

## Rosherville Church of England Primary Academy

*At Rosherville we embrace the Christian ethos, within a nurturing environment where everyone can  
'ASPIRE, ACHIEVE AND ACCOMPLISH.'*

Whistle Blowing Procedure		
<b>Date:</b> November 2015	<b>Responsibility:</b> Headteacher	<b>Agreed By:</b> Local Governing Body

### 1. Introduction

The School is committed to the provision of high quality services and promoting the highest standards of openness, probity and accountability. Employees and others who have serious concerns about any aspect of the school's work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage. It is in the interests of the school, its employees and the public that wrongdoing is exposed and dealt with effectively. Members of staff are often the first to realise that there may be something seriously wrong within an organisation. In many circumstances it will be appropriate for staff to raise their concerns with their line manager and this procedure is not intended to discourage this. However, where staff may be cautious about expressing their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Alternatively, there may also be circumstances where a member of staff has reported their concern to their line manager and received an unsatisfactory response. This confidential procedure is intended to ensure that suspicion of wrongdoing can be dealt with speedily and effectively.

This procedure seeks to balance safeguards for members of staff who raise genuine concerns about malpractice against the need to protect other members of staff and members of the School Governing Body against uninformed or vexatious allegations which can cause serious difficulty for innocent individuals.

### 2. AIMS of the Procedure

- to promote a culture of openness and a shared sense of integrity throughout the school by inviting all employees to act responsibly in order to uphold the reputation of the school and maintain public confidence.
- to provide safeguards so that members of staff feel able to raise concerns about malpractice ('a disclosure') within the school, without fear of adverse repercussions to the individual and a rapid mechanism for investigation of those concerns.
- to provide feedback on action taken and advice on how to pursue those concerns further if the individuals is not satisfied with the outcome.

*“Malpractice”* for the purpose of this procedure, includes the following on the part of another employee, a member of the school, or any other person or persons acting on behalf of the school:-

- Fraud or financial irregularity;
- Corruption, bribery or blackmail;
- Other criminal offences;
- Failure to comply with a legal or regulatory duty or obligation;
- Miscarriage of justice;
- Endangering the health or safety of any individual;
- Endangering the environment;
- Improper use of authority or powers;
- Serious financial maladministration arising from the deliberate commission of improper conduct;
- Unethical or improper conduct or conduct which breaches School policies or falls below the standards which the School subscribes to;
- Abuse of clients, improper discrimination against or relationship with clients;
- Concealment of any of the above.

### **3. Application of the Procedure**

This procedure is intended to tackle genuine concerns of malpractice experienced by:

- an employee of the school;
- agency staff and self employed staff employed on school work, or;
- the staff of school contractors employed on school work.

For the purposes of this procedure an individual who has grounds to believe that malpractice has occurred, is occurring, or is likely to occur in connection with the school is referred to as ‘the discloser’.

Members of the school who are concerned about a particular matter should consult the Headteacher or the Chair of Governors.

### **4. This Policy Does NOT Apply to:**

- the relationship between employees, their managers and the school, for which harassment and bullying or collective dispute procedures are more appropriate.
- concerns and complaints by members of the public to which the School Complaints Procedure will apply.
- agency, self-employed or contract workers as an alternative to such dispute resolution procedures as are set out in their contract with the school.

### **5. Designated Assessors**

The Headteacher will designate members of the School’s Leadership Team, with appropriate experience and standing within the School, as “Designated Assessors”. On instruction by the Headteacher, Designated Assessors are responsible for the preliminary investigation of disclosures and to make recommendations to the Headteacher as to what further steps, if any, should be taken. The Headteacher will co-ordinate the training of the Designated

Assessors in the use of this procedure. A Designated Assessor may decline to investigate a disclosure on reasonable grounds such as:-

- previous involvement or interest in the matter concerned;
- incapacity or unavailability;
- if satisfied, after consulting the Headteacher, that some other Designated Assessor would be more appropriate to consider the matter.

The Headteacher may revoke any such designation as necessary and appoint new Designated Assessors. The Headteacher will make regular reports of any such revocation or appointment, together with brief reasons to the Governors' Personnel Committee.

## **6. Making a Disclosure**

An individual who has grounds to believe that the malpractice has occurred, is occurring, or is likely to occur in connection with the school may report these concerns to the Headteacher or their Designated Assessor.

As soon as practicable the Discloser should communicate the disclosure through the Headteacher, Designated Assessor of their choice or to the Governing Body. Full details of the allegations will be noted, and a full report will be passed on to the Headteacher who will refer it to a Designated Assessor to be dealt with in accordance with this procedure. The initial disclosure should be made either:

- wherever possible, in writing;
- otherwise orally, e.g. by telephone or at interview with a Designated Assessor.

