



SCHOOLS BASED STAFF WHISTLEBLOWING POLICY (Protected Disclosure)

Revised February 2013

1. Policy Statement

The Public Interest Disclosure Act 1998 (the “Act”) places a legal responsibility on employers to ensure that matters of serious public concern can be addressed.

The County Council and the Governing Body are committed to the highest standards of openness, probity and accountability. In line with this commitment the School encourages individuals with serious concerns about an activity in the School to voice those concerns. This also applies to concerns about the actions of staff and governors and external organisations in their dealings with the School.

This policy is provided as a reference document to outline how issues can be raised internally, and if necessary, outside the leadership structure of the School; it documents our assurance that concerns will be seriously considered and appropriate action taken. Additionally, it:

- provides the basis on which individuals can raise serious concerns they may have, and receive feedback on action taken,
- allows individuals to take the matter further if they are dissatisfied with the School’s response, and
- outlines the protection from reprisals or victimisation for ‘whistle-blowing’ in good faith.

It should be noted that any clause within a worker’s contract of employment is void if it attempts to prevent an individual from making a protected disclosure under the Act. This code does not remove or diminish the existing contractual or statutory rights of employees.

2. Scope of the Whistleblowing Policy

This policy applies to all employees; however, the Act also covers those contractors working for the School on its premises. It also covers suppliers and those providing services under a contract with the School in their own premises. The term ‘individual’ used throughout this document is used to include all the above.

Where the Governing Body wishes to deviate from this proposed policy or adopt any other policy, it is the responsibility of the Governing Body to arrange consultation with recognised trade unions.

3. The principles of the policy

There are existing procedures in place to enable individuals to raise grievances about their own employment. This policy is intended to cover concerns that fall outside the scope of individual grievances and relates to both employees and workers.

This policy is in addition to the School's complaints procedure and other statutory reporting procedures, and seeks to encourage you to raise your concerns internally within the organisation.

If you are unsure whether or not to use this policy/procedure, or if you need independent advice at any stage, you can contact Public Concern at Work which is an independent charity which can give free confidential advice at any stage on how to raise a concern about serious malpractice at work. Please refer to Appendix 1 for further details.

'Qualifying disclosures' i.e. those which would be raised under this policy, are disclosures of information which a worker reasonably believes to show that one of more of the following is either happening at the present time, took place in the past or is likely to happen in the future:

- any unlawful act, whether criminal or a breach of civil law, failure to comply with legal obligations or where a miscarriage of justice has occurred, is occurring or is likely to occur..
- maladministration, as defined by the Local Government Ombudsman
- breach of any statutory Code of Practice
- breach of, or failure to implement or comply with any policy or procedure rules determined by the County School, Executive or Committee of the County School
- failure to comply with appropriate professional standards
- corruption or fraud including obtaining money (e.g. grants) without entitlement
- misuse of assets, including stores, equipment, vehicles, buildings computer hardware and software
- a danger to the health or safety of any individual
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to significant avoidable cost, or loss of income, to the County School or would have otherwise seriously prejudice the County School
- abuse of power, or the use of the County School's powers and authority for an unauthorised or ulterior purpose
- damage to the environment or

- deliberate covering up of information tending to show any of the above matters.

An individual does not have to raise a grievance in order to make a 'protected disclosure'; however, if the employee intends to raise the matter as a grievance, this intention must be clearly stated.

4. Safeguards in place to protect whistleblowers

In making the disclosure, an individual must have a reasonable belief that the information disclosed shows one or more of the offences or breaches listed above. The belief need not be correct, but the individual must show that they held the belief and that it was a reasonable belief in the circumstances, at the time of the disclosure.

Individuals are encouraged to come forward in good faith with genuine concerns in the knowledge that they will be taken seriously. The School and Council recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice. As far as possible the School and Council will seek to respect the confidentiality and anonymity of the individual raising the concern and will seek to protect him/her from reprisals. In this regard, neither the School nor the Council will tolerate any harassment or victimisation of the individual who has raised the concerns, nor will any attempt to prevent individuals from raising concerns in good faith be acceptable.

