



GRANBY PRIMARY SCHOOL RAISING CONCERNS AT WORK POLICY AND PROCEDURES (Whistle blowing)

CONTENTS

Policy Statement	Page 2
Scope	Page 2
What is Whistleblowing?	Page 2
Raising a whistleblowing concern	Page 3
External disclosures	Page 4
Investigation of concerns	Page 5
Confidentiality	Page 6
Anonymous allegations	Page 6
Protection	Page 7
False allegations	Page 8

Appendices

Appendix 1 – The Whistleblowing process

Appendix 2 – Reporting Form

Appendix 3 – Sample Poster

Appendix 4 - List of prescribed persons for external public interest disclosures

1 Policy Statement

- 1.1 We are committed to conducting our business with honesty and integrity and we expect all staff to maintain high standards of conduct. All organisations, however, face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.
- 1.2 We undertake to act in accordance with UK legislation on disclosure of malpractice in the workplace and to take steps to protect our workers from detrimental treatment or dismissal if they raise concerns in good faith.
- 1.3 The aims of this policy are:
- a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.
 - b) To provide staff with guidance as to how to raise those concerns.
 - c) To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.
- 1.4 This policy aims to explain what constitutes a whistleblowing complaint, how to raise one, how it will be dealt with and what protection is afforded to a legitimate whistleblower.

2 Scope

- 2.1 This policy applies to all individuals working at all levels of the organisation, including senior management, teachers, teaching assistants, support staff, other employees, consultants, trainees, part-time and fixed-term workers, casual and agency staff, and volunteers (collectively referred to as **staff** in this policy).
- 2.2 All staff are required to observe the policy and procedure. All staff are responsible for the success of this policy and should ensure that they take steps to disclose any wrongdoing or malpractice of which they become aware.

3. What is Whistleblowing?

Don't think "what if I'm wrong?" - think "what if I'm right?"

- 3.1 **Whistleblowing** has been described as "providing a safe alternative to silence" (Public Concern at Work). It is the mechanism for you to voice your concerns without fear of repercussion, even if the concern later proves to be unfounded. When you raise a concern via this route, this is known as making a 'disclosure'. **Appendix 1** outlines the whistleblowing process.
- 3.2 You're a **whistleblower** if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public. This may include:
- Deficiencies in the care, or abuse, of children or young people;

- A criminal act that has been, is being, or is likely to be committed, including damage to the environment, unauthorised use of public funds and possible fraud and/or corruption;
- Someone has failed, is failing, or is likely to fail, to comply with legal obligations;
- Health and safety risks, including risks to the public, children/young people and other employees;
- Inappropriate or improper conduct;
- Serious failure to comply with appropriate professional standards;
- Breach of local procedures or statutory codes of practice;
- Other unethical conduct.

3.3 You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Reasons for Whistleblowing:

- We all have an individual responsibility for raising concerns about unacceptable practice or behaviour;
- We could prevent the problem worsening or widening;
- We may be able to protect or reduce risks to others;
- To prevent becoming implicated yourself.

What stops people from Whistleblowing?

- Starting a chain of events which spirals;
- Disrupting the work or project;
- Fear of getting it wrong;
- Fear of repercussions or damaging careers;
- Fear of not being believed.

4 Raising a whistleblowing concern

4.1 You are recommended to approach your Trade Union/Professional Association for advice and support, which may include inviting them to raise the concern on your behalf.

4.2 If you believe that the actions of anyone (or a group of people) working or volunteering for Granby Primary do or could constitute malpractice you should approach your immediate manager, Headteacher, or our designated person for Child Protection (if the concern is child protection related).

4.3 Where this is not appropriate because the line manager is involved in the alleged malpractice in some way, the matter should be raised with the Headteacher or Chair of Governors. If you would feel more comfortable you can ask to meet with them away from the School premises. They will consider whether the issue can be resolved informally.

4.4 You may raise your concern verbally or in writing (preferably using the form included in **Appendix 2**) and should include full details and, if possible, supporting evidence outlining the background and history, giving names, dates and places where you can.

