



pathfield
SCHOOL

Inspiring interaction

**SCHOOLS MODEL
WHISTLE-BLOWING POLICY
FOR SCHOOL BASED STAFF**

Adopted by Governors	Sue Haywood
Date	14th January 2016
Review Date: (Every other year)	Spring 2018
Policy/Procedure checked by/date	Sue Haywood Claire May Jackie Hamill January 2016

Pathfield School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

This policy will support, promote and be applied with due regard to the requirements of the **SENTIENTRUS**
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WHISTLEBLOWING POLICY

Pathfield School will use the policy that is in force for Devon County Council – as attached.

The designated Governor with responsibility for Whistle blowing is the Chair of the Personnel and Pay Committee of the Governing Body.

The school also has a designated Governor for Child Protection.

Should a member of staff, parent or other person connected with the school wish to bring a matter to the attention of the governors directly they should make contact with the designated Governor for Child Protection for child protection concerns and the Chair of the Personnel and Pay Committee for all other matters.

Other governors, including the Chair of Governors should only be contacted if these two named governors are unavailable in the timeframe required, as determined by the level of seriousness of the matter.

IN CASES WHERE THE SAFETY OF A CHILD IS POTENTIALLY OR ACTUALLY AT RISK THERE WILL BE NO DELAY IN REPORTING ALL CONCERNS. THIS CIRCUMSTANCE OVERRIDES ALL OTHER CONSIDERATIONS.

In the context of whistle blowing the staff governors should not be contacted as governors of the school. They may have other functions to perform (e.g. Union representatives).

Any governor approached by a member of staff, parent or other person with a matter which is likely to fall under this policy must ensure that it is made known to the appropriate named governor in this policy. It must not be discussed with any other governor.

The whistle blowing and child protection governors will then ensure that the Head teacher is made aware, so that the appropriate people are informed and actions taken. These actions will be dependent on the nature of the matter. These are to be found in this and other associated policies.

Should the concerns raised be against the head teacher the Chair of Governors will be informed and as laid down in the Guide to the Law will undertake any necessary action.

Main Associated Policies

Complaints, Child Protection, Capability, Staff leave and Absence, Health and Safety, Staff Grievance

Monitoring

The monitoring of this policy will be undertaken by the Chair of Personnel & Pay and the Child protection Governors. A report of the use of the procedures and protocols of this policy will be confidentially made to the governing body as appropriate by the policy monitors – when to do so would not prejudice any future action which it may be necessary for members of the governing body to undertake (for example staff disciplinary hearings).

This policy will be reviewed every other year by the Personnel & Pay Committee.

SCHOOLS MODEL WHISTLE-BLOWING POLICY FOR SCHOOL BASED STAFF

**Adopted by Pathfield School
Governing Body on 14th January 2016
To be reviewed by Governors in the Spring 2018**

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1. Policy Summary and Guiding Principles

Introduction

1.1

As an employee of a school, you may be the first to realise that there may be something seriously wrong within the organisation. However, you may not express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.

1.2

The Governors of the school are committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees, who have serious concerns about any aspect of the school's work, to come forward and voice those concerns.

1.3

It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistle-blowing Policy is intended to encourage and enable staff of the school, to raise serious concerns within the school rather than overlooking a problem or discussing it externally.

1.4

In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns.

Aims and Scope of the Policy

1.5

- provide avenues for you to raise concerns and receive feedback on any action taken
- allow you to take the matter further if you are dissatisfied with the school's response and
- reassure you that you will be protected from reprisals or victimisation for whistle blowing in good faith.

1.6

There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the school. This whistle-blowing policy is intended to cover concerns that fall outside the scope of other procedures, although the school reserves the right to determine which procedure is appropriate.

1.7

Concerns to be reported under this policy may relate to something that:

- is unlawful;
- is against the school's Contract Procedure Rules, Financial Procedure Rules or other policies;
- falls below established standards or practice; or
- amounts to improper conduct

Safeguards

Harassment or Victimisation

1.8

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 malpractice. The school will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistle blowing.