5. Confidentiality

The School and Council encourage individuals to put their name to allegations made. Concerns expressed anonymously are much less powerful as the ability of the School and/or Council to gather crucial information from the complainant is not possible. However, such complaints will be considered at the discretion of the School and Council; in exercising this discretion, the factors to be taken account of will include:

- the seriousness of the issue raised,
- the credibility of the concern,
- the likelihood of being able to confirm that the allegation is from attributable sources
- the ability to trace the source of unfounded or malicious allegations

The School and Council will endeavour to protect the identity of individuals who raise concerns and do not want their name to be disclosed. It must be appreciated, however, that the investigation and statements made by the individual(s) who raised the issue may reveal the source of the information.

6. Raising a concern with the School?

The earlier concerns are expressed by individuals, the easier it is to take action. As a first step, the School encourages individuals to initially raise concerns with their Head Teacher and to allow those school staff and governors in positions of responsibility and authority an opportunity to address the issue and seek an explanation for the behaviour or activity. This will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved.

Individuals who feel that they cannot approach their Head Teacher should approach either:

- the Chair of Governors
- the Council's HR Advisory Team
- the School's Monitoring Officer

For matters of fraud or malpractice, the Council's Head Audit and Risk Manager should be contacted, by telephone 01604 367055 or by email at fraudhotline-audit2@northamptonshire.gov.uk

To assist the implementation of this policy, the School have commissioned the services of Expolink who provide an anonymous, confidential and free 24-hour telephone service related to 'protected disclosure' issues. Expolink can be contacted on 0800 731 6202.

If an employee so wishes, advice may also be sought from a Trade Union or Professional Association. The employee should consider who would be the most appropriate person to deal with the matter; however care is needed to ensure that this will not result in a breach of confidentiality or the disclosure of exempt information.

Concerns raised under this policy should, where possible, be submitted in writing, setting out the background and history of the concern, giving names, dates and places, and the reason why the individual is concerned about the situation. Individuals who do not feel able to put their concerns in writing can telephone or meet the appropriate officer.

Individuals may invite their trade union or professional association to raise the matter internally on their behalf, but should take care that any disclosures are protected disclosures under the Act.

7. The School's approach

The action taken by the School and/or Council will depend on the nature of the concern. The matters raised may for example:

- be investigated internally,
- be referred to the Police, or other appropriate body
- be referred to the External Auditor, or
- form the subject of an independent inquiry

In order to protect individuals, the School and Council, initial enquiries will be made to determine whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or unlawful discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for further investigation.

The preliminary investigation may identify the need to involve third parties to provide further information, advice or assistance; for example, the involvement of other members of staff, legal or HR advisors, the police, or other appropriate external body.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), will consider how best to report the findings and what (if any) corrective action needs to be taken. This may include some form of disciplinary action or third party referral.

Within 14 working days of a concern being received, a School Officer will write to the worker, if known, and in accordance with the communications channel agreed with the worker, who raised the issue:

- acknowledging that the concern has been raised,
- indicating how it is proposed to deal with the matter,
- where possible, giving an estimate of how long it will take to provide a final response, and
- telling the individual whether further investigations will take place, and if not, why not.

The amount of contact between the officers considering the issue and the person who has raised the issue will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual.

When any meeting is arranged with the individual, he or she will be given the right to be accompanied by a trade union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

The School accepts that individuals need to be assured that the matter has been properly addressed. Thus, subject to legal or contractual constraints, individuals will receive appropriate information about the outcomes of any investigations.

8. Dissatisfaction with a response

This policy is intended to provide individuals with an avenue to raise relevant concerns within the School. If the individual is dissatisfied with the resolution of the matter, or has genuine concerns that the matter has not been dealt with appropriately, these concerns should initially be raised with the investigating officer, the governing body and/or directed to the Council.

Where the concern is of a particularly serious nature, the employee may feel that it is more appropriate to take the matter outside of the School. If you would like independent advice about how to raise serious concerns constructively, then you should contact Public Concern at Work. Further details can be found in Appendix 1.

There are a number of bodies which have been prescribed by the Secretary of State for the purpose of receiving disclosures; details of these bodies can be found in Appendix 2. Again, any disclosure made to a prescribed person must be made in good faith and the worker must believe that the information given and the allegations made are substantially true and ensure that they are not acting for personal gain. Appendix 2 provides details of some of the bodies that have statutory functions and are able to provide authoritative advice and guidance to workers about matters disclosed to them.

If an individual does take the matter outside of the School, they must ensure that they do not disclose confidential information which is unrelated to the issue being raised.

