

IES BRECKLAND

WHISTLEBLOWING POLICY

Approved by the Governing Body
Chair of Governors:



Reviewed October 2015

1 INTRODUCTION

- 1.1 IES Breckland expects the highest standards of conduct from all employees, and will treat seriously any concern that an employee (or ex-employee) may have about illegal or improper conduct.
- 1.2 Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Principal any serious impropriety or breach of procedure.
- 1.3 Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.
- 1.4 Under the Public Interest Disclosure Act 1998, employees who raise concerns about malpractice within their place of work have statutory protection against victimisation for making such a disclosure and qualify as a protected act. This means any disclosure of information that, in the reasonable belief of the worker, is made in the public interest (see Appendix A).

2 PURPOSE

- 2.1 This procedure is designed to enable employees to notify the Principal (but see 4.1) of any reasonable suspicion of illegal or improper conduct. Where the concerns are about safeguarding children or young people, the school's Senior Designated Person for Child Protection should be notified (see 7 below).
- 2.2 It is a procedure in which the Principal will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.
- 2.3 Concern about a colleague's professional capability should not be dealt with using this procedure (but see section 7 below).

3 WHEN SHOULD IT BE USED?

- 3.1 This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Employees will be able to "blow the whistle" about breaches of their own employment contract and should refer to the school's grievance procedure. However, employees who are worried about wrong doing at work do not necessarily have a personal grievance.
- 3.2 Employees must have reasonable grounds for believing the information to be accurate.
- 3.3 No employee who uses this procedure in good faith will be penalised for doing so. The school will not tolerate harassment and/or victimisation of any employee raising concerns. Whistleblowers will be protected from suffering a detriment, bullying or harassment from another employee.

- 3.4 An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact the Business Manager or their own professional association. Employees may also wish to seek advice from 'Public Concern at Work (PCAW, <http://www.pcaw.org.uk/>) an organisation which is entirely separate from the School. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted by telephone on 020 7404 6609 or via e-mail on whistle@pcaw.co.uk
- 3.5 Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to Internal Audit for possible investigation. Normally you must first report any suspicion of such an irregularity to the Principal (but see 4.1), who will in turn report it to Internal Audit and where necessary the funding agency must be informed.

4 MECHANISM FOR RAISING CONCERNS

- 4.1 Where the issue concerns your Principal or, having made your report, you believe he/she has failed to take appropriate action, and then you should bring it to the attention of the Chair of Governors. The Chair of Governors may appoint an independent investigator to consider the case and if there are grounds to proceed.
- 4.2 Depending on the nature of the concern the complainant will be asked to justify and support their claim. Normally the complainant will be asked to do this in writing. It will, therefore, be helpful to note down any facts and dates as they happen.
- 4.3 Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a friend or trade union representative along to any discussions, so long as the third party is independent of the issue.
- 4.4 Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.
- 4.5 Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.

5 WHAT SHOULD BE DONE IF AN ISSUE IS RAISED WITH A MEMBER OF STAFF?

- 5.1 If a member of staff (other than the Principal) is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Principal (but see 4.1).

6 EXAMPLES OF ILLEGAL AND/OR IMPROPER CONDUCT

- fraudulent or improper use of the school's money or assets
- dangerous practices at work
- corruptly receiving any gift or advantage, thus failing to comply with the Bribery Act 2010.
- allowing private interests to override the interests of the school.

7 SAFEGUARDING CHILDREN AND YOUNG PEOPLE

7.1 All employees have a duty to report concerns about the safety and welfare of pupils/students

7.2 Concerns about any of the following should be reported to the school's Senior Designated Person for Child Protection (SDP):

- physical abuse of a pupil/student
- sexual abuse of a pupil/student
- emotional abuse of a pupil/student
- neglect of a pupil/student
- an intimate or improper relationship between an adult and a pupil/student

The school's SDP is the Mrs Caroline Ingarfield, Vice Principal and the alternate SDP in Mrs Kathy Harris, Head of Learning Support.

7.3 The reason for the concern may be the actions of a colleague (including a more senior colleague), a governor, another pupil/student or someone outside the school. Whatever the reason, concerns must be reported.

