	St Thomas Primary School		
	"Whistleblowing" Policy		
Date adopted	17th May 2007	Version	2
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Author/Owner	Personnel Committee		

1.0 INTRODUCTION

1.1 The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of the School and Governing Body

1.2 Employees are often the first to realise that something seriously wrong may be happening within the School or Governing Body. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the Governing Body or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

1.3 The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the School or Governing Body's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns with School or the Governing Body rather than overlooking a problem or publicly disclosing the matter.

1.4 This policy has been discussed with the relevant trade unions and professional organisations and has their support. The Governing Body recognises that an employee may wish to seek advice and be represented by his or her Trade Union when using this policy and endorses the role which trade unions and their officers play in this process

2.0 AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- provide avenues for you to raise concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the Governing Body's response;

2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Governing Body or its Committees under procedures set out in the Constitution. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other corporate policies for dealing with complaints, with Member or Officer Codes of Conduct and with protocols for good working relationships within the Authority

Concerns raised under this Whistleblowing Policy should be about something that is or may be:

- unlawful or a criminal offence; or
- a breach of a legal obligation; or
- a miscarriage of justice; or
- mistreatment or abuse of a client or a member of the public for whom the Governing Body has a responsibility; or
- in disregard of legislation governing health and safety at work; or
- seeking undue favour over a contractual matter or a job application; or
- against the Governing Body's Standing Orders or Financial Regulations; or
- amounts to improper conduct or unauthorised use of public funds;
- has led to or could lead to damage to the environment; or
- deliberately covers up information tending to show any of the above.

3.0 SAFEGUARDS

3.1 Harassment or Victimisation

The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

3.2 Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

3.3 Confidentiality

All concerns will be treated in confidence and the Governing Body will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

3.4 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Governing Body against the following criteria.

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources;
- the Governing Body and School's best interests;
- the protection of the Council's assets.

3.5 You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback.

3.6 Untrue Allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

4.0 HOW TO RAISE A CONCERN

4.1 As a first step, you should normally raise concerns with your immediate manager or his /her superior. For school staff a concern should be raised with either the headteacher or a governor. However, if for some reason this first step is inappropriate then the concern should be raised at a senior corporate level within the County Council. To ensure that allegations are considered consistently you should seek a private meeting with the Solicitor or the Director of Personnel and Performance or the Head of Internal Audit. These three officers will then liaise to ensure that the concern is properly investigated and that any such investigation is properly monitored. Alternatively, if your complaint is that something seriously wrong is occurring at a senior management level within the Governing Body you may prefer to approach either the Chief Executive or the Independent Chairman of the Council's Standards Committee.

4.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down a copy will be sent to your home address or via your representative (paragraph 4.5) to give you an opportunity to agree this as a correct record.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.5 You may of course wish to seek advice from your Trade Union representative on how best to raise your concern. Where you wish to raise your concern anonymously this may be done through your trade union.

5.0 HOW THE GOVERNING BODY WILL RESPOND

5.1 The action taken by the Governing Body will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues) or referred to the Commission for Social Care Inspection or to the Police or to the District Auditor to be examined at arms length. Thereafter it may form the subject of an independent inquiry or a reference to the Governing Body's own Discipline Committees.

5.2 If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

5.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.

5.4 In any event within ten working days of a concern being received, the Governing Body will write to you at your home address:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not
- advising you to find an independent person to support you during the investigation.

5.5 If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed in order to keep you informed.

5.6 The amount of contact between investigating officers and you 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 you.

5.7 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a friend (who need not be associated with the Governing Body).

5.8 The Governing Body accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

6.0 DETRIMENT

The Governing Body is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

7.0 HOW THE MATTER CAN BE TAKEN FURTHER

7.1 This policy is intended to provide you with a way to raise concerns within the Governing Body. The Governing Body hopes you will be satisfied by its response.

7.2 However, you may feel it is right to take the matter outside the Governing Body and, if so, the following are possible contact points:

- the Independent Chairman of the County Council's own Standards Committee (mentioned in Paragraph 4.1 above);
- the District Auditor;
- relevant professional bodies or regulatory organisations;
- your Trades Union
  [Unison provides a hotline for whistleblowers on 0800 5979750]
- your solicitor or legal adviser;
- the Police;
- the Local Government Ombudsman;
- the Health and Safety Executive;
- 'Public Concern at Work' – a Registered Charity

8.0 THE RESPONSIBLE OFFICER

The Chair of Governing Body has overall responsibility for the maintenance and operation of this policy. Within their duty to ensure that the Governing Body acts lawfully they will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not endanger your confidentiality) and report as necessary to the Governing Body

9.0 DOCUMENT HISTORY

v2	Revised and Approved by Personnel Committee, 17th May 2007
v1.1	Updated against Devon Model 'Whistleblowing' Policy, dated June 2004 by Clerk to Governors, 10th May 2007
v1	Devon Model 'Whistleblowing' Policy, dated July 2000