The Discloser should provide as much supporting written evidence as possible about the disclosure, the grounds for the belief of malpractice and indicate why they have not felt able to raise their concerns through normal management channels. Where a disclosure is made through the school's confidential reporting facility, full details of the allegations will be recorded and report passed on to the Headteacher for referral to one of the Designated Assessors. The Discloser may wish to provide their identity and if he/she does provide these details, they will not be passed to the Headteacher or any other school employee without the Discloser's express consent.

Disclosers are encouraged to give details of their identity. Anonymous disclosures are much less powerful but will nevertheless be considered having regard to:-

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation through other suitable sources.

On receipt of the disclosure, the Designated Assessor will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure. The Disclosure may be accompanied by a local trade union representative or work colleague at the interview. The Designated Assessor may be accompanied by an administrative assistant to take notes, which will not identify the Discloser. For safeguards in relation to confidentiality, see Section 9 below.

The purpose of the interview will be for the Designated Assessor to:-

- obtain as much information as possible from the Discloser about the grounds of the belief of malpractice, and;
- to consult with the Discloser about further steps which could be taken.

## **7. Enquiries and Report by Designated Assessor**

As soon as practicable after the interview (or after the initial disclosure if no interview takes place), and after consultation with the Headteacher, the Designated Assessor determines the recommendations as to the further steps that should be taken such as:

- a report to the police or other appropriate public authority;
- investigation by the school's Internal Auditor (this will be the usual course where there are allegations of financial irregularities);
- a full investigation either internally by the school or externally e.g. by the school's auditors or by investigators appointed by the school;
- action under the school's grievance, disciplinary, harassment and bullying or complaints procedures;
- referral for consideration under other specific procedures (e.g. child protection);
- no further action (the basis for which see below).

The Designated Assessor's recommendations will be made to the Headteacher and the Chair of Governors to decide whether or not they agree with them. The recommendation will be made without revealing the identity of the Discloser except in the circumstances set out Section 9. If the Headteacher and the Director of Finance decide not to implement fully any such recommendations that decision will be reported in the next periodic report to the Standards Committee

The grounds on which the Designated Assessor may recommend that no further action are as follows:

- if satisfied that the Discloser has not shown that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- if satisfied that the Discloser is not acting in good faith e.g. if after investigation it appears that the disclosure is wilfully malicious or vexatious, in which case it may be referred for disciplinary action);
- if the matter concerned is already the subject of legal proceedings, or has already been referred to the police or other public authority;
- if the matter is already, has already been, or should be, the subject of proceedings under one of the school's other procedures relating to staff.

Once it has been decided what further steps (if any) should be taken, the Designated Assessor will, where their identity is known, inform the Discloser of the decision. If no further action is proposed, the Designated Assessor will give the Discloser the reasons for this in writing.

## **8. External Disclosure**

It is recognised that in exceptional circumstances, or if dissatisfied after using this procedure, an individual might wish to make a disclosure without using the school's procedure. However, individuals considering such a step are advised to take legal advice before making an external disclosure. They may make an external disclosure:-

- on a confidential basis directly with bodies such as the external auditor or other appropriate public authority or such person as may be prescribed by the Secretary of State under Section 43F of the Public Interest Disclosure Act 1998. Before taking any such action, the Discloser is encouraged to inform the Designated Assessor;
- if they have reasonable grounds for believing that disclosure would lead to evidence being concealed or destroyed or that the Discloser will suffer a detriment a result of making the disclosure.
- on a confidential basis for the purpose of taking legal advice.

## **9. Safeguards and Confidentiality**

Any document, report or recommendation prepared by the Designated Assessors in relation to the matter will not identify the Discloser, unless:-

- the Discloser has consented to this in writing; or
- there are grounds to believe the Discloser has acted maliciously; or
- where the Designated Assessor is under a legal obligation to do so; or
- where the information is already in the public domain; or
- on a strictly confidential basis to the Designated Assessor's administrative assistant; or
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The Designated Assessor will ensure that all information relating to the disclosure (including that held electronically) is kept secure so that, as far as practicable, only the Designated Assessor and his or her administrative assistant shall have access to it.

Disclosers will be under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague (if any) keeps this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain.

The Discloser will not be required by the school, without his or her consent, to participate in any enquiry or investigation into the matter established by the School unless there are grounds to believe that the Discloser may have been involved in the misconduct or malpractice.

Where the Discloser participates in any enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. The obligations of the Designated Assessor detailed above will remain in relation to the identity of the individual as the original Discloser of information.

The school will not (and it will use all reasonable endeavours to ensure that its employees do not) subject the Discloser to any detriment, on the grounds of the Discloser's disclosure of information under this procedure (unless there is proved abuse of this procedure through the making of wilfully malicious or vexatious disclosures). The Discloser should report any complaints of such treatment to the Designated Assessor. If the Discloser wishes the Designated Assessor to take action in relation to such complaints, the Discloser may be asked to consent in writing to the Designated Assessor revealing the Discloser's identity for the purposes of any such action.

Headteacher:	D. Williams	Date:	November 2015
Chair of Governing Body:	J. Brookes	Date:	November 2015
Review by:	FGB	Date:	November 2018