

# Whistle blowing Policy



**Ysgol Gynradd Gymraeg  
Y Login Fach**

Whistleblowing was defined as follows:

**‘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).*

The **Public Interest Disclosure Act 1998** gives statutory protection to whistleblowers. The Act protects employees from prosecution if they make a protected disclosure in accordance with the meaning of the Act and raises a voice about concerns about conduct or practices at school that may be illegal, corrupt, inappropriate, unsafe or unethical or constitute misconduct.

This policy applies to all school staff including full-time and part-time, casual, temporary or substitute staff and individuals on work experience at school.

### **Objectives and Scope of the Policy**

The governing body is committed to maintaining 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 be open, accurate and accountable, staff members are encouraged to report concerns; These will be taken seriously, investigated and appropriate action will be taken in response.

### **The aim of this policy is to:**

1. Provide confidence to members of staff about expressing concerns about conduct or practices that may be illegal, corrupt, inappropriate, unsafe or unethical or that constitute misconduct or are inconsistent with school standards and policies, as he/she is encouraged to act on those concerns
2. Providing members of staff with ways of expressing concerns
3. Ensuring that members of staff receive a response to the concerns they have raised and feedback about any action taken

Reassure staff that they are protected from retaliation or persecution for taking whistleblowing action in a frank manner and in accordance with the meaning of the Public Interest Disclosure Act.

### **This policy relates to whistleblowing in relation to the following alleged incidents:**

- illegal conduct

- Wrongs of Justice in the Treatment of Statutory or Other Processes
- failure to comply with statutory or legal obligation
- maladministration, misconduct or possible bad practice
- Health and safety issues including hazards to the public as well as hazards to pupils and members of staff
- action that has endangered the environment or is likely to do so
- abuse of authority
- unauthorized use of public or other funds
- Deceive or corrupt
- Violations of financial rules or policies
- abuse of any person
- action that has caused or is likely to cause physical danger to any person or put school property at risk of serious harm
- sexually, physically or emotionally abusing members of staff or pupils
- discrimination or unfair favoritism
- racist incidents or actions, or racial harassment and
- any effort to prevent disclosure of any of the issues listed.

The Public Interest Disclosure Act outlines the full statutory rights and obligations of members of staff who wish to blow the whistle. Where members of staff are unsure about any of the requirements of the Act they should seek further advice. Public Concern at Work is an independent charity which provides free advice to those wishing to raise concerns about fraud or other serious misconduct (tel 0207 404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk)). Members of staff could also contact their trade union for further advice.

### **Protection against Reprisals, Harassment and Persecution**

The governing body will not allow harassment or victimisation of members of staff when matters are raised in accordance with the provisions of the Public Interest Disclosure Act. Any member of staff who victimises or abhors a member of staff, as a result of which they raised a concern in accordance with the whistleblowing policy, will be dealt with in accordance with the governing body's staff disciplinary procedures.

The Act protects employees in circumstances where their disclosure can be categorised as protected disclosure. Under the Act it would be unfair as a matter of course to dismiss or render any employee/member of staff unemployed because they made a protected disclosure; and it would be unlawful to make them suffer any other harm, such as degradation or fine. Should such an action take place an Employment Tribunal is empowered to order reinstatement, reemployment or to order the payment of compensation to successful claimants.

## **Confidentiality**

The governing body recognises that members of staff may wish to express concerns in confidence and will do its utmost to protect the identities of staff members who express concern and do not want their names disclosed.

However, investigating the matter could reveal the source of the information; and statements from the staff member may be required as part of the evidence, which would be seen by all parties involved. If the audit results in a prosecution the whistleblower is likely to be called to give evidence in court.

The governing body will not put any pressure on members of staff to give their names and will give due consideration to proceeding with investigating the matter on the basis of an anonymous allegation.

## **Anonymous Allegations**

Wherever possible staff should put their names to allegations - anonymous concerns are far less compelling. However anonymous allegations will be considered under this whistleblowing regime, particularly concerns raised about the welfare of children. In relation to deciding whether or not to act on the basis of an anonymous allegation, the governing body shall take into account the following factors:

1. Seriousness of issue raised
2. plausibility of the concern
3. the likelihood that the allegation can be substantiated from attributable sources, and information provided.

## **False and Malicious/Vexatious Allegations**

If a member of staff makes an allegation in good faith but it is not substantiated has investigated further that is the limit of the matter and no further action will be taken. However, if the investigation shows that false allegations are malicious and/or vexatious or made with the intention of benefiting personally then the governing body will consider taking disciplinary action against the staff member.

#### **4. Allegations Relating to Child Protection Matters**

If a member of staff expresses a concern in relation to a child protection matter, the headteacher or chair of governors should urgently consult with the LEA officer designated to lead on child protection matters (or, if unavailable, the designated child protection manager of the authority's social services department) so that action for dealing with such accusations can be initiated under the school's disciplinary procedure on for staff and child protection procedures established by the Local Safeguarding Children Boards.

