment and Selection. Employees are encouraged to use the provisions of these procedures when appropriate. This whistleblowing policy is intended to cover genuine concerns that fall outside the scope of other procedures.

The concern may be about something that:

- Is unlawful; a criminal offence has been committed, is being committed or is likely to be committed;
- Is suspected fraudulent activity;
- Is against the Governing Body's policies;
- Falls below established standards of practice;
- Amounts to improper conduct or contradicts the Council's or Governing Body's Codes of Conduct.
- Is a Health and Safety risk, including risks to the public as well as pupils or other colleagues;
- Is damaging the environment;

Or may be a situation where information on any of the above has been, is being, or is likely to be concealed.

Further examples are provided at Appendix 1.

2.3 The procedure will be communicated to all school employees as well as supply teachers working in schools on a temporary basis.

### **3. SAFEGUARDS**

#### **3.1 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. The Governing Body will not tolerate harassment or victimisation and will take action to protect staff when they have raised a concern in good faith. However, should staff feel that they have suffered harassment, either directly or indirectly as a result of raising a concern, they should refer their concerns to the Headteacher or Chair of Governors who will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Rules and Procedure.

#### **3.2 Confidentiality**

The Governing Body will do its best to protect identities when concerns are raised. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by a member of staff may be required as part of the evidence.

### **3.3 Anonymous Allegations**

Staff are strongly encouraged to put their name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of the Governing Body. In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

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

### **3.4 Malicious or Vexatious Allegations**

If staff make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that particular individual. If, however, a malicious or vexatious allegation is made, disciplinary action may be taken against the member of staff in accordance with the School's Disciplinary Procedure.

## **4. HOW TO RAISE A CONCERN**

4.1 As a first step, staff should normally raise concerns with their immediate line manager or Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who staff think may be involved in the malpractice. For example, if you believe that your line manager is involved, you should approach your Head. If you feel the Head may be involved, your Chair of Governors or Vice Chair of Governors should be approached.

4.2 If the concern is about the governing body or the LA, the matter should be raised with the Area Education Officer.

4.3 Advice and guidance on how matters of concern may be pursued can be obtained from:

Headteacher;

Chair of Governors or Vice Chair of Governors;

4.4 Concerns are better raised in writing. Staff are advised to set out the background and history of concerns, giving names, dates and places, where possible, as well as the reason why they are particularly concerned about the situation. Although staff are not expected to prove beyond doubt the truth of an allegation, they need to demonstrate to the person contacted that there are sufficient grounds for their concern.

If staff are a member of a trade union, they may find it helpful to take advice from them about putting their concerns in writing.

4.5 Staff may ask their trade union representative to raise the matter on their behalf.

4.6 The earlier concerns are expressed, the easier it is for the governing body or LA to take action.

4.7 For concerns other than fraud, theft or corruption, staff may choose to telephone the relevant LA officer.

## **5. HOW THE GOVERNING BODY OR LA WILL RESPOND**

5.1 The action taken by the Governing Body or LA will depend on the nature of the concern. The matters raised may:

- Be investigated internally;
- Be referred to the Police;
- Be referred to an external Auditor;
- Form the subject of an independent enquiry.

5.2 In order to protect individuals, the Governing Body and the LA, 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 specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

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

5.4 Within ten working days of a concern being received, the governing body or the LA will write to you:

- Acknowledging that the concern has been received;
- Indicating how it proposes to deal with the matters;
- Giving an estimate of how long it will take to deal with the matter;
- Telling you whether any initial enquiries have been made; and
- Telling you whether further investigations will take place, and if not, why not.

5.5 The amount of contact between the governors and/or LA officers considering the issues and staff raising concerns 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.

5.6 When any meeting is arranged to discuss staff's concerns, they have the right, if they so wish, to be accompanied by a trade union representative or a work colleague who is not involved in the area of work to which the concern relates and who also who could not be called as witness.

5.7 The Governing Body or LA will take steps to minimise any difficulties, which staff may experience as a result of raising a concern. For instance, if staff are required to give evidence in criminal or disciplinary proceedings, the governing body or LA will advise them about the procedure.

5.8 The Governing Body and the LA accepts that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, staff will receive information about the outcome of any investigations.

5.9 Any person who is the subject of an allegation should, at the appropriate times be given details of the allegation in order to respond. They will have the right to trade union representation.

## **6. HOW THE MATTER CAN BE TAKEN FURTHER**

6.1 This policy is intended to provide staff with an avenue to raise concerns with their Governing Body or with the LA. If staff are not satisfied with the response to their concerns then the matter could be referred to:

Your local Council member (if you live in the area of the Council);

Ombudsman;

External Auditor;

Relevant professional bodies or regulatory organisations;

Your solicitor;

The Police;

Other bodies prescribed under the Public Interest Disclosure Act 1998 e.g.:

The Audit Commission for England and Wales

Data Protection Registrar

Serious Fraud Office

Environment Agency

Health and Safety Executive

6.2 If staff do take the matter outside their Governing Body, LA or Council they need to ensure that they do not disclose confidential or privileged information. Where confidential or privileged information is inappropriately disclosed staff may be subject to disciplinary action. Employees considering such action should make themselves aware of Part IVA of the Employment Rights Act 1996 as inserted by the Public Interest Disclosure Act 1998.

## **APPENDIX 1**

### **EXAMPLES OF CONCERNS**

This list illustrates the kind of issues the School would consider as malpractice or wrongdoing that could be raised under this whistleblowing policy. This list is not exhaustive.

- Poor or unprofessional practice by a member of staff, governor or an agency which results in the service user not getting the same quality of service which is available to others;
- Improper/unacceptable behaviour towards a service user which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain;
- Any unlawful activities, whether criminal or in breach of civil law;
- Fraud, theft or corruption;
- Concerns regarding possible breaches of Health and Safety Regulations;
- Harassment, discrimination, victimisation or bullying of employees and/or service users;
- Leaking confidential information in respect of Governing Body or Council activities and/or records;
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time;
- Inappropriate contact with members of the public within council or school facilities, or whilst carrying out governing body duties and/or Council duties or outside working time;
- Taking gifts or inducements;
- Inappropriate use of external funding or school budget;
- Maladministration as defined by the Local Government Ombudsman;
- Breach of any Statutory Code of Practice;
- Breach or failure to implement or comply with any Governing Body policy e.g. safeguarding;
- Misuse of Council/school assets, including computer hardware and software and buildings