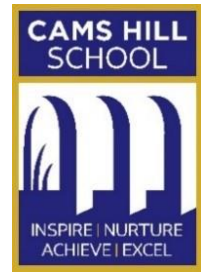


CAMS HILL SCHOOL WHISTLEBLOWING POLICY



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Statutory

Review Period: 4 years

Last Reviewed: 14 May 2020

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1. Introduction

This policy is intended to operate in accordance with the provisions of the Public Interest Disclosure Act 1998 (as amended) (hereafter known as 'the Act'). The Act gives protection to staff and workers who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties. The matters that come within the scope of the Act and this policy are set out in Section 3 below.

The 'Whistleblowing' policy is intended to encourage staff affected to report suspected wrongdoing or dangers in the school where it would be in the public interest to do so. This includes bribery, facilitation of tax evasion, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.

The wrongdoing has to be such as to potentially affect the general public, rather than simply being a complaint of an individual nature, such as a personal grievance, which is not normally covered under whistleblowing law.

The 'Whistleblowing' policy provides for matters to be referred externally where necessary, ultimately to a 'prescribed person' (see Step 5 of the procedure below). However, the policy encourages staff to raise their concerns initially within the school as a first priority, rather than to make a disclosure outside of the school. In the vast majority of cases this will enable matters to be dealt with much more efficiently and speedily.

The Act applies to all workers as well as staff and this policy applies to all teaching and other staff, whether employed by the County Council or employed directly by the school, external contractors providing services on behalf of the school or the County Council, teacher trainees and other trainees, volunteers and other individuals who work for or provide services on behalf of the school. These individuals are collectively referred to in this policy as staff or staff members.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Principles

The Governing Body of the school will treat all disclosures made under the policy very seriously and allegations about such matters will be dealt with quickly and with appropriate confidentiality at all times.

The policy gives protection from victimisation, discrimination or disadvantage to staff who make such a disclosure in the public interest. This protection applies in respect of such a detriment arising from an act, or a failure to act, either by the employer or by a fellow worker, whether the latter be with or without the employer's knowledge. The policy also ensures that the person making the disclosure receives an appropriate response to their disclosure and is made aware of how they may pursue the matter outside of the school if the response given is not satisfactory.

This 'Whistleblowing' policy should not be confused with others, such as individual or collective grievance policies that exist to enable staff to raise concerns about their own employment. It is designed to deal with issues that fall outside of the scope of those policies and therefore excludes all matters that are more appropriately covered by them.

3. Time limits

There are no time limits on raising concerns under this policy, but they should be raised at the earliest opportunity. Where time limits are included within this policy, they exist to ensure that disclosures are dealt with as quickly as possible, and to ensure a prompt initial response from management. The investigation that takes place after a disclosure is made is not time limited, but will be conducted as quickly as possible within the circumstances of the disclosure.

4. Representation

Staff are entitled to representation by a professional association/trade union representative/ work colleague at any meeting or interview held in relation to the disclosure made. Staff should specify that they are making a disclosure under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

5. Unfounded or improperly made allegations

If an allegation is unfounded or unsubstantiated (ie there is no factual basis or evidence to support the allegation) but the staff member has made the allegation honestly and in the reasonable belief that it was in the public interest, no action will be taken against them.

If an allegation is deemed to have been made falsely, maliciously, frivolously or for personal gain, then the person making the allegation may face disciplinary action. Care should be taken in dealing with such allegations, as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

6. Procedure for raising a whistleblowing concern

Step 1 - Raising a concern

Concerns under this policy should initially be raised with the staff member's immediate line manager. If the staff member believes their manager is involved in the malpractice, they may raise their concerns with a more senior member of staff, including the Headteacher. If the staff member believes it is not appropriate to raise the matter with the Headteacher, he/she may approach the Chair of Governors. (In the event that the matter cannot be raised within the school, the staff member may raise their concerns in accordance with Step 5.) The relevant manager is encouraged to take advice from Education Personnel Services who may involve other departments of Hampshire County Council or other relevant external organisations where appropriate.

Within ten working days of a concern being raised, the person receiving it will write to the staff member acknowledging receipt and indicating what initial steps will be taken to deal with it. Where possible, an estimate will be given of the time it will take to provide a final response.

Concerns may be raised orally or, preferably, in writing. These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information, etc. Staff must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

Staff may wish to make anonymous disclosures although it may be important for the investigating manager to know the source of information to enable a full investigation. The manager would also need to take into account the nature and credibility of an allegation before deciding to proceed with an investigation; however, staff should be reassured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity. The Act provides protection against victimisation to anyone who makes a Protected Disclosure in good faith.