1.9

Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistle blowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistle blowing you should contact your union, the Head Teacher or the Chair of the Governing Body.

Confidentiality

1.10

The school treats the details of all whistleblowers in confidence and will do its best not divulge your identity. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and a statement by you may be required as part of the evidence.

Anonymous Allegations

1.11

Allegations can be made anonymously. However, this policy encourages you to put your name to your allegation, as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us.

1.12

Anonymous allegations will be considered wherever possible at the discretion of the school. The factors to be taken into account when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other, attributable sources

Untrue Allegations

1.13

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, you make malicious or vexatious allegations, appropriate action may be taken against you.

2. Main legislative and National Guidance and other relevant documents

Public Interest Disclosure Act 1998
Data Protection Act (1998)

Freedom of Information Act (2000)
Employment legislation
Employment policies

3. Procedures

How to Raise a Concern

3.1

The earlier you express the concern, the easier it is to take action.

3.2

As a first step, you should normally raise concerns with your immediate manager or other appropriate manager. This depends, however, 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 management is involved, you should contact the Head Teacher or the Governing Body

3.3

The Human Resources Team at DCC can give advice and guidance on how matters of concern can be pursued.

3.4

You may invite your trade union or professional association to raise a matter on your behalf.

3.5

Concerns can be raised by the following methods. All referrals made will be treated in the strictest of confidence.

- Your manager
- Head Teacher
- Chair of Governing Body
- Devon County Council

3.6

Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern.

3.7

There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation.

3.8

Concerns are best raised in writing. The sort of information required to investigate an allegation are details of the background and history to the case, names, dates, places and, where possible, the reason why you are particularly concerned.

How the School Will Respond

3.9

The school will refer to the Local Authority Designated Officers (LADOs) who advise whether what the best course of action will be. This could include:

- be investigated internally

- be referred to the Police
- form the subject of an independent inquiry
- or any combination of the above

3.10

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 specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

3.11

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

3.12

Within ten working days of a concern being received, where appropriate, the school will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter (including potential timescales)
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place and, if not, why not.

3.13

The amount of contact between the person(s) 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, further information will be sought from you.

3.14

When any meeting is arranged, you have the right, if you wish, to be accompanied by a Union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.

3.15

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, the school will advise you about the procedure.

3.16

The school acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

How the Matter can be Taken Further

3.17

This whistle-blowing policy is intended to provide an internal procedure through which concerns can be raised, and the school hopes that anyone raising a concern will be satisfied with the action taken. Should you feel unable to raise a concern with your immediate manager, the Head teacher or the Chair of Governors, because the allegations relate to them, you should seek independent advice from the Local Authority Designated Officers (LADOs). An employee should not take concerns directly to the media without first complying with this policy.

Support for Whistle blowers

3.18

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to HR ONE (DCC), the LADOs and/or the police. You will be kept informed about the progress of the investigation and the action which has been taken although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. The School will support you in this process and ensure that you are clear about what will happen.

The School will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action.

4. Roles and Responsibilities

The School Governing Body

The school Governing Body has overall responsibility for:

- maintaining and operating the policy
- annual review of the policy
- annual report on the effectiveness of the policy
- approving amendments to the policy
- promoting the policy periodically
- maintaining a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) and will report as necessary to DCC.

Devon County Council (HR ONE Team)

- To provide advice and support for whistle blowing matters.

Managers/Leaders

- To undertake investigations without undue delay.
- To maintain confidentiality.

Employees

- To raise issues of concern responsibly.

Others

- As an employee of a contractor of the school or a partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. The school is committed to encouraging all individuals, including non-school employees to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistle blowing Policy does not protect employees of external organisations in the same way as school employees.

5. Equality Impact Assessment

The equality impact assessment of this policy is wholly positive as the policy supports the opportunity to address equality and diversity issues.