

Halstead Community Primary School

# Whistleblowing Policy



**Reviewed and approved by the Strategy Team**

**Signed :**

**Caroline Harrison (Chair, Strategy Team)**

**Date : 31<sup>st</sup> May 2015**

**Mr Hawkins (Headteacher)**

**To be reviewed : January 2017**

## Contents

1. Rationale.....	3
2. Introduction.....	3
3. Background.....	4
4. When might the Whistleblowing Policy apply?.....	4
5. What action should the <i>Whistleblower</i> take? .....	4
6. How will the matter be progressed? .....	5
7. Respecting confidentiality .....	7
8. Public Interest Disclosure .....	7
9. Untrue allegations .....	7
10. Conclusion .....	7
11. Monitoring and review .....	7
12. APPENDIX 1 - THE NOLAN PRINCIPLES .....	8
13. APPENDIX 2 - WHISTLE BLOWING RECORD SHEET.....	9

## 1. Rationale

This policy is designed to explain what actions to take if an individual has cause for concern about something he/she believes to be unethical, illegal or against established professional standards in or affecting the school environment.

### 1.1 Purpose

- To encourage employees to feel confident in raising serious concerns, to question and act upon their concerns about practice
- To provide them with a method of raising concerns and receive feedback on how this is being followed up
- To ensure employees receive a response to their concerns and they are aware of how to pursue them if they are not satisfied
- To reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith

### 1.2 Scope

- This policy applies to all employees and applies equally to those designated as casual, temporary, agency authorised volunteers or work experience, governors and those contractors working for the school or LA on school or LA premises, for example agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the LA in their own premises

## 2. Introduction

The staff and governors of Halstead Community Primary School seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. In the event that members of school staff, parents, governors, or the school community at large become aware of activities which give cause for concern, Halstead CP School has established the following Whistleblowing Policy, or procedure, which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

The School and LA operate within legal requirements and regulations and expects all employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of another employee acting inappropriately is obliged and encouraged to report this activity.

The School and LA are committed to the values of accountability, but the determined perpetrator may find a way round systems and procedures. It is therefore necessary for all managers and staff to be aware of what is required in the event of suspicions. This document sets out the procedure for employees who wish to notify any suspicions and also how the School should respond.

Throughout this policy the term '*whistleblower*' denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan, as recommended in the *Second Report of the Committee*

on *Standards in Public Life: Local Spending Bodies*, published in May 1996. (see also Appendix 1).

Halstead CP School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. We recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

We are committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered and resolved.

The provisions of this policy apply to matters of suspected fraud and impropriety, and not matters of more general grievance (see [Complaints Policy](#) and [Staff Grievance/Conduct/Discipline Policy](#)). See also our [Finance Policy](#).

### 3. Background

This policy uses as its background source documents

- the Kent County Council Whistleblowing Policy 2005
- the Nolan principles from the report on Standards in Public Life (listed in Appendix 1).
- the Public Interest Disclosure Act 1998.

### 4. When might the Whistleblowing Policy apply?

The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. The type of activity or behaviour which Halstead CP School considered should be dealt with under this policy includes:

- Manipulation of accounting records and finances;
- Inappropriate use of school assets or funds;
- Decision-making for personal gain;
- Any criminal activity;
- Abuse of position;
- Fraud and deceit;
- Serious breaches of school procedures which may advantage a particular party (e.g. failure to register a personal interest, etc)
- Conduct which is an offence or a breach of law
- Dangerous procedures or practice

### 5. What action should the *Whistleblower* take?

The Whistleblowing Policy encourages and enables employees to voice their concerns without fear of victimisation, subsequent discrimination or disadvantage. Halstead CP School encourages the Whistleblower to raise the matter internally in the first instance, to allow those school staff and governors in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

## Halstead Community Primary School

We have designated two individuals specifically to deal with such matters, and the Whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter:

<b>Name &amp; position</b>	<b>Contact details</b>
Head Teacher Mr L. Hawkins	Halstead CP School 01959 532224
Chair of Governors Mr Steve Grice	Halstead CP School 01959 532224

Who an employee should raise concerns with, depends upon on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example, there may be exceptional occasions when they are concerned about poor, or bad care practice by colleagues at work or where they are aware of a colleague acting in a way that is illegal, immoral, or unethical.

As a first step, an employee should normally raise concerns with their Head Teacher.

If an employee's concern is about the Head Teacher, he or she should contact the Chair of Governors.

