



DOWNVIEW PRIMARY SCHOOL

**Confidential Reporting Policy
Whistleblowing**

September 2020

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)

Whistleblowing is a matter between employers and employees. The statutory protection for employees who whistle blow is provided by the Public Interest Disclosure Act 1998 (PIDA). The act protects employees against victimisation if they make a protected disclosure and speak out about corruption or malpractice at work.

The PIDA defines protected disclosure to mean a qualifying disclosure. Qualifying disclosure is in turn defined as any disclosure which in the reasonable belief of the member of staff making the disclosure, tends to show one or more of the following:

- A criminal offence has, is or is likely to be committed
- A person has, is or is likely to fail to comply with a legal obligation
- The health and safety of any individual has or is likely to be endangered
- The environment has been or is likely to be endangered or
- That information tending to show any matter falling within any of the above paragraphs has been or is likely to be deliberately concealed.

This policy applies to all teaching and support staff and to casual or temporary staff and to individuals undertaking work experience in the school.

Aims and Scope of Policy

This policy aims to:

- Give confidence to members of staff about raising concerns about illegal, corrupt or improper practices or unethical conduct inconsistent with school standards and policies so that s/he is encouraged to act on those concerns.
- Provide a member of staff with avenues to raise concerns
- Ensure that a member of staff receives 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 good faith.

This policy covers whistleblowing relating to:

- Conduct which is unlawful
- Disclosures relating to miscarriages of justice in the conduct of statutory or other processes
- Failure to comply with a statutory or legal obligation
- Maladministration, misconduct or malpractice
- Health and safety issues including risks to the public as well as risks to pupils and members of staff
- Abuse of authority
- Unauthorised use of public or other funds
- Fraud or corruption
- Mistreatment of any person
- Action likely to cause physical danger to any person or risk serious damage to school property
- Sexual or physical 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

Safeguard Against Harassment and Victimisation

The Public Interest Disclosure Act 1998 (PIDA) protects you from any reprisals as long the worker complies with the rules and procedures set out in PIDA. The rules and procedures vary according to whether the disclosure is made to the employer, a legal advisor, a Minister of the Crown, a prescribed person or to any other person not falling in one of the above categories. For example if the disclosure is made to the employer or responsible person the disclosure will be qualifying disclosure if:

- It is made to his/her employer, or
- The worker reasonably believes that the failure relates solely or mainly to the conduct of a person other than his or her employer or any other matter for which a person other than his or her employer has legal responsibility.

Where the disclosure is made to any other person not falling within any of the other categories, to qualify as a qualifying disclosure the rules state that the disclosure must:

- Be made in good faith
- Be believed by the member of staff to be substantially true
- Not be made by the member of staff with a view to seeking personal gain
- In all the circumstances be reasonable for the member of staff to make the disclosure
- In addition the member of staff must satisfy one of the following 3 conditions
 1. He/she reasonably believes that he/she will be subject to a detriment by his/her employer if he/she discloses to the employer
 2. Where there is no other prescribed person to whom the disclosure should be made, the worker reasonably believes that the evidence will be concealed or destroyed if disclosed to the employer or
 3. The member of staff has previously made a disclosure of substantially the same information to his/her employer or to a prescribed person.

Downview Primary School will not tolerate harassment or victimisation of workers who raise matters in accordance with the PIDA provisions. Any employee who victimises or harasses another employee as a result of that employee raising a concern under this whistleblowing policy will be dealt with in accordance with School's staff disciplinary procedures.

Confidentiality

Downview Primary School will do its utmost to protect the identity of an employee who has raised a concern and does not want their name disclosed. However the 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 a whistle-blower is unwilling to give a statement because of fear of disclosure of their identity but the Chair of Governors or Headteacher remains concerned about the seriousness of the allegation, they will discuss this with the employee and ask him/her to reconsider, so that the matter can be taken forward.

Anonymous Allegations

Employees should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless whenever possible anonymous allegations will be considered under this whistleblowing procedure taking into account:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from other attributable sources.

Untrue and Malicious/Vexatious Allegations

If an employee makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain, then disciplinary action may be taken against the employee.

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 will report the matter to the Local Authority (LA) officer responsible for Child Protection matters, in accordance with the arrangements for handling such allegations under the schools disciplinary procedure for staff.

What to do if you want to make a Whistleblowing Allegation

Raise your concern with your Line Manager, the Headteacher, or Chair of Governors.

If possible put your concern in writing setting out the background and history of the concern: giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing then telephone or arrange to meet the appropriate person. You can also ask your Trade Union or professional association to raise the matter on your behalf or to support you in raising the concern.

Response to Whistleblowing

The matter raised may:

- Need investigation internally in the school
- Need to be passed to the Police if it relates to alleged criminal activity
- Need to be passed to the Education Funding Agency (EFA) and the person in the Local Authority who deals with complaints about financial management or financial propriety in schools
- Need to be referred to the Local Authority for consideration under Child Protection Procedures

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

Timescale for Response

The Headteacher will provide an initial written response to you within 5 school days:

- 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 investigations have been made
- Advising whether further investigation will take place and
- Informing you of support available whilst the matter is being investigated

The Inquiry process

The Headteacher will:

1. Look into the allegation or appoint an independent person to investigate - seeking evidence and interviewing witnesses as necessary.
2. Maintain confidentiality as far as possible.
3. If appropriate, bring the matter to the attention of the EFA, and the Local Authority appointed person dealing with complaints about financial management of schools.
4. Talk to the Local Authority officer for Child Protection/Social Services manager for Child Protection about any allegations involving Child Protection issues.

Anybody asked to attend a meeting as part of the investigation has the right to be accompanied by a Trade Union or professional association representative or a work place colleague not involved in the area of work to which the concern relates.

The target is to complete the investigation within 10-15 school days from the date of the initial written response.

The Investigation Report

The Headteacher will make a written report setting out:

- How the investigation arose
- Who the concerns were raised against
- Their position in the school and their responsibilities
- How the investigation was undertaken
- The facts and evidence which were identified
- A summary of the findings and recommendations in respect of the concern itself and any work required on system weaknesses identified during the investigation

The Headteacher will convene a committee of at least 3 governors to consider the investigation report and decide on the action to be taken. The committee will determine:

- The need for disciplinary action or other appropriate action to be taken
- The further action to be taken, and the reasons why

Following notification of the committee's decision, the Headteacher will notify you of the outcome within 5 school days, 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 you are not satisfied with the way the matter has been dealt with, you can make a complaint under the School's complaints procedure.

You can also take your concerns to:

- The local authority
- A Local Councillor
- A relevant professional body or regulatory organisation
- The Public Services Ombudsman
- A solicitor
- The police
- Your MP
- A trade union or professional association
- The citizen/s advice bureau

Public concern at work is an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. They can be contacted through their web site www.pcaw.co.uk. They have a help line at helpline@pcaw.co.uk and can provide advice through: whistle@pcaw.co.uk. Their Tel no. is 0207 404 6609. They operate Monday to Friday, 9.00 a.m. to 5.00 p.m.

You can also contact the Audit Commission's confidential public interest disclosure line. Tel no: 0845 052 2646.