4.5 You must state that you are using the Whistleblowing Policy and you must say straight away if you don't want anyone else to know it was you who raised the concern. Voice your concerns, suspicions or uneasiness as soon as you can: the earlier a concern is expressed the easier and sooner action can be taken. Try to pinpoint exactly what practice is concerning you and why.

- 4.6 If your concern is about your immediate manager/Headteacher, or you feel you need to formally raise it with someone outside the school, contact the Local Authority Investigations Team on 2527415 (24 hours) or via email at investigations@leicester.gov.uk. Details of the disclosure will be presented to the 'Monitoring Officer' (or his/her representative) for consideration. The Monitoring Officer will take any necessary urgent action and, taking account of the circumstances and any evidence, determine how to respond to the disclosure. The Monitoring Officer is currently the Service Director for Legal Services.
- 4.7 If you feel you need to take your concern to a Regulatory body (for example, Ofsted), or to a relevant external organisation/individual (including an elected member/Member of Parliament), please see the contact details at [Appendix 4](#). The conditions for making a disclosure to a Regulatory Body/External Organisation are:
- You reasonably believe you would suffer detriment if you made the disclosure to your Headteacher, the Local Authority, or to a regulator; or
 - You reasonably believe the evidence is likely to be concealed or destroyed; or
 - You have already made the disclosure to your Headteacher or the Local Authority and you are dissatisfied with the response.
- 4.8 You should be making the disclosure in good faith and although you are not expected to prove the truth of an allegation you will need to demonstrate sufficient grounds for the concern. The Public Interest Disclosure Act 1998 defines 'good faith' in the context of Whistleblowing as "the reasonable belief that the allegation is substantially true and that it is not made for personal gain".

5. External Disclosures

- 5.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 5.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern externally. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 5.3 Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a contractor. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. You are encouraged, however, to report such concerns internally in line with the procedure outlined in this policy.

6 Investigation of concerns

- 6.1 On receipt of a whistleblowing concern, the member of staff who receives and takes note of the complaint must pass this information to the Headteacher / Chair of Governors as soon as is reasonably possible, who will then take the necessary course of action.
- 6.2 An initial assessment will be undertaken to determine what, if any, steps should be taken. As part of this process, an assessment of whether your concern falls within the scope of this policy will be considered. You will be informed of the outcome of the assessment. You won't have a say in how your concern is dealt with and you may be asked for further information.
- 6.3 Following the initial assessment an investigation may be undertaken. Investigations will normally be undertaken by the Headteacher. Depending on the nature of the issue raised, the response may be one or more of the following:
- management investigation;
 - internal audit investigation;
 - disciplinary investigation;
 - referral for consideration under another Council procedure;
 - referral to the police;
 - referral to the District Auditor;
 - an independent investigation;
 - amend procedures; or
 - no action due to lack of sufficient evidence.
- 6.4 You should be given information on how the matter is likely to be dealt with within 10 working days of making the disclosure (so far as legally possible and subject to rights of confidentiality). You will be informed of the outcome of the investigation and any action that has been taken to resolve the matter (so far as legally possible and subject to rights of confidentiality). If you are dissatisfied with the response, you may take the matter further with the Local Authority Investigations Team or the persons/organisations identified at **Appendix 4**.
- 6.5 If the complaint is against the Headteacher or a potential or actual conflict of interests exists for the Headteacher they should not carry out the investigation. In such cases, the complaint will be passed to our Chair of Governors or the Director of CYPS. In exceptional circumstances or where specific expertise is required, an external investigator may be appointed.
- 6.6 If there is evidence of criminal activity then the investigating officer should inform the police. We will ensure that any internal investigation does not hinder a formal police investigation.
- 6.7 It may be appropriate to instigate a further procedure following the conclusion of any investigation, such as the disciplinary procedure. Any such action falls outside the scope of this policy.
- 6.8 Whilst in most circumstances you will be kept informed of the progress of any investigation and its likely timescale, the need for confidentiality may prevent the provision of information to you including specific details of the investigation or any disciplinary action taken as a result.

- 6.9 The investigator will decide what details, if any, should be provided to you regarding the investigation itself and its outcome. You should, however, treat any information about the investigation provided to you as confidential.

