



Tetney Primary School

Whistleblowing Policy

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Introduction

At Tetney Primary School we strive to help give our children the best possible start in life. We know that our staff and governors have an important role to play in achieving this goal and we expect everyone to be committed to our high standards which are based on the principles of honesty, openness and accountability.

We know that we face the risk that something may go wrong or that someone may ignore our policies, our procedures or the law resulting in some very serious consequences. Experience shows that staff, or others who work on behalf of an organisation, often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right or identify and stop potential wrongdoing.

A *Whistleblower* is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, children, other stakeholders, or the success and reputation of the school.

We want all staff, volunteers, contractors and governors (hereafter referred to as staff) to feel that it is safe and acceptable to tell us about their concerns so that we can investigate and take action as soon as possible.

We recognise that staff may be worried about reporting for a number of reasons:

- fear of reprisal or victimisation (e.g. loss of job)
- too much to lose (reputation, damage to career etc)
- feelings of disloyalty
- worries about who may be involved
- lack of proof only suspicions
- fear of repercussions if there is no evidence or they are proved wrong

We welcome all genuine concerns and will treat all issues seriously - this policy explains how to raise a concern, the types of activity that should be reported, the protection we can provide, confidentiality, our response and how someone can take matters further, if necessary.

We want to assure staff that there is no reason to remain silent; a decision to talk to the Headteacher or Chair of Governors may be difficult but, staff have nothing to fear if they follow this policy. We will not tolerate any harassment or victimisation and we will take action to protect those members of staff who raise concerns that they believe to be right.

UK law protects employees from dismissal, harassment or victimisation if such treatment occurs as a result of having made a whistle-blowing disclosure considered to be in the public interest. In addition to the employer's liability, the individual who subjects the employee to such treatment may also be held personally liable.

This policy does not replace our existing LCC employment policies: grievance, dignity at work and disciplinary.

These policies should be used if an employee has a personal grievance or is unhappy with the way they are being treated. Our Whistleblowing arrangements are not intended to give further opportunity to pursue a grievance or complaint once the relevant employment procedures have been exhausted.

Scope

Our Whistleblowing arrangements can be used by employees of the school, school governors, agency staff, volunteers, contractors or students on placement.

Our Whistleblowing arrangements do not replace the following:

- Child Protection and Safeguarding reporting
- Complaints Procedure
- Disciplinary Policy
- Grievance Policy

Concerns should only be raised through our Whistleblowing arrangements if:

- There are genuine reasons why the above policies and procedures cannot be used;
- There is genuine concern that these policies are failing or are not being properly applied; There is a public interest aspect

Protection and Confidentiality

The Whistleblowing law is contained in the Public Interest Disclosure Act 1998 (PIDA – amended by the Enterprise and Regulatory Reform Act 2013). Public bodies, such as this school, are required to have a Whistleblowing policy and to ensure that employees are not victimised or dismissed for raising their concerns internally. This also applies to those who, as a last resort, feel the need to take their concerns to an outside body.

We will not tolerate any harassment or victimisation (including informal pressure) and we will take action to protect employees when they raise a concern believed to be in the public interest. We will take any disciplinary or corrective action should anyone attempt to victimise the whistleblower or prevent concerns being raised.

We will respect employee's confidentiality as far as we possibly can but there are times when we cannot guarantee this, for example, where a criminal offence is involved or if there are child protection or adult safeguarding issues.

If we proceed to a formal investigation we may require the employee to give evidence along with other employees and witnesses; we are, in some circumstances, able to do this without disclosing the identity of the whistleblower. A statement may also be required as part of criminal proceedings or Employment Tribunal – this depends on the nature of the concern.

We will attempt to ensure the whistleblower's identity is not disclosed to third parties without a court order. If the information provided includes personal information about another person, then that person may be entitled to access it under subject access

provisions of the Data Protection Act. If releasing that information could reveal details about the whistleblower, we will always ask for consent prior to releasing the information.

If a whistleblowing disclosure results in an internal investigation and a witness statement is provided under that process, the statement may be used for disciplinary purposes. This means the statement may be given to the subject as part of a disciplinary hearing. An employee subject to the disciplinary process can ask to see personal information held about them at any time under the subject access provisions of the Data Protection Act – this may include information within the statement. If it is possible to provide access to personal information within the statement without revealing any information about the employee, we will do so. If this is not possible, we will always seek consent before releasing any information.

If a statement is not required for disciplinary purposes it will be:

- held confidentially on a case file (until the case file is destroyed after 7 years)
- released only with consent or a Police / Court Order

If an employee finds themselves the subject of a whistleblowing disclosure and a decision is made to investigate, the school will follow the appropriate employment procedure: grievance or disciplinary. This means they will have all the rights contained in that procedure, such as the opportunity to respond to the allegation and representation at the investigatory interview.