8. RAISING UNFOUNDED MALICIOUS CONCERNS

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

9. HANDLING A DISCLOSURE

9.1 The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential action that the investigating manager could take includes a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another policy. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

9.2 Where appropriate, the matters raised may: be investigated by the investigating manager or internal auditors; be referred to the police; be referred to the external auditor; form the subject of an independent inquiry by an outside body. This will be determined by the investigating manager in conjunction with the Principal and the Business Manager.

9.3 Within four weeks of a concern being raised, the investigating manager will write to both parties: indicating how the School proposes to deal with the matter, and where an internal investigation is to take place giving an estimate of how long it will take to provide a full response, indicating whether further investigations will take place and if not, why not.

9.4 Appendix B provides details of the role of the investigating manager. Any internal investigation should take no longer than three months to complete from the date of

receipt of original disclosure. As part of the investigation, the investigation manager will decide: whether disciplinary action be taken against any employee; whether changes should be recommended to any school procedure; whether any other action should be recommended. These will be detailed in a final report. The investigating manager will send a copy of the final report, including recommendations, to the Principal who will consider the recommendations and determine what action, if any, to take. The investigating manager will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken, although precise details may not be given where there are legal constraints, or it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so. The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

- 9.5 While the investigating manager will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances all parties will be kept informed as to progress. In addition, the investigation maybe delayed as a result of school closure periods. Where possible every effort will be made for the process to continue.

10. APPEAL

- 10.1 An employee who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision to the Chair of Governors. An appeal should be made to the Chair of Governors within five days' of receipt of the outcome letter. The Chair of Governors will determine who should hear the appeal. The appeal should be completed within one month. After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee remains dissatisfied they may raise the matter further by contacting an outside agency.
- 10.2 An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations, within five working days, to the Principal about the outcome of the report. The Principal will consider these representations and may direct further investigation or review as appropriate.

APPENDIX A : THE PUBLIC INTEREST DISCLOSURE ACT 1998

This legislation aims to protect workers who make “qualifying disclosures” of malpractice in their organisation from victimisation as a result of making such a disclosure. It is automatically unfair to dismiss an employee or select him/her for redundancy because s/he made a disclosure, provided that the disclosure qualifies under the Act.

A “qualifying disclosure” must relate to:

- a criminal offence;
- a failure to comply with any legal obligation;
- a miscarriage of justice;
- danger to health and safety of any individual;
- damage to the environment; or
- an attempt to cover up any of these.

Any disclosure must be made in good faith and not for personal gain. The employee does not have to prove that malpractice has occurred, simply that s/he has a reasonable belief that it took place or was about to take place.

The Act directs workers to raise their concerns internally in the first place, wherever their employer has a procedure for doing so. In certain cases the Act also protects disclosure to “prescribed regulators” such as the Audit Commission.

The Act only protects wider disclosure (e.g. to the media, an MP etc) if:

- the employee reasonably believed they would be victimised if they had raised the matter internally or with a prescribed regulator;
- there was no prescribed regulator and they reasonably believed the evidence would be concealed;
- the concern had already been raised with the employer or prescribed regulator; or
- the concern was exceptionally serious.

APPENDIX B – The role of the investigating manager

The investigating manager will have the following responsibilities to the School:

- Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague.
- Establish the facts/obtain statements/collect documentary evidence.
- Maintain detailed records of the investigation process.
- Make any recommendations for action to be submitted to the Principal/Chair of Governors.

The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- Hold a formal meeting with the employee making the complaint to discuss the matter.
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague.
- Keep the employee up to date with progress on the matter and agree timescales for action.
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigation interview.
- Give details of employee support mechanisms available.

The investigating manager will have the following responsibilities towards the employee against whom the disclosure is raised:

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations and provide any supporting evidence.
- Advise in writing of the procedure to be followed.
- Give the person the opportunity to respond in person and in writing to the claims made, and receive and consider any relevant evidence.
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague.
- Give details of employee support mechanisms available.

The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required. Where necessary the school will provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible.

The manager appointed to hear an appeal will have the following responsibilities:

- Hold appeal meeting with employee who made the disclosure.
- Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative/work colleague.
- Review the investigation report/procedure followed and findings.
- Decide whether to uphold appeal or not.
- Initiate a new investigation if necessary.
- Report the appeal findings in writing to the Chair of Governors.
- Communicate outcome in writing to the employee making the disclosure and the employee against whom the disclosure is made.