7 Confidentiality

- 7.1 We will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved, confidential.
- 7.2 Your claim may not be able to be progressed if you haven't provided all the information needed.
- 7.3 There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure.
- 7.4 It is possible, however, that your role as the whistleblower could still become apparent to third parties during the course of an investigation.
- 7.5 Equally, should an investigation lead to a criminal prosecution, it may become necessary for you to provide evidence or be interviewed by the Police. In these circumstances, again, the implications for confidentiality will be discussed with you.
- 7.6 If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

8 Anonymous Allegations

- 8.1 This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Headteacher / Chair of Governors. In exercising this discretion, the factors to be taken into account will be include:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

9 Protection

9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken. As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'. You're protected if you're a worker e.g. you're:

- an employee, such as a teacher, teaching assistant, office worker, factory worker;
- a trainee, such as a student nurse; or
- an agency worker.

9.2 You're protected by law if you report any of the following:

- a criminal offence, e.g. fraud;
- someone's health and safety is in danger;
- risk or actual damage to the environment;
- a miscarriage of justice;
- the company is breaking the law, e.g. doesn't have the right insurance; or
- you believe someone is covering up wrongdoing.

9.3 Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager immediately who will assess what steps, if any, should be taken. If for any reason you do not believe it is appropriate to raise this with your line manager you should inform the next line of management. Where matters have been disclosed in confidence and anonymously, then you can speak with the Headteacher or Chair of Governors. If the matter is not resolved to your satisfaction you may raise this using the Grievance Procedure.

9.4 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

9.5 You may invite your Trade Union/Professional Association representative or a work colleague to be present during any meetings/interviews in connection with the concerns you have raised. Should your Trade Union/Professional Association representative raise the concern on your behalf, they will be automatically afforded the same protection from detriment. You can take a case to an employment tribunal if you've been treated unfairly because you've blown the whistle.

9.6 You can get further information from the Advisory, Conciliation and Arbitration Service (ACAS), Citizens' Advice, the whistleblowing charity Public Concern at Work or your trade union.

9.7 If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

9.8 You must raise any claim of unfair dismissal within 3 months of your employment ending.

9.9 You must notify ACAS if you want to take your case to an employment tribunal.

10 False Allegations

10.1 If it is concluded that a whistleblower has made false allegations maliciously, in bad faith (i.e. not merely mistakenly) or with a view to personal gain, the disciplinary procedure will be followed in respect of that complaint.

Signed..... (Headteacher)

Date.....

LEICESTER CITY COUNCIL: 0116 2527000.

HEADTEACHER: 0116 2298162

PUBLIC CONCERN AT WORK

Telephone

Whistleblowing Advice Line: 020 7404 6609

Fax

020 7403 8823

Email

UK advice line: whistle@pcaw.org.uk

Address

CAN Mezzanine
7 - 14 Great Dover Street
London SE1 4YR

APPENDIX 1 - THE WHISTLEBLOWING PROCESS

Stage 1- Making a disclosure

Approach your Manager, Headteacher, designated person for Child Protection or the Local Authority Investigations Team and share your concerns. You can do this verbally or in writing.

You may be asked to consider making a written or verbal statement. In such cases, a brief summary of the interview will be made and agreed by both parties.

Please see the Whistleblowing Policy for details of further contacts should you feel unable to discuss your concerns with the above parties (or feel that the response from these parties is insufficient)

Stage 2 – Initial Response to the Disclosure

Consideration will be given as to what action will be taken as a result of the disclosure. You will be notified of the intended response and the reasons for it.

Stage 3 – Launch a Management Investigation

Where a Management Investigation is deemed necessary, a senior manager will be appointed as an investigating officer.

Stage 4 – Deciding whether further action is necessary

On the strength of the information provided by the investigation, further action may be necessary:

- If there is a case to be answered by any individual, the recognised procedure will be followed;
- Where there is no case to answer, but the concern was raised in good faith and in accordance with the Whistleblowing policy, the school will ensure as far as is reasonably practicable that you suffer no reprisals or victimisation;
- Where it is established that the allegations were malicious/vexatious or you have not acted in accordance with the Whistleblowing policy, disciplinary action may be taken.