What you should report

We encourage staff to use our whistleblowing arrangements for issues such as:

- i) conduct which is a criminal offence or breach of law;
- ii) a breach of our Code of Conduct;
- iii) sexual, physical or verbal abuse of any stakeholders;
- iv) dangerous procedures risking the health & safety of our children, employees or other stakeholders;
- v) unauthorised use of public funds;
- vi) suspected fraud or corruption;
- vii) damage to the environment (e.g. land, buildings, highways, water, air, waste, energy, transport, natural habitat etc.);
- viii) unethical or improper conduct;
- ix) services that fall seriously below approved standards or practice;
- x) failure to follow the school's policies and procedures

NB. This is not an exhaustive list

Anonymous or untrue allegations

We do not encourage anonymous reporting as the concerns are more difficult to investigate and are generally less powerful. We would like any whistleblower to put their name to the allegations whenever possible.

Anonymous whistleblowing referrals will be considered at the discretion of the staff or governors handling the concern, in consultation with the service area, where appropriate. This discretion will be based on the:

- i) seriousness of the issues raised
- ii) credibility of the concern
- iii) likelihood of confirming the allegation from an attributable source
- iv) evidence base

It may be that our investigations do not confirm the allegation. We take all concerns seriously and can assure you that no action will be taken against a whistleblower if they have raised a concern in the genuine belief that it is, or may be, true.

If we find that a false allegation has been made maliciously, we will take action and the staff member involved will not be eligible for protection under PIDA (Public Interest Disclosure Act).

How to raise a concern

We encourage whistleblowers initially to raise their concern internally – this allows the school the opportunity to right the wrong and give an explanation for the behaviour or activity. We also advise staff to report any allegation to their line manager. We recognise that first actions will depend upon the seriousness and sensitivity of the issues and who you believe to be involved. We advise that you make it clear that you are raising your concerns under the school's whistleblowing arrangements – this will help us respond in line with this policy. (See Flowchart – Whistleblowing Process).

If you are in any doubt about what you should do, you can contact the Chair of Governors.

It is possible to contact the Lincolnshire County Council confidential freephone whistleblowing number on 0800 0853716.

The Investigations Team, who report directly to the Head of Corporate Audit & Risk Management, operate this dedicated reporting line during normal working hours (9am to 5pm).

Concerns are better submitted in writing – we need the background and history of the concern, giving names, copies of any documents, dates and places (where possible). We would like an explanation as to the nature and reason for the concern – we do not expect the reporting staff member to prove the truth of an allegation but they will need to show that there are sufficient grounds for the concern.

Written concerns can be sent directly to the Headteacher or the Chair of Governors, or to the Local Authority's confidential PO Box or email address (which is monitored by a nominated officer within the Investigations Team).

Lincolnshire County Council

PO Box 640 Lincoln

LN1 1WF

Email address: whistleblowing@lincolnshire.gov.uk

Staff can seek independent advice from their trade union representative. They can also invite a work colleague to raise a concern on their behalf.

Further advice may be sought from the whistleblowing charity Protect on their whistleblowing advice line 020 74046609.

Remember the earlier you raise the concern, the easier it is to take action.

How we will respond

Our response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally
- referred to the relevant safeguarding team (child protection or vulnerable adults)
- referred to the Police
- referred to the external auditor
- the subject of an independent inquiry

If a concern is raised with the local authority, the officer receiving the whistleblowing allegation (if a major issue) will immediately notify the Investigations Team within Corporate Audit to include the disclosure on a central register.

We may carry out initial enquiries in order to protect individuals or employees and those accused of wrongdoing. We will use the results of these enquiries to decide whether an investigation is needed and if so, what form it should take. If urgent action is required this will be taken before we start any investigation.

We will acknowledge a whistleblowing disclosure within 5 working days. Within the next 10 working days we will write and explain how we propose to deal with the matter. The whistleblower will be:

- i) given an estimate of how long it will take to provide a final response
- ii) told if initial enquiries have been made

- iii) told if further investigation is required, and if not, why not (where appropriate)
- iv) given details of support mechanisms
- v) advised of the investigating officer (where appropriate)
- vi) advised how we will inform you of progress

The amount of contact between the whistleblower and the person considering the whistleblowing disclosure will depend on the nature of the concerns raised. For example, if further investigation is required, the investigator may need to seek additional information.

If a meeting is necessary, this can be held off site. A whistleblower will have a right to be accompanied – this will be a union representative or work colleague (not involved in the area where the concern exists) or a friend. A neutral venue can be arranged, where required.

We will help with any difficulties that may be experienced as a result of raising a concern. Sometimes whistleblowers have counter-allegations made against them. We have a duty to investigate any concerns that we receive and that will apply in these circumstances. However, this will not detract from the principles, as set out in this policy, which govern how the school will respond to whistleblowers. The over-riding objective will be to establish the truth.

Records will be retained of all work carried out and actions taken to address the concerns raised by the whistleblower, including the investigator's case file, where relevant. All files will be held securely and confidentially, in accordance with the school's retention of records procedures.

At the end of our investigations we will provide feedback to the whistleblower (if known) on actions taken and limited detail on the outcome of investigations. Feedback will be subject to legal constraints but we do recognise the importance of providing assurances that the matter has been dealt with properly.

Taking the matter further

If there are genuine concerns about how we have handled a whistleblowing disclosure this can be raised with the investigating officer(s). We hope that a suitable conclusion to the matter can be reached but if a whistleblower remains dissatisfied you can contact the Local Authority on the details above.

Staff are reminded not to report any school related issues to the media. To do so may be considered a breach of our disciplinary policy and code of conduct.

Appendix