However, in relation to child protection matters, the member of staff has the option of making a direct reference to the designated manager of social services either before expressing concern to the governing body or where the headteacher or chair of governors fails to do so after expressing the concern and the staff member remains concerned about the situation.

#### **Procedure for Making a Whistleblower Allegation**

You should express your concern to your line manager, the principal, the chairman of governors, or the governor nominated for whistleblowing. Who you contact will depend to an extent on the severity and sensitivity of the matter and who is perceived to be involved.

If you feel unable to express your concerns at school, you have the option to express your concern to someone outside the school from the list of organisations in the 'Further Action' section of this policy; key organisations we suggest you contact include the LEA, Public Concern at Work and the trade unions. However, where the concern is related to a child protection issue, if you do not wish to raise this through the school, you must contact the LEA officer designated to lead on child protection matters or if that person is unavailable, the designated child protection manager for the local authority's social services. If the matter necessitates involvement by the Police or other statutory authority, the whistleblowing process will be suspended until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue the whistleblowing process.

If possible express your concern on paper for the avoidance of doubt. You should outline the background and history of the concern, giving names, dates and places where possible, and explaining the reasons for your concerns. If you feel unable to express the issue in black and white you can express your concern verbally though and you should call or arrange to meet with the appropriate person. You can also ask your trade union or professional association to raise the issue on your behalf or assist you in expressing the concern.

## Response to Whistleblowing

The issue raised may:

1. that it needs to be investigated internally at the school
2. needs to be submitted to the Police if it is related to alleged criminal activity
3. that it needs to be submitted to those in the LEA who deal with complaints of financial management or financial propriety in schools
4. needs to be referred to the LEA officer designated to lead on child protection matters if there is a child protection related concern or, if that person is not available, the local authority's designated social services child protection manager.

During this time concerns/allegations are neither accepted nor denied.

## Timetable for Response

The appointee of the governing body (usually the Chair of Governors) to investigate whistleblower allegations will usually provide you with a written response **within 5 working days** (except where there are anonymous allegations):

1. acknowledges that the expression of concern has been received
2. sets out how the issue is to be dealt with
3. provides an estimate of how long it will take to provide a final response
4. says if any queries have been made
5. says whether further enquiries will be made
6. informs you of the assistance available while the matters are being investigated, and
7. maintain confidentiality wherever possible, but also explain that it will not be possible for you to remain anonymous, perhaps

## The Investigative Process

The appointee (usually the Chair of Governors) will:

1. Investigate the allegation - seek evidence and interview witnesses as necessary.
2. Maintain confidentiality wherever possible but will be aware that there is no guarantee that the whistleblower can remain anonymous.

3. If appropriate, bring the matter to the attention of the LEA appointees who deal with complaints about school financial management.
4. If appropriate, in the case of criminal conduct matters, refer the matter to the attention of the Police.
5. If appropriate, for child protection concerns, refer the matter to the attention of the officer appointed by the LEA to lead on child protection matters /the local authority's designated child protection manager of social services. The whistleblowing process will be suspended until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue the whistleblowing process

If the appointee by the governing body needs to speak to you, you have the right to be accompanied by a representative of a trade union or professional association or fellow member of staff who is not involved in the area of work the concern is involved with it.

The aim is to complete the investigation **within 10-15 working days** from the date of the initial written response. If the investigation extends beyond the timescales outlined for specific reasons all individuals involved in the case will be notified of this by letter stating when the investigation will conclude.

### **Inquiry Report**

Having completed the investigation process the appointee will produce a written report and submit it to the chair of the governing body **usually within 5 working days**. **The report will not include the whistleblower's name unless you have solemnly stated that you wish to be named.**

After receiving the inquiry report, the chair of governors will call a meeting of the committee with at least one other governor and one independent person outside the governing body, e.g. the LEA or another school governor, to consider the inquiry report and decide what action is to be taken. This should normally happen **within 5-10 working days** of receiving the investigation report.

After informing you of the committee's decision, the chair of governors will usually inform you of the outcome **within 5 working days** (except in relation to anonymous allegations), outlining the steps to be taken or stating that no further action will be taken and the reasons why.

## Further Action

If there is no action to be taken and/or you are dissatisfied with the handling of the matter, you can make a complaint under the governing body's complaints regime or express your concerns to other organisations in the list below:

1. Local authority
2. diocesan authority (for Church schools)
3. a relevant professional body or management organisation such as the General Teaching Council for Wales (CyngACC) or the Welsh Audit Office
4. Children's Commissioner for Wales
5. Public Services Ombudsman for Wales
6. Care and Social Services Inspectorate Wales
7. lawyer
8. Police - for criminal conduct concerns
9. Trade union or professional association
10. Public Concern at Work (an independent charity that gives free advice to people who want to raise concerns about fraud and other serious misconduct. Telephone 0207 404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk)).