Stage 5 - Confirmation of the Outcome

You will be informed of the outcome of the investigation and any appropriate action taken to resolve the matter, subject to any confidentiality clause and/or legal constraints. If you are dissatisfied with this response you may take the matter further with the prescribed persons or organisations identified in the Whistleblowing Policy.

APPENDIX 2 - WHISTLE BLOWING POLICY - REPORTING FORM

Referral Form to be completed by Individual identifying a concern under the Public Interest Disclosure Act 1998

DETAILS OF PERSON RAISING CONCERNS AND ISSUE RAISED

Nature of Concern:

Background (please provide dates where possible) :

Who is involved?

Reasons for the concern:

Name :	Date (dd/mm/yy) : / /
Contact No.	Time (mm:hh) : :

Meeting Date (dd/mm/yy): / / Time (mm:hh): :

INVESTIGATION OF CONCERN

Concern Received By:	Investigations Audit Team : HR :
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Action :	
Signature:.....	Time: (mm:hh): :

ADDITIONAL INFORMATION

Comments/Additional information:

Silence isn't always golden...

Although we all pride ourselves on having high standards of conduct and providing quality services to the community, sometimes you may become aware of a lapse, or suspected lapse, in these standards.

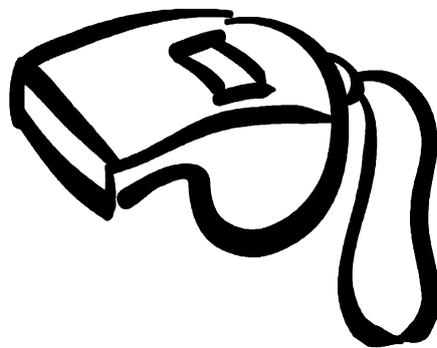
The simple fact is that you may suspect something is going wrong long before anyone else finds out about it.

So if something at work is troubling you enough for you to mention it to your family or friends, please report it straight away.

The Whistleblowing Policy is available from Human Resources or on the Extranet under Human Resources / HR Model Policies and Procedures.

Your Trade Union/Professional Association is available to provide you with advice and support.

Don't think “what if I'm wrong?” - think “what if I'm right?”



APPENDIX 4 - LIST OF PRESCRIBED PERSONS FOR EXTERNAL PUBLIC INTEREST DISCLOSURES

Ofsted

Can deal with referrals re: concerns about any service for children and young people.

Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

Tel: 08456 014772 (08.00 to 18.00)

Audit Commission for England/Wales (inc. auditors appointed by the Commission)

Can deal with referrals re: the proper conduct of public business, value for money, fraud and corruption in local government and the health service.

1 Vincent Square
London
SW1P 2PN

Tel: 020 7630 1019 / Audit Commission Public Interest Disclosure Hotline: 020 74046609

Charity Commissioners for England and Wales

Can deal with referrals re: the proper administration of charities, or funds given or held for charitable purposes.

Head of Operations
2nd Floor 20 Kings Parade
Queens Dock
Liverpool
L3 4DQ

Tel: 0870 3330123 Fax: 0151 703 1556

Her Majesty's Commissioners of Customs and Excise

Can deal with referrals re: Value Added Tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods.

HM Customs and Excise
Customs Confidential
Freepost
SEA 9391 PO Box 100
Gravesend
Kent

DA12 2BR

Tel: 0800 595000/Email: customs.confidential@hmce.gov.uk

The Certification Officer

Can deal with referrals re: fraud, and other irregularities relating to the financial affairs of trade unions and employers' associations.

Brandon House 180 Borough High Street
London
SE1 1LW

Tel: 020 7210 3734/3735 Fax: 020 7210 3612

Her Majesty's Commissioners of the Inland Revenue

Can deal with referrals re: 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.

Inland Revenue
West Wing
Somerset House
London WC2 1LB

Comptroller and Auditor General of the National Audit Office

Can deal with referrals re: the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services

The Comptroller and Auditor
General National Audit Office
157-197 Buckingham Palace Road

Victoria
London
SW1W 9SP

Tel: 020 7798 7999

Director General of Electricity Supply

Can deal with referrals re: the generation, transmission, distribution and supply of electricity and activities ancillary to these matters

Office of Electricity Regulation
Hagley House
Hagley Road
Birmingham
B16 8QG

Tel: 0121 456 2100 Fax: 0121 4564664.

