

# Mayflower Primary School



SET SAIL FOR SUCCESS

## Whistle Blowing Policy and Procedure

**Reviewed:** Summer 2015    **To be reviewed:** Summer 2018

### 1. Purpose

- To set out the Governing Body's approach to, and procedure for, dealing with concerns raised by employees.

### 2. Background

- Employees are often the first to realise that there may be something wrong within the School. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment employees and others with serious concerns about any aspect of the School's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear or reprisals; it is intended to encourage and enable employees to raise serious concerns within the School rather than overlooking a problem or blowing the whistle outside.

### 3. Aims and Scope of the Policy

This policy aims to:

- Provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- Provide for matters to be dealt with quickly and appropriately; ensure that concerns are taken seriously;
- Ensure that the school continues to improve its service and provides best value;

- Reassure employees that they will be protected from reprisals or victimisation for whistle blowing in good faith;
- Allow employees to take the matter further if they are dissatisfied with the Governing Body's response.
- This policy provides details for all School employees of how to raise any concerns they may have about working practices and to whom these should be made. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment, child protection and adult abuse procedures.
- Concerns which fall within the scope of the whistle blowing procedure may be about something that: is unlawful; or is against the Governing Body's or policies; or falls below established standard or practice ; or amounts to improper conduct.

Before initiating the procedure employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- Employees should use supervision sessions, team meetings and other opportunities to raise questions and seek clarification on issues which are of concern;
- Whilst it can be difficult to raise concerns about practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All school employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors and/or elected members.

Employees may raise concerns that fall outside the scope of the whistle blowing procedure. Concerns raised by employees:

- About their own conditions of service, should be addressed via the School's Grievance Procedure; or
- On behalf of pupils should be addressed via the School's Complaints Procedure.

#### **4. Safeguards**

##### Harassment or Victimisation

- The governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.

- This does not mean that if an employee is already the subject of the disciplinary or redundancy procedures, that those procedures will be halted as a result of that employee whistle blowing.

### Confidentiality

- The Governing Body will do its best to protect an employee's identity when they raise a concern and do not want their name to be disclosed. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. Disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing their identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

### Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and are not so effective, but they will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

### Untrue Allegations

- If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that individual.

### Unfounded Allegations

- Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems that the matter to be concluded and that it should not be raised again unless new evidence becomes available.

### Support to Employees

- It is recognised that raising concerns can be difficult and stressful. Advice and support is available via an employee's line manager, LEA counselling service or Trade Union representative. It must be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although ideally not from the same individuals.

## **5. How to raise a concern**

- As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that with their immediate manager or their manager's superior is involved, they should approach the Headteacher or Chair of Governors.
- The earlier an employee expresses the concern, the easier it is to take action.
- Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- In some instances it may be appropriate for an employee to ask their trade union to raise a matter on their behalf.

## **6. How the Governing Body will respond**

The action taken by the Governing Body will depend on the nature of the concern. The matters raised may:

- Be investigated internally;
- Be referred to the police;
- Be referred to the external Auditor;
- Form the subject of an independent inquiry.
- In order to protect individuals and the School, initial enquiries (usually involving a meeting with the individual raising the concern) will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that raise issues that fall within the scope of specific procedures; (e.g. child protection or discrimination issues) will be normally addressed under those procedures.
- Some concerns may be resolved simply, by agreed action or an explanation regarding the concern, without the need for further investigation.
- Within ten working days of a concern being received, the person receiving the concern will write to the employee:
  - Acknowledging that the concern has been received;
  - Indicating how they propose to deal with the matter;
  - Giving an estimate of how long it will take to provide a final response; and/or
  - Telling the employee whether any initial enquiries have been made ; and
  - Telling the employee whether further investigations will take place, and if not why not; and/or

- Letting the employee know when they will receive further details if the situation is not yet resolved; and
- Providing the employee with details of whom to contact should they be unhappy with the response and wish to raise the matter externally.

(A copy of this response will be sent to the Local Authority for record keeping/monitoring purposes.)

## **7. How can the matter be taken forward**

This policy is intended to provide employees with a procedure for raising concerns and resolving these within the School. If an employee is not satisfied with the Governing Body's response, they may wish to raise the matter externally with:

- 'Public Concern at Work' on 020 7404 6609

Public concern at work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

- A recognised trade union;
- A senior LA Officer
- Relevant professional bodies or regulatory organisations;
- A solicitor

If an employee does choose to take a concern outside the school, it is their responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, must not be handed over to a third party. If clarification is required on this, the advice of the Local Authority will be taken.

## **8. Monitoring and Review**

- The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure.
- The Headteacher will submit an annual monitoring report to the Governing Body.

**LBTH  
Whistle Blow  
Hotline  
0800 528 0294**

Chair of Governors: -----

Headteacher: -----

Date: -----