The Whistleblower may prefer to raise the matter in person, by telephone, or in written form marked '*Private & Confidential*' and addressed to one of the above-named individuals. All matters will be treated in strict confidence and anonymity will be respected whenever possible. When raising a concern, the following should be included:

- The background and history of the concern, giving names, dates, and places where possible;
- The reason for the particular concern about the situation.

In addition, information and advice can be obtained from the charity 'Public Concern At Work' (tel: 0207 404 6609)(website: [www.pcaw.co.uk](http://www.pcaw.co.uk)).

The Chief Executive of the LA has the overall responsibility for the maintenance and operation of the Whistleblowing policy in respect of concerns raised formally outside the management of the school. The LA maintain a record of concerns raised and the outcome, but in a form which does not endanger your confidentiality and reports as necessary to the Council. In respect of concerns raised internally within the school the Head Teacher will maintain a record of concerns raised and the outcome and will report as necessary to the Governing Body.

## 6. How will the matter be progressed?

The individual(s) named above who have been given the information or allegation will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice, or assistance, e.g. involvement of other members of school staff, the school's external auditors, KCC's legal or personnel advisors, the police, the DCSF etc.

## Halstead Community Primary School

Records will be kept of the work undertaken and actions taken throughout the investigation (see Appendix 2: Whistleblowing Record Form). The individuals designated to investigate the allegation, possibly in conjunction with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third-party referral (such as the police).

The Whistleblower will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation, and whether or not it has been substantiated, the matter will be reported to the governing body and possibly directed further.

If the Whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter, or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the designated investigating individuals, the governing body, and KCC.

### 6.1 How matters can be taken further ?

If the employee is not satisfied with the outcome, they may take the matter to the Chair of Governors if they have not already been involved. Within ten days the Chair of Governors will write to the employee to acknowledge the concern has been received and indicate the steps that will be taken. The Chair of Governors may choose to set up a small group of governors to investigate. The Chair of Governors will then inform the employee of the outcome on the same basis as above.

This policy is intended to provide employees with a way to raise concerns within the School. If they are not satisfied and they feel it is right to take the matter outside the School, the employee may also raise the matter with the LAs Chief Executive.

If the employee is dissatisfied with the response from the School and LA and subject to the concern being a matter covered by the Act he/she can raise the matter, as appropriate with one of the following:

- An individual's local councillor, (if he or she lives within the Council's boundary)
- The external auditor
- The Audit Commission
- The individual's trade union
- The local citizens advice bureau
- Relevant professional bodies or regulatory organisations
- A voluntary organisation
- Your solicitor
- The police
- "Public Concern at Work", is a voluntary organisation who offer confidential legal advice to employees of any organisation. The service is offered free and they can assist in helping individuals to decide if and how to take a concern forward.

If employees take their concerns outside of the School, this policy does not apply. They should take advice about their rights and responsibilities. Employees should also make sure that as far as possible the matter is raised without personal information relating to other employees being disclosed.

Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

## **7. Respecting confidentiality**

All concerns raised will be treated in confidence, and every effort will be made not to reveal the identity of the Whistleblower if that is their wish and will, as far as possible, protect him/her from reprisals. Halstead CP School will not tolerate any attempt to victimise the Whistleblower or attempts to prevent concerns being raised, and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

## **8. Public Interest Disclosure**

There are two safeguards for employees in the Public Interest Disclosure Act 1998 in respect of disclosures of information:

- An employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any employee directly due to the individual having made such a disclosure will automatically be Unfair.

## **9. Untrue allegations**

If an allegation is made in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations. In such cases, the Disciplinary Procedure will apply.

## **10. Conclusion**

Existing good practice within Halstead CP School in terms of its systems of Internal Control, both financial and non-financial, and the external regulatory environment in which the school operates ensures that cases of suspected fraud or impropriety rarely occur. This Whistleblowing Policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and, if necessary, outside the management structure of the school. This document is a public commitment that concerns are taken seriously, and will be actioned.

## **11. Monitoring and review**

This policy is reviewed every year or whenever deemed necessary by the Head Teacher and Governors in the light of events and changes in the law.

## 12. APPENDIX 1 - THE NOLAN PRINCIPLES

### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

**13. APPENDIX 2 - WHISTLE BLOWING RECORD SHEET**

Date concern/allegation received.	
Name and job title of employee making complaint/allegation (unless anonymous).	
Nature of concern/allegation raised.	
Date formal acknowledgement provided to employee (within 10 working days)	
Person responsible for investigation	
Outcome of investigation	
Action to be taken	
Date notification of outcome given to employee.	

(Copies of allegation and correspondence to be attached)