Director General of Gas Supply

Deals with referrals re: the transportation, shipping and supply of gas through pipes and activities ancillary to these matters.

Office of Gas Supply
Stockley House
130 Wilton Road
London
SW1V 1LQ

Tel: 020 7828 0898 Fax: 020 7932 1600

Director General of Telecommunications

Can deal with referrals re: provision/use of telecommunication systems/services & apparatus.

Office of Telecommunications
50 Ludgate Hill
London
EC4M 7JJ

Tel: 020 7634 8700 Fax: 020 7634 8845

Director General of Water Services

Can deal with referrals re: the supply of water and the provision of sewerage services.

Office of Water Services Centre
City Tower 7 Hill Street
Birmingham
B5 4UA

Tel: 0121 625 1300 Fax: 0121 625 1400

Serious Fraud Office

Can deal with referrals re: serious or complex fraud.

The Director of the Serious Fraud Office
Elm House 10-16 Elm Street
London
WC1X 0BJ

Tel: 020 7239 7272 Fax: 020 7837 1689

The Environment Agency

Can deal with referrals re: acts/omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout.

Rio House Waterside Drive Aztec West
Almondsbury
Bristol
BS12 4UD

Tel: 0800 807060 (24 hour line) Fax: 01454 624409

Food Standards Agency

Can deal with referrals re: 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

Personnel and Establishments Division
Food Standards Agency
Room 111C Aviation House
125 Kingsway

London
WC2B 6NH

Tel: 020 7276 8120 Fax: 020 7276 8132

Financial Services Authority (FSA)

Can deal with referrals re: The carrying on of investment or insurance business, the operation of: banks and building societies, deposit-taking businesses, wholesale money market regimes, 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 FSA.

25 The North Colonnade
Canary Wharf
London
E14 5HS

Tel: 020 7676 4646 / Email: whistle@fsa.gov.uk

General Social Care Council (GSCC)

Can deal with referrals re: matters relating to the registration of social care workers under the Care Standards Act 2000.

Goldings House
2 Hays Lane
London
SE1 2HB

Tel: 020 7397 5100 / Website: www.gsc.org.uk.

Health and Safety Executive (HSE)

Can deal with referrals re: 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

Health and Safety Executive Information Centre
Broad Lane
Sheffield
S3 7HQ

Tel: 0541 545500 (HSE infoline) Fax: 0114 289 2333

Housing Corporation

Can deal with referrals re: registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.

Assistant Director Supervision
Housing Corporation
149 Tottenham Court Road
London
W1T 7BN

Tel: 020 7393 2000

Information Commissioner

Can deal with referrals re: compliance with the requirements of legislation relating to data protection and freedom of information*

(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)

(*Freedom of information legislation provides for the disclosure by public authorities of the information that they hold)

The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545700 / Email: mail@ico.gsi.gov.uk

Leicestershire Constabulary

Can deal with referrals re: information about any crime.

Force Headquarters
St Johns
Enderby

Leicester
LE19 2BX

Tel: 0116 222 2222

Commission for Social Care Inspection (CSCI)

Can deal with referrals re: matters relating to the provision of regulated care services, as defined in the Care Standards Act 2000

The Customer Service Manager
Commission for Social Care Inspection
St Nicholas Building
St Nicholas Street
Newcastle
NE1 1NB

Tel: 0191 233 3556 / Email: enquiries@csci.gsi.gov.uk

The Occupational Pensions Regulatory Authority

Can deal with referrals re: matters relating to occupational pension schemes and other private pension arrangements.

Invicta House
Trafalgar Place
Brighton
BN1 4DW

Tel: 01273 627600 / E-mail: helpdesk@opra.gov.uk

Office of Fair Trading

Can deal with referrals re: matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers or competition affecting markets in the UK.

Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

Tel: 020 7211 8000 Fax: 020 7211 8800

Standards Board for England

Can deal with referrals re: breaches by a member/co-opted member of relevant authority (as defined in section 49(6) of the Local Government Act 2000) of that authority's code of conduct

1st Floor Cottons Centre
Cottons Lane
London SE1 2QL

Tel: 0845 078 8181.