

Introduction

Whistleblowing has been defined as:

'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees'

(Public Concern at Work Guidelines 1997).

Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 ("PIDA)**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice. The **Enterprise and Regulatory Reform Act 2013** introduced amendments to PIDA, including a redefinition of protected disclosure which can now only be made in if it is in the public interest.

This policy applies to all school staff including full and part time, casual, temporary or substitute staff and to individuals undertaking work experience in the school.

Aims and Scope of Policy

The governing body is committed to high standards in all aspects of the school and will treat whistleblowing as a serious matter. In line with the governing body's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

This policy aims to:

- give confidence to members of staff regarding raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken

- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in the public interest and within the meaning of the PIDA.

This policy covers whistleblowing relating to alleged:

- unlawful conduct
- miscarriage of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment
- any attempt to prevent disclosure of any of the issues listed.

The above is not intended to be an exhaustive list and there may be other matters which could be dealt with under this policy.

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistleblow. Where members of staff are unclear about any of the PIDA requirements they should seek further advice from the following: Public Concern at Work is an independent charity that provides free advice for persons who wish to express concerns about fraud or other serious malpractice (telephone 0207 404 6609 or www.pcaw.co.uk). Members of staff could also approach their trade union or Human Resources in Ceredigion County Council's Learning Services for further advice.

Safeguard Against Reprisal, Harassment and Victimisation

The governing body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the school's staff disciplinary procedure and/or grievance procedure. The PIDA provides protection to employees in circumstances where their disclosure can be classed as a protected disclosure, i.e. where the disclosure is in the public interest. Under the PIDA it would be automatically unfair to dismiss or make any employee/member of staff redundant because they had made a protected disclosure; and that it would be unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action an Employment Tribunal has the

power to order re-instatement, re-engagement or order the award of compensation to successful claimants.

Confidentiality

The governing body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistleblower is likely to be called in to give evidence in court.

The governing body will not place members of staff under pressure to give their name and will give due consideration to proceeding with investigating the concern on the basis of an anonymous allegation.

Anonymous Allegations

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations will be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the governing body will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Allegations concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the headteacher (or chair of governors, if the allegation is against the headteacher) should urgently consult the designated child protection officer in the school. The child protection officer, with advice from learning services' lead child protection officer, will refer the issue to the statutory authorities as per the requirements of the school's disciplinary procedure. This will ensure that the child protection procedures established by the Local Safeguarding Children Board can be initiated.

However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the Council's Families and Children Services' Designated Manager for Child Protection, either before raising their concern with the governing body or where the headteacher or chair of governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

Procedure for Making a Whistleblowing Allegation

A member of staff should raise their concern with their line manager, the headteacher, the chair of governors, or the governor nominated for whistleblowing – Mr John Roberts 01970 617733. The person to be approached depends to an extent on the seriousness and sensitivity of the issue and who is thought to be involved.

If the staff member feels that they cannot express their concerns within the school, it is open to them to raise their concern with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further', with key organisations to contact suggested as the Council's Learning Services section, Public Concern at Work and the trade unions. However, where the concern relates to a child protection matter, if the member of staff does not want to raise this through the school, they must consult Learning Services' Lead Child Protection Officer or if that person is not available, the Council's Families and Children Services' Designated Manager for Child Protection. If the concern needs to have police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If possible the staff member should put their concern in writing for the avoidance of doubt. They should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for their concerns. If the staff member feels unable to put the matter in writing they can still raise their concern verbally and should telephone or arrange to meet the appropriate person. They can also ask their trade union or professional association to raise the matter on their behalf or to support them in raising the concern.

Response to Whistleblowing

The matter raised may:

- need inquiry internally in the school
- need to be passed to the police if it relates to alleged criminal activity
- need to be passed to the person in Ceredigion County Council who deals with complaints about financial management or financial propriety in schools
- need to be referred to Learning Services; Lead Child Protection Officer or if that person is not available, the Council's Families and Children Services' Designated Manager for Child Protection.

At this stage concerns/allegations are neither accepted nor rejected.

Timescale for Response

The person appointed by the governing body (Mr John Roberts 01970 617733 or the chair of governors) to look into whistleblowing allegations will normally provide a written response to you **within 5 working days** (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response

- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing you of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

The Inquiry Process

The appointed person [*Chair of Governors or Mr John Roberts*] will:

- Look into the allegation – seeking evidence and interviewing witnesses as necessary.
- Maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain anonymous.
- If appropriate, bring the matter to the attention of Ceredigion County Council's appointed person dealing with complaints about financial management of schools.
- If appropriate, for concerns of criminal behaviour refer the matter to the police.
- If appropriate, for concerns of child protection, refer the matter to Learning Services' Lead Child Protection Officer or the Council's Families and Children Services' Designated Manager for Child Protection. The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If the person appointed by the governing body needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

The target is to complete the inquiry within **10-15 working days** from the date of the initial written response. If the enquiry extends beyond the timescales outlined for specific reasons all individuals concerned will be notified of this in writing with an indication when the inquiry will be completed.

The Inquiry Report

Following completion of the inquiry process the person appointed [*name/status*] will make a written report and submit to the chair of the governing body normally **within 5 working days**. **The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.**

Following receipt of the inquiry report, the chair of governors will convene a committee with at least one other governor and an independent person from outside the governing body, e.g. Learning Services or a governor of another school, to consider the inquiry report and decide on the action to be taken. This should normally take place **within 5 – 10 working days** following receipt of the inquiry report.

Following notification of the committee's decision, the chair of governors will notify you of the outcome normally **within 5 working days** (except in relation to anonymous allegations), setting out

the action to be taken or that no further action is to be taken and the reasons why.

Taking the Matter Further

If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the governing body’s complaints procedure or raise your concerns with other organisations as listed below:

- Ceredigion County Council
- a diocesan authority (for Church schools)
- a relevant professional body or regulatory organisation such as the General Teaching Council for Wales (GTCW) or the Wales Audit Office
- the Children’s Commissioner for Wales
- the Public Services Ombudsman for Wales
- the Care and Social Services Inspectorate for Wales
- a solicitor
- the police – for concerns of criminal behaviour
- a trade union or professional association
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 0207 404 6609 or www.pcaw.co.uk).

Prepared by the Headteacher in conjunction with staff _____*_____ Date

Accepted by the Governing Body _____*_____ Chair

_____*_____ Date

*(The copy of this policy in its paper form, which is kept in the Headteacher’s Office, has been signed and dated. Some of these policies also include the School Council’s comments and opinions)