



St Matthew's Primary School

Whistleblowing policy

WHISTLEBLOWING POLICY FOR WORKERS IN SCHOOLS

1 INTRODUCTION

- 1.1 This policy is intended to provide a means for workers to make serious allegations about standards, conduct, financial irregularity or possible unlawful action to be able to make those allegations in a way that will not be seen as being disloyal to their colleagues or to the Council and will provide 'whistleblowers' with protection from being victimised, discriminated against or disadvantaged for having made an allegation in Public Interest. The procedure ensures that the school complies with its duty under the Public Interest Disclosure Act 1998.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who wish to make serious allegations about any aspect of the Council's or school's work to come forward and voice those concerns. This policy recognises that employees may sometimes wish to make serious allegations about how the Council or school conducts its business but feel unable to raise these in the normal way.
- 1.3 This Whistleblowing Policy is intended to encourage and enable workers to make serious allegations within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The procedure applies to all employees and those contractors working for the school or on the school's premises, for example, supply staff, agency staff, builders and drivers. It also covers voluntary aided and foundation schools, suppliers and those providing services to the school under a contract with the Council.
- 1.5 This procedure is in addition to the Council's and school's complaints procedures and other specifically laid down statutory reporting procedures applying to some departments e.g. Safeguarding procedures and Teachers Standards Regulations.
- 1.6 Wherever possible issues should be resolved through the usual management channels by discussion and open dialogue. It is anticipated that this Policy will only be used should the process of normal management interchange break down or be inappropriate.
- 1.7 This Policy has been discussed with the relevant trades unions and professional associations and has their support.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This Policy aims to:

- encourage workers to feel confident in coming forward with serious allegations ;
- provide a means for workers to make serious allegations and receive feedback on any action taken;
- ensure confidentiality if required;
- reassure workers that they will be protected from possible reprisals or victimisation;
- reassure employees that they will suffer no detriment or disadvantage from making allegations as long as they do so in public interest, genuinely believing their allegations to be valid.

2.2 This Policy does not replace other school policies in particular, if employees have a grievance about their manager and/or their working conditions, they should use the school's Grievance Procedure or discuss the matter with their Trade Union representative. Similarly, if employees have concerns about the conduct of fellow employees in the working environment they should raise these with their line manager, headteacher or, where the complaint is about the headteacher, the Chair of the Governing Body. This procedure is not intended to cover conduct which can be dealt with through the school's normal procedures; it is intended to cover serious allegations that fall outside the scope of other school procedures, or where employees may lack the confidence or be too fearful to use these procedures.

Whistleblowing is the disclosure of information that relates to suspected wrongdoings or dangers at work. This may include:

- conduct which is an offence or a breach of law i.e. criminal activity;
- alleged miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- the unauthorised use of public funds;
- possible fraud, bribery and corruption;
- sexual or physical or verbal abuse, or bullying or intimidation of service users;
- other unethical conduct;
- where authority is being abused;
- conduct likely to damage reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters;

These are examples; the list is not exhaustive.

2.3 Thus, any serious allegation that you have about any aspect of service provision or the conduct of employees, officers or Members of the Council or others acting on behalf of the Council can be reported

under the Whistleblowing Procedure. This may be about something that:

- a significant and serious departure from accepted standards, or the standards the Council or school subscribes to; or
- where someone appears to be vulnerable, or at risk; or
- amounts to serious improper conduct.

3. SAFEGUARDS

3.1 Harassment or Victimisation

3.1.1 The Council is committed to good practice and high standards and wants to be supportive of employees. It aims to encourage openness and will support staff that raise genuine concerns under this policy, even if they turn out to be a mistaken.

3.1.2 The Council and school recognise that the decision to make a serious allegation can be a difficult one to make. However, employees who make serious allegations that are in the public interest will have nothing to fear because they are doing their duty to the employer and those for whom you are providing a service.

3.1.3 The Council and school will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect an employee who makes a serious allegation in the public interest from any reprisals, harassment or victimisation.

3.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any employment procedures to which the employee making the allegation may be subject, or may have instigated.

4. CONFIDENTIALITY

4.1 All allegations will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, if the matter is subsequently dealt with through the school's procedures, e.g. the Disciplinary Procedure, the complainant's identity may have to be revealed in accordance with that procedure, if the matter is to be dealt with effectively.

5. ANONYMOUS ALLEGATIONS

5.1 This procedure, and the Council, encourages employees to put their name to an allegation whenever possible as anonymous allegations may often be difficult to substantiate/prove.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council's Monitoring Officer. In order to help you decide whether or not an issue should be raised, you may, in the first instance wish to discuss it with a trades union or

professional association, or with someone who you feel that you have trust in their judgement. It may be that whomever you confide in may feel more comfortable taking the matter forward on your behalf. You may also find it easier to raise the matter if there are two (or more) of you who have had the same experience(s).

5.3 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the allegation;
- whether the allegation can realistically be investigated from facts or sources other than the complainant.

