



PONTARDDULAIS COMPREHENSIVE SCHOOL
YSGOL GYFUN PONTARDDULAIS



WHISTLEBLOWING POLICY

POLISI DATGUDDIAD

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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.

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1. AIMS AND SCOPE OF THE 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.

The policy aims to:

- give confidence to members of staff about raising concerns 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 he/she is encouraged to act on those concerns;



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- 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; and
- 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 www.pcaw.co.uk). Members of staff could also approach their trade union for further advice.

2. 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.



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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.

3. 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 then 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.

4. 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 that are 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; and
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

5. 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 either malicious, vexatious or made for personal gain then the Governing Body will consider taking disciplinary action against the member of staff.



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6. 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 Local Education Authority (LEA) officer designated to lead on Child Protection (or if they are not available the designated manager for Child Protection in the Local Authority's Social Services Department) so that the action for the handling of such allegations under the school's disciplinary procedure for staff and the child protection procedures established by the Local Safeguarding Children's Boards can be initiated.

However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the social services designated manager either before raising their concern with the Governing Body or where the Headteacher or Chair of Governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

7. PROCEDURE FOR MAKING A WHISTLEBLOWING ALLEGATION

Staff should raise their concern with their line manager, the Headteacher, the Chair of Governors, or the Governor nominated for whistleblowing. 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 staff feel that they cannot express their concerns within the school, it is open to staff to raise their concern with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further', with key organisations to contact suggested as the LEA, Public Concern at Work and the trade unions. However, where the concern is related to a child protection matter, the LEA officer designated to lead on child protection or if that person is not available, the Local Authority's designated Social Services manager for child protection. If the concern needs to have Police or other statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If possible, staff should put their concern in writing for the avoidance of doubt and set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for the concerns. If staff feel unable to put the matter in writing the concern can still be raised verbally and should telephone or arrange to meet the appropriate person. Staff can also ask their trade union or professional association to raise the matter on their behalf or to support them in raising the concern.



8. RESPONSE TO WHISTLEBLOWING

The matter raised might:

- need an 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; or
- need to be referred to the LEA officer designated to lead on child protection if there is a concern relating to child protection, or if that person is not available the Local Authority's designated Social Services manager for child protection.

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

9. TIMESCALE FOR RESPONSE

The person appointed by the Governing Body to look into whistleblowing allegations, in this case the Deputy Headteacher, will normally provide a written response to the whistleblower **within 5 school working 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 the whistleblower of support available whilst matters are looked into; and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible for the whistleblower to remain anonymous.

10. THE INQUIRY PROCESS

The Deputy Headteacher/Headteacher or Chair of Governors 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; and
- if appropriate, for concerns of child protection, refer the matter to the LEA officer designated to lead on child protection/Local Authority Social Services designated



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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 Headteacher, Governor or Deputy Headteacher needs to talk to the Whistleblower, then the Whistleblower will be permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

The person appointed to conduct the inquiry should keep all notes of telephone and face to face discussions, records and documents reviewed, tests undertaken and results in date order and in a safe place. He/she should ensure that the correct form of evidence is obtained and appropriately kept including original documents; certified copies of papers; physical objects; secondary evidence (e.g. discussions); and details of any circumstantial evidence.

The target is to complete the inquiry **within 10 – 15 school working 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.

11. THE INQUIRY REPORT

Following completion of the inquiry process the person appointed will make a written report and submit to the Chair of the Governing Body normally **within 5 working days**. The report will not contain the whistleblower's name unless the whistleblower has expressly stated that he/she wishes to be named and should set out:

- how the inquiry arose;
- who the concerns are raised against;
- the position in the school of the person against whom the concerns are raised and their responsibilities;
- how the inquiry was undertaken;
- the facts and evidence which were identified; and
- a summary of the findings and recommendations in respect of the concern itself and any work required on system weaknesses identified during the inquiry.

Following receipt of the inquiry report, the Chair of the Governing Body will convene a committee with at least one other Governor and an independent person from outside the Governing Body, e.g. the LEA or a Governor of another school to consider the inquiry report and decide on the action to be taken. This should normally take place **within 5 – 10 school working days** following receipt of the inquiry report.



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

12. TAKING THE MATTER FURTHER

If no action is to be taken and/or the whistleblower is not satisfied with the way the matter has been dealt with, then he/she can make a complaint under the Governing Body's complaints procedure or raise his/her concerns with other organisations as listed below:

- the Local Authority;
- a relevant professional body or regulatory organisation such as the Education Workforce Council (EWC) 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; or
- Public Concern at Work (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 www.pcaw.co.uk).

Members of staff should be informed that if the matter is taken to another organisation they must take care not to disclose privileged confidential information and must still have regard to the PIDA in raising their concerns.

13. School Website

This policy is available on the School Website: www.pontcomp.swansea.sch.uk