In making a disclosure outside of the School to a prescribed body, individuals should be aware that the disclosure must be made in good faith to an appropriate prescribed person or organisation and the individual must believe that the information disclosed and any allegations made are true.

9. Raising unfounded or malicious concerns

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the individual raising the concern and the School/Council will endeavour to protect the individual from reprisals or victimisation.

However, if an employee makes an allegation which – through the internal investigation process - is found to be malicious, mischievous or vexatious, or a

disclosure made for personal gain, such actions will be considered as a disciplinary offence is are likely to result in disciplinary action being taken against the employee.

Whistleblowers making untrue allegations may expose themselves to actions for libel or slander which together make up the civil wrong of defamation. This is a complex area of law. In essence a person puts themselves at risk of being sued for damages if, without justification, they publish or communicate a false statement about someone which may injure his or her reputation in the eyes of ordinary members of society.

However, a whistleblower will not generally be liable provided that they had a legal, moral or social duty or interest in making the statement to a person with a similar interest.

10. Responsible Officer

The Chair of Governors has overall responsibility for the maintenance and operation of this policy. That person maintains a record of concerns raised and the outcomes and will report as necessary to the Governing Body and/or Council.

11. Review of Procedure

This procedure shall be subject to periodic review and may be changed from time to time.



Appendix 1: ADVICE AND INFORMATION

Public Concern at Work

Public Concern at Work is an independent organisation which can provide guidance and training to employers on whistleblowing and can also offer free advice to employees unsure whether or how to raise a concern about workplace wrongdoing.

Public Concern at Work
3rd Floor, Bank Chambers
6-10 Borough High Street
London SE1 9QQ

Telephone (general enquiries and helpline): 020 7404 6609

Email UK enquiries: whilst@pcaw.co.uk
UK helpline: helpline@pcaw.co.uk
UK services: services@pcaw.co.uk

Advisory, Conciliation and Arbitration Service (ACAS)

ACAS operates a nationwide network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law. The service is available to any individual or organisation free of charge. Any worker who contacts ACAS will wish to bear in mind the distinction between seeking information about the provisions of the Public Interest Disclosure Act 1998, and the requirements attached to making a protected disclosure.

Acas East Midlands

Apex Court, City Link, Nottingham, NG2 4LA.
Tel: 08457 38 37 36

General Helpline numbers 0845 474747

Customers with a hearing or speech impairment may prefer to contact Acas using the Text Relay service by dialling 18001 08457 474747.

Appendix 2: LIST OF EXTERNAL PRESCRIBED PERSONS

Prescribed Persons	Matters in respect of which the person is prescribed:	Contact
The Audit Commission for England and Wales (including auditors appointed by the Commission).	<i>The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies</i>	The Audit Commission 1 Vincent Square London SW1P 2PN Tel: 0845 052 2646
The Certification Officer	<i>Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations</i>	Certification Officer Floor 22, Euston Tower 286 Euston Road London NW1 3JJ Tel: 020 7210 3734 Email: info@certoffice.org
The Charity Commissioners for England and Wales	<i>The proper administration of charities and of funds given or held for charitable purposes</i>	Post Assessment Team First Contact Charity Commission Direct PO Box 1227 Liverpool L69 3UG Tel: Charity Commission First Contact on 0845 300 0218 - lines are open Monday to Friday, 9 am to 5pm, except national holidays Text phone service for hearing and speech impaired callers on 0845 300 0219 email: whistleblowing@charitycommission.gsi.gov.uk
Chief Executive of the Criminal Cases Review Commission	<i>Actual or potential miscarriages of justice</i> (The Commission has responsibility for these matters in respect of England, Wales and Northern Ireland)	Criminal Cases Review Commission 5 St Philip's Place Birmingham B3 2PW Tel: 0121 633 1473 Fax: 0121 633 1804 Email: info@ccrc.gov.uk