Step 2 – Determine whether the concern raised is a Protected Disclosure

Following disclosure of one of the matters set out in Section 3 above, the person receiving the disclosure must determine whether it is a 'qualifying disclosure' under the Act, by considering the following:

- whether any factual information was actually disclosed, as opposed to opinion only, to the employer (or relevant person);
- whether the individual making the disclosure believed that the information tended to show that one of the matters above has occurred, is occurring or is likely to occur; and
- whether that belief was reasonable.

If the above criteria are met, the disclosure will qualify as a Protected Disclosure, and the remainder of this policy will apply. If the criteria are not all met but the staff member's disclosure was made in good faith, investigations should still take place into the allegations and the staff member should not be discriminated against because they have raised such an allegation. If it is found that the disclosure was made for malicious purposes or for personal gain, the school should deal with this under the Staff Disciplinary Policy, where relevant.

Step 3 - Investigation

A preliminary investigation will need to be undertaken to establish whether the alleged act or omission could actually have occurred, be occurring or be likely to occur in the future. The investigation is not, at this stage, to determine whether the alleged act or omission has actually occurred, but to determine the facts of the case (eg was the alleged individual actually where they were purported to be, what does the evidence show).

Allegations that have some foundation to them should be followed up with a full internal investigation, which may result in one or more of the following:

- no case to answer;
- disciplinary action taken against the alleged individual;
- referral to Social Services or the Police, or other relevant organisation;
- referral to Internal Audit.

If the allegations are unfounded (no evidence or proper basis that supports the allegation), or unsubstantiated (can neither be proven nor disproven), no action need be taken by the school, although it would be pertinent to determine why the staff member felt the need to raise the allegation in the first place, eg is there a training need within the school?

If it is found that the allegation was made for malicious purposes or for personal gain, the school should deal with this under the Staff Disciplinary or Staff Grievance Policy.

Step 4 - Communication

Subject to legal constraints and the need to protect the rights of individuals, the staff member raising the concern will be informed of the outcome of any investigation at the earliest practicable opportunity. Such information will not include confidential details about formal action taken against another staff member.

For reasons of sensitivity and confidentiality, all communications with a staff member who takes action under this policy will be sent to their home address, unless an alternative arrangement has been mutually agreed.

Step 5 - Taking the matter further

In the event that a staff member feels that their concerns have not been resolved through the above process, they may write to the Chair of the Governing Body, if he/she has not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of Governors will write to the staff member to acknowledge that the concern has been received and indicate what further steps will be taken, as well as providing an estimate of the time it will take to provide a final response. The Chair of Governors may decide to set up a small group of governors, where appropriate, to investigate the concerns. The Chair of Governors will then inform the staff member of the outcome of this process on the same basis as required of the manager above.

In the event that the matter cannot be satisfactorily resolved within the school, the staff member may escalate their concerns further with any of the following, subject to the concern being a protected disclosure (see Step 2 above):

- a local Member of Parliament;
- a relevant professional body or inspectorate (eg Ofsted or Health & Safety Executive);
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "[Whistleblowing: list of prescribed people and bodies](#)".

Staff can only make a disclosure to a prescribed person if they:

- make the disclosure in good faith;
- reasonably believe the information is substantially true;
- reasonably believe they are disclosing the issue to the appropriate person or body (eg Health and Safety issues to the HSE).

In taking their concern outside of the school, staff must ensure that, as far as possible, the matter is raised without personal information relating to other staff, or confidential information about unrelated matters, being disclosed. A staff member who approaches an accredited legal advice centre, eg Protect (020 3117 2520 or www.pcaaw.org.uk) or Citizens Advice Bureau, must not breach the duty of confidence in this policy to the Governing Body.

7. Failure to follow this policy

Any staff member who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this policy may be liable to disciplinary action.

8. Protection and support for whistleblowers

We aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Headteacher immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

However, if we conclude that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.

Protect operates a confidential helpline. Their contact details can be found in Section 10 below.

9. Contacts

Headteacher	Gwennan Harrison-Jones 01329 226548 (Direct to PA) gharrison-jones@camshill.com
Chair of Governors	Ann Williams 01329 231641 GWilliams@camshill.com
Protect (Independent whistleblowing charity)	Helpline: 020 3117 2520 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk

10. Links with other policies

[Staff Disciplinary Policy](#)

[Staff Grievance Policy](#)

[Child Protection Policy](#)