

Ffedarasiwn Cwrt Henri, Ffairfach a Talylychau

Pennaeth / Headteacher - Mr Gethin Richards MA, BSc

richardsg75@hwbcymru.net

Penaethiaid Cynorthwyol / Assistant Headteacher

Mrs A Vaughan-Owen / Mrs A Morgan / Miss A Walker



Polisi Chwythu'r Chwiban

Whistleblowing Policy

Introduction

Whistleblowing has been defined as:

'The disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997)

Statutory protection for employees who *whistleblow* is provided by: **The Public Interest Disclosure Act 1998 ("PIDA")**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

This policy applies to **all** school staff including *full and part time, casual, temporary or substitute staff* and to *individuals undertaking work experience* in the school.

Aims and Scope of Policy

The Governing Body is committed to high standards in all aspects of the school and will treat whistleblowing as a serious matter. In line with the governing body's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have

raised and feedback on any action taken

- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

This policy covers whistleblowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed.

The PIDA sets out the full statutory rights and obligations of members of staff wishing to *whistleblow*. Where members of staff are unclear about any of the PIDA requirements they should seek further advice. *Public Concern at Work* is an independent charity that provides free advice for persons who wish to express concerns about fraud or other serious malpractice (telephone: **0207 404 6609** or visit: (**www.pcaw.co.uk**). Members of staff could also approach their Trade Union for further advice.

Safeguard Against Reprisal, Harassment and Victimisation

The Governing Body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the Governing Body's Staff Disciplinary Procedures.

The PIDA provides protection to employees in circumstances where their disclosure

can be classed as a Protected Disclosure. Under the PIDA it would be automatically unfair to dismiss or make any employee/member of staff redundant because they had made a Protected Disclosure; and that it would be unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action an Employment Tribunal has the power to order re-instatement, re-engagement or order the award of compensation to successful claimants.

Confidentiality

The Governing Body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

The Governing Body will not place members of staff under pressure to give their name and will give due consideration to proceeding with investigating the concern on the basis of an anonymous allegation.

Anonymous Allegations

Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations will be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the governing body will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be **closed** and **no further action taken**. If, however, the inquiry shows that untrue allegations were *malicious* and / or *vexatious* or made for *personal gain* then the Governing Body will consider taking disciplinary action against the member of staff.

Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a Child Protection issue, the Headteacher or Chair of Governors should urgently consult the LEA Officer designated to lead on Child Protection (or if they are not available the designated Manager for Child Protection in the authority's Social Services Department) so that the action for the handling of such allegations under the Child Protection Procedures established can be initiated.

Procedure for Making a *Whistleblowing* Allegation

In the first place it should be brought to the attention of the Headteacher or the Chair of Governors. The person to be approached depends to an extent on the seriousness and sensitivity of the issue and who is thought to be involved.

If a member of staff feels they cannot express their concerns within the school or to the governing body, they are entitled to raise their concern with someone *outside* the school setting.

However, where the concern relates to a Child Protection matter, and the person does not want to raise this through the school, they **must** consult the LEA Officer designated to lead on Child Protection. If the concern needs to have Police or other Statutory Authority Involvement, the whistleblowing process will be **halted** until the

Statutory Authorities have completed their investigations and confirmed that it is *appropriate* to continue with the whistleblowing process.

If possible concerns should be put *in writing* for the avoidance of doubt. It should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns.

If it is not possible to put the matter in writing it is still possible to raise a concern verbally. It is also possible to ask the trade union or a professional association or a colleague to raise the matter.

Response to Whistleblowing

The matter raised may:

- need inquiry internally in the school
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the person in the LEA who deals with complaints about Financial Management or Financial Propriety in schools
- need to be referred to the LEA Officer designated to lead on Child Protection if there is a concern relating to Child Protection.

At this stage, *concerns / allegations* are **neither accepted nor rejected**.

Timescale for Response

The person appointed by the Governing Body to look into *whistleblowing* allegations (vice - chair of GB) will normally provide a *written* response within **5 school days** (*except* in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a *final* response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing you of support available whilst matters are looked into, and maintaining confidentiality wherever possible, but also explaining that it may **not** be possible that you can *remain* anonymous.

The Inquiry Process

The appointed person will:

- Look into the allegation - seeking evidence and interviewing witnesses as necessary.
- Maintain confidentiality *wherever possible* but will be mindful that there is **no guarantee** that the *whistleblower* can *remain* anonymous.
- If appropriate, bring the matter to the attention of the LEA appointed person dealing with complaints about Financial Management of Schools.
- If appropriate, for concerns of Criminal Behaviour, refer the matter to the Police.
- If appropriate, for concerns of Child Protection, refer the matter to the LEA Officer designated to lead on Child Protection or the Local Authority Social Services designated Manager for Child Protection. The whistleblowing process will be **halted** until the Statutory Authorities have completed their investigations and confirmed that it is *appropriate* to continue with the whistleblowing process.

If the person appointed by the Governing Body needs to talk to a whistleblower, they are permitted to be accompanied by a Trade Union or Professional Association or a colleague or a fellow member of staff not involved in the area of work to which the concern relates.

The *target* is to complete the inquiry **within 10-15 school days** from the date of the

initial *written* response. If the enquiry extends *beyond* the timescales outlined for specific reasons all individuals concerned will be notified of this *in writing* with an indication when the inquiry *will* be completed.

The Inquiry Report

Following completion of the inquiry process the appointed person will make a *written* report and submit to the Governing Body *normally within 5 working days*. The report will **not** contain the whistleblower's name *unless* you have expressly stated that you *wish* to be named.

Following receipt of the Inquiry Report, the Chair of Governors will convene a **Review Committee** consisting of *at least* one other Governor **and** an *independent person* from **outside** of the Governing Body (e.g. the LEA or a Governor of *another Carmarthenshire School*) to consider this Inquiry Report and decide on the **action to be taken**. This should *normally* take place within **5 - 10 school days** following the receipt of the Inquiry Report.

Following notification of this Committee's decision, the Chair of Governors will notify you of the *adjudication / outcome* normally *within 5 school days* (*except* in relation to anonymous allegations), setting out the **action to be taken next or that no further action is to be taken** and the reasons *why* this is to be the case.

Taking the Matter Further

If **no action is to be taken** and / or the whistle blower is **not satisfied** with the *way* the matter has been dealt with, they can make a formal complaint or raise the concern with any of the other organisations as listed below:

- the Local Authority
- a *relevant* Professional Body or Regulatory Organisation such as the General Teaching Council for Wales (GTCW) or the Wales Audit Office
- the Children's Commissioner for Wales
- the Public Services Ombudsman for Wales
- the Care and Social Services Inspectorate for Wales
- a Solicitor
- the Police - for concerns of Criminal Behaviour
- a Trade Union or Professional Association
- Public Concern at Work; who are an *independent charity* that provides *free* advice for persons who wish to express concern about Fraud and other Serious Malpractice (Telephone: **0207 404 6609** or visit: **www.pcaw.co.u**)