6. UNTRUE AND OR VEXATIOUS ALLEGATIONS

6.1 If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, the school will be informed and may invoke disciplinary action against them.

7 HOW TO MAKE A SERIOUS ALLEGATION

7.1 As a first step, an employee should, if possible, raise a serious allegation with their line manager, headteacher or Chair of Governors. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that management is involved it would be inappropriate for you to raise the matter directly with your headteacher. For these reasons a range of alternative reporting methods have been put in place to enable the employee to raise the matter through the source that they feel most comfortable with.

The range of alternative contacts you can make therefore embrace:

- Trades Union or Professional Association representative;
- For maintained schools you should make the allegation direct to the Council's Monitoring Officer (telephone 01582 546291 or e-mail whistle@luton.gov.uk).
- For academies and those not directly employed by the Council you should contact the headteacher (or Chair of Governors if appropriate) or another named designate within the academy.

7.2 Serious allegations may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information is provide including:

- the name of the person making the allegation and a contact point. As referred to above it will be more difficult for the school

or Council to pursue issues if concerns have been expressed anonymously;

- the background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- the particular reason for the allegation.

7.3 The earlier the allegation is made, the easier it is to take action.

7.4 Although someone making the allegation will not be expected to prove the truth of any allegations, in order to assist management in any investigation to be carried out, they will need to provide information to the person contacted that there are reasonable grounds for the allegation.

7.5 the employee may invite their trades union, professional association representative or a friend to be present during any meetings or interviews in connection with the allegation.

7.6 The aim of the policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.

7.7 The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The school strongly recommends that advice is sought before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and if individuals are in any doubt they should contact them. Alternatively Trade Union members may contact their Trade Union for advice.

8. HOW THE SCHOOL/COUNCIL WILL RESPOND

8.1 The school or Council will respond in every case to an allegation made under this procedure.

8.2 Where the allegation is made to the school, the person with whom the allegation is first raised (e.g. line manager, headteacher, chair of governors) is the 'receiving officer'. The receiving officer will discuss the allegation with the complainant. If, following discussion, the complainant wants to proceed with the allegation, the receiving officer will take the following steps:

- 1) The receiving officer will notify the Monitoring Officer by telephone or e-mail that the allegation has been made, and give details to the Monitoring Officer. This is so that the allegation can be registered in the Register of Whistleblowing Complaints. The Register is confidential.

- 2) The Monitoring officer will discuss with the receiving officer the best way of investigating the allegation. If the allegation relates to fraud, or potential fraud or other financial irregularity, the Monitoring Officer will also discuss this with the Head of Finance.
- 3) The Monitoring Officer and the receiving officer will agree on the method of investigation. If the Monitoring Officer and the receiving officer cannot agree on the method of investigation, the Monitoring Officer's decision will prevail. In the case of fraud, potential fraud or financial irregularity, the method of investigation will be determined by the Head of Finance after discussions with the receiving officer and the Monitoring Officer.

8.3 Where the complaint is made direct to the Monitoring Officer, then the Monitoring Officer, after liaison with any other appropriate officer(s)* will decide if, and how, the matter should be investigated and will follow the steps below.

8.4 If the allegation discloses evidence of a criminal offence, the Monitoring Officer or the Head of Finance may decide to inform the police.

8.5 Some of the allegations may be resolved by internal action, without the need for investigation.

8.6 Within 10 working days of an allegation being made, the Monitoring Officer will write to the person who raised the allegation (unless they have requested not to be contacted or to be contacted in a different way, other than by letter):

- Acknowledging the allegation has been received;
- Indicating how the Council proposes to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Indicating whether any initial enquiries have been made;
- Supplying information or employee support mechanisms; and
- Indicating whether further investigations will take place and, if not, why not.

8.7 Where the allegation has been made internally and anonymously, obviously the school/Council will be unable to communicate what action has been taken.

8.8 The amount of contact between officers considering the issues and the person making the allegation will depend on the matters raised, the potential difficulties involved and the clarity of the information provided.

If necessary, the school/Council will seek further information from the person making the allegation.

8.9 The school/Council will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive advice about the procedure, and ensure that support mechanisms are made available where needed or desired.

8.10 The school/Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, those making allegations will be informed of the outcome of any investigation.

8.11 The school / Council will ensure that the support is provided to those making allegations.

9. CONFIDENTIALITY

9.1 The school/Council will keep the identity of the complainant confidential at all times, unless the complainant requests otherwise.

9.2 A receiving officer will disclose the complainant's identity to the Monitoring Officer, but to no other person. A receiving officer and the Monitoring Officer will not reveal any facts which could lead to the disclosure of the complainant's identity. These may, depending on the circumstances, include the complainant's gender or position in the school.

10 REGISTER OF ALLEGATIONS

The Council's Monitoring Officer has overall responsibility for the maintenance and operation of the procedure. The Monitoring Officer will maintain a Register of Allegations made under this procedure, and the outcomes, and will report as necessary to the Council's Standards Committee. The recording and reporting procedure will be in a form which ensures confidentiality.

Ratified by Governing Body on 10.12.18