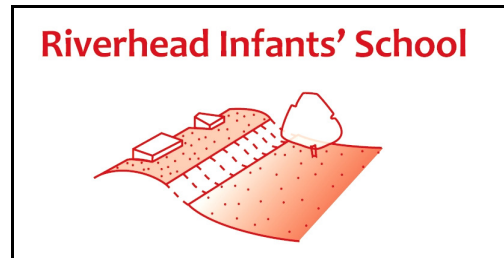


Riverhead Infants' School

Whistleblowing Policy



Updated by Jenny Baker-Hirst.



Signed:

Chair of Governors



Signed:

Headteacher

Signed:

Chair of Finance Committee

Reviewed by Finance Committee:

November 2011

Ratified by the Full Governing Body:

November 2011

Next Review Date:

November 2012

WHISTLEBLOWING POLICY

1. Introduction

The School and KCC are committed to the highest possible standards of openness, probity and accountability and encourage employees (School employees and former employees, agency staff and contractors engaged by the School) and others (cleaners, builders etc) to raise any concerns about any aspect of School work to come forward and voice concerns. In some instances, concerns may need to be expressed on a confidential basis.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimisation, internally within the School rather than over-looking a problem or raising the matter outside.

2. Other complaints procedures

This procedure is separate from the School's complaints procedures and other statutory reporting procedures.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

3. Aim and scope

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- provided with avenues to raise concerns and receive feedback on any action taken
- given a response to their concerns and are aware of how to pursue them if not satisfied
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying. This procedure is intended to cover concerns that fall outside the scope of other procedures. These include:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct that has occurred, is occurring or is likely to occur the result of which the School fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of others, or other unethical conduct discrimination of any kind and waste/frivolous expenditure
- disclosures related to past, current or likely miscarriages of justice, past, current or likely health and safety risks, including risks to the public as well as other employees
- past, current or likely damage to the environment.

Concerns about any aspect of service provision or the conduct of employees of the School or others acting on behalf of the School, can be reported under the Whistleblowing Procedure. This may be about something that you:

- feel uncomfortable about in terms of known standards, your experience or the standards you believe the School subscribes to;
- is against the Schools Standing Orders and Policies;
- falls below established standards of practice or
- amounts to improper conduct.

The School's safety complaints procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

4. Confidentiality

All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of a whistleblower. However, in certain cases, it may not be possible to maintain confidentiality, if a whistleblower is required to come forward as a witness.

5. Anonymous allegations

Whenever possible a whistleblower should put his/her name to an allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However, anonymous allegations will be considered and investigated at the School's discretion. In exercising the discretion, the factors to be taken into account would include:

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

6. Untrue allegations

If a whistleblower makes an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

7. How to raise a concern

7.1 General

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- give the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. A whistleblower is not expected to prove beyond doubt the truth of an allegation, but will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A trade union or professional association may raise a matter on behalf of an employee.

8. Step One - raising a concern

Whenever possible a whistleblower should raise a concern with the Headteacher, or Assistant Headteacher as soon as any suspected malpractice becomes apparent. If this³

is not appropriate, for example where it is suspected that the Headteacher/Assistant Headteacher already knows about the malpractice and appears to be 'turning a blind eye', or where it is suspected that the Headteacher/Assistant Headteacher may be involved, the whistleblower should report their concerns to the Governors. Alternatively, the matter may be raised with one of the following if for whatever reason the whistleblower is unable to raise his/her concerns with one of the above: KCC Head of Schools Human Resources, KCC Head of Audit, or KCC Head of Legal Services. For up to date contact details of such individuals, refer to http://www.kent.gov.uk/your_council/priorities_policies_and_plans/policies/whistleblowing_policy.aspx.

KCC also has an **Independent Helpline** - Public Concern at Work on 020 7040 6609.

Employees may also wish to seek advice from 'Public Concern at Work (PCAW), an independent organisation offering confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted via e-mail on helpline@pcaw.co.uk.

Step Two - how the School will respond

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

- be investigated internally by the Headteacher
- be referred to the Police or
- be referred to the External Auditor.

In order to protect individuals and the School, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g., child protection or discrimination issues) will normally be referred for consideration under those procedures.

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.

Whistleblowers will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how the School proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing if any initial enquiries have been made
- whether further investigations will take place and, if not, why not.

9. Contact

The amount of contact between those considering the issues and the whistleblower 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.

10. Attending meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

11. Support

The School will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the School/KCC will advise or arrange for you to have advice about the procedure.

The School/KCC will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

The School accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

12. How the matter can be taken further

This procedure is intended to provide individuals with an avenue to raise concerns within the School and through KCC. If a whistleblower is not satisfied, and feels it is right to take the matter further, they should discuss their concerns with a legal advisor, professional association, trade union or PCAW before reporting them outside the School or KCC. However, other possible contact points are:

- Public Concern at Work on 020 7404 6609
- Audit Commission on 020 7630 1019
- a local Kent County Council member
- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If a matter is taken outside the School and KCC, a whistleblower must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named School/KCC contacts.

13. Public Interest Disclosure

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any School/KCC employee directly due to the individual having made such a disclosure will automatically be unfair.

14. Reviews and Operation of this Policy

The Governors have overall responsibility for the operation of this policy. This policy has to be formally adopted by the Governors and will be reviewed annually.