Prescribed Persons	Matters in respect of which the person is prescribed:	Contact
Independent Police Complaints Commission	<i>Matters relating to the conduct of a person serving with the police (as defined in section 12(7) of the Police reform Act 2002) or of any other person in relation to whose conduct the Independent Police Complaints Commission exercises functions in or under any legislation.</i>	Independent Police Complaints Commission PO Box 473 Sale M33 0BW Tel: 0300 020 0096 Text relay 18001 0207 166 3000 On-line www.ipcc.gov.uk/en/Pages/contact-us.aspx
The Commission for Healthcare Audit and Inspection	<i>Matters connected with (a) the provision of health care for the purposes of the National Health Service (where "health care" has the same meaning as in section 45(2) of the Health and Social Care (Community Health and Standards) Act 2003), (b) the provision of independent health care services within the meaning of section 5A(8) of the Care Standards Act 2000, or (c) any activities not covered by (a) and (b) in relation to which the Commission exercises its functions</i>	Care Quality Commission CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA Tel: 03000 616161 Email: enquiries@cqc.org.uk
The Commissioners for Her Majesty's Revenue and Customs	<i>Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods, Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage</i>	Her Majesty's Revenue and Customs Freepost SEA 939 PO Box 100 Gravesend Kent DA12 2BR 0800 595 000
Comptroller and Auditor General of the National Audit Office	<i>The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services</i>	The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road Victoria London SW1W 9SP Tel: 020 7798 7999
Director General of Water Services	<i>The supply of water and the provision of sewerage services</i>	Director General of Water Services Office of Water Services Centre City Tower 7 Hill Street Birmingham, B5 4UA Tel: 0121 625 1300 Fax: 0121 625 1400

Prescribed Persons	Matters in respect of which the person is prescribed:	Contact
The Serious Fraud Office	<i>Serious or complex fraud</i>	<p>The Serious Fraud Office Elm House 10-16 Elm Street London WC1X 0BJ</p> <p>Action Fraud on 0300 123 2040 Email: confidential@sfo.gsi.gov.uk</p>
The Environment Agency	<i>Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout</i>	<p>The Environment Agency National Customer Contact Centre PO Box 544 Rotherham S60 1BY</p> <p>Tel: 0800 807060 (24 hour line) or enquiries 01454 624400 Fax: 01454 624409</p>
Food Standards Agency	<i>Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food</i>	<p>Personnel and Establishments Division Food Standards Agency Aviation House 125 Kingsway London WC2B 6NH</p> <p>Whistleblowing Confidential Hotline tel: 020 7276 8527 (answerphone) email: foodfraud@foodstandards.gsi.gov.uk speak confidentially to a member of staff on: Tel: 020 7276 8712</p>
Financial Services Authority	<i>The carrying on of investment business or of insurance business. The operation of banks and building societies, deposit-taking businesses and wholesale money market regimes. The operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies and industrial and provident societies. The functioning of financial markets, investment exchanges and clearing houses. Money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority</i>	<p>Director, Authorisation Financial Services Authority 25 The North Colonnade Canary Wharf London E14 5HS</p> <p>Tel: 020 7066 9200 Email: whistle@fsa.gov.uk http://www.fsa.gov.uk/doing/contact/whistle</p>

Prescribed Persons	Matters in respect of which the person is prescribed:	Contact
Health and Care Professionals School	<i>Matters relating to the registration of social care workers under the Care Standards Act 2000</i>	The Health and Care Professions School Park House 184 Kennington Park Road London SE11 4BU Tel. 44 (0)845 300 6184 Fax. 44 (0)20 7820 9684 www.hcpc-uk.org
Health and Safety Executive	<p><i>Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work.</i></p> <p>local authority which under section 18 of the Health and Safety at Work etc Act 1974 is responsible for the enforcement of the relevant statutory provisions contact the appropriate local authority</p>	<p>HSE Head Office Health and Safety Executive Redgrave Court Merton Road Bootle Merseyside L20 7HS</p> <p>Tel: Complaints and Advisory Team on 0300 0031647 http://www.hse.gov.uk/contact/workplace-complaints.htm#reporting</p>
Information Commissioner	<p><i>Compliance with the requirements of legislation relating to data protection and to freedom of information*</i></p> <p><i>(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)</i></p> <p><i>(*Freedom of information legislation provides for the disclosure by public authorities of the information that they hold)</i></p>	<p>The Office of the Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel: 0303 123 1113 (or 01625 545745 Fax: 01625 524510 http://www.ico.gov.uk/</p>

Prescribed Persons	Matters in respect of which the person is prescribed:	Contact
The Pensions Regulator	<i>Matters relating to occupational pension schemes and other private pension arrangements</i>	The Pensions Regulator Napier House Trafalgar Place Brighton. BN1 4DW Tel: 0845 600 7060 Textphone: 0870 2433123 Fax: 0870 2411144 E-mail: customersupport@thepensionsregulator.gsi.gov.uk Website: www.thepensionsregulator.gov.uk