

“WHISTLE BLOWING” POLICY



DISCLOSURE OF MALPRACTICE/‘WHISTLE BLOWING’ in relation to school staff

1.0 PREFACE

Ysgol Eifionydd fully accepts the principles of this County Policy and fully implements the policy.

Everyone who works at the school is included in this policy. It was drawn up in order to provide employees with an opportunity to voice their concerns regarding inappropriate actions, and to do so confidently and without malice, and free from the fear of being disciplined for betraying trust.

Disclosure refers to members of staff divulging misconduct, whether it is some irregularity, malpractice or serious failure to uphold standards of work. It is of benefit of all – children, teachers, support staff, governors, the Council and taxpayers – that any matter that is disclosed is treated appropriately, promptly and in confidence.

The disclosure policy was formed in order to provide staff with an opportunity to reveal misconduct internally, as this is more likely to protect the good name of a school and to retain the public’s faith rather than talking about it publicly or allowing the wrongdoing to deteriorate.

Staff members concerned about misconduct may be worried about fraud, arrangements which pose a risk to health and safety, misuse of drugs and alcohol, sexual or physical abuse, bullying, avoiding statutory responsibility, or any other unethical issue. The important thing is that it will benefit everyone to have the wrongdoing disclosed, and if appropriate, to have the perpetrator punished.

Staff will also be expected, through agreed arrangements, and without fear of reprisal, to bring any shortcomings in relation to the school to the attention of the appropriate person. Employees must notify the appropriate person of any irregularity or violation of the procedure.

2.0 INTRODUCTION

Within schools, staff are often the first to realize that something is seriously wrong. This could involve concerns about the misuse of drugs and alcohol, sexual or physical abuse, bullying, financial fraud, etc. Agreed policies already exist within the Authority regarding such matters. The ‘Whistle blowing’ policy should in no way replace these. The purpose of a disclosure/‘whistle-blowing’ policy is to provide confidential ways of raising concerns and of responding as a result of a complaint. Complaints are often not expressed because of a feeling that the individual would be disloyal to his/her colleagues, school or Authority. It is also possible that the individual would worry about the possibility of victimization as a result of making a complaint of this kind. Under such circumstances, it might be easier to ignore the concern rather than report what may, after all, just be a suspicion of misconduct.

The Education Authority and the Governing Body are committed to maintaining the highest possible standards with regard to openness, honesty and accountability. We therefore encourage employees to be open and to voice their concerns. We realize that some cases will require confidentiality. This policy document makes it clear that staff can do this without fear of reprisal. The intention of the disclosure policy is to encourage staff and make it easier for them to raise serious concerns within the school and Education Authority, rather than ignoring the problem or voicing it outside.

3.0 THE OBJECTIVES AND SCOPE OF THIS POLICY

The objective of this policy is to:-

give you the opportunity to raise your concerns and be informed of consequent action;

give you the right to take the matter further if you are dissatisfied with the response of the school and/or Education Authority;

provide you with reassurance that you will be protected from reprisals or victimization for disclosing wrongdoing in good faith.

There is a procedure in place to allow you to lodge a complaint in relation to your own employment or against the conduct of a member of school staff. This disclosure policy covers concerns which are beyond the scope of other procedures. That concern may be for something which:-

- **is unlawful, fraudulent or corrupt, or**
- **contravenes the Standing Orders or policies of the school and Education Authority, or**
- **constitutes inappropriate conduct.**

4.0 PRECAUTIONS

The Education Authority and the Governing Body realize that it can be difficult to decide to raise a concern, especially when you fear that those responsible for the wrongdoing will retaliate. Neither the school nor the Education Authority will tolerate harassment or victimization and will protect you when you raise a concern in good faith.

This does not mean that if you are already subject to disciplinary or dismissal procedures that those procedures will be abolished because of any disclosures you make.

The Education Authority and the Governing Body will do their utmost to protect your identity when you raise any concerns and wish to remain anonymous. However, it should be realized that your name could be revealed during an investigation into the matter, and that you may have to make a statement as part of the evidence.

This policy encourages you to put your name to your complaint, and unless there are specific reasons to submit a nameless claim, then you should do so. Anonymous concerns are much less powerful, but will be considered at the discretion of the Education Authority and Governing Body, having taken into account:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of obtaining a dependable source to confirm the allegation.

If you make an allegation in good faith, that is, however, not confirmed by the investigation, no action will be taken against you.

This policy does not replace the school's complaints procedures.

5.0 HOW TO RAISE A CONCERN

The sooner you express your concern, the easier it will be to do something about it. Usually, the first step is to mention it to the Headteacher or Chair of Governors. This, however, depends on the gravity and sensitivity of the issues concerned and who is being suspected of malpractice. For example, if the Headteacher or Chair of Governors is under suspicion, an Officer of the Schools' Service should be contacted. If an Officer of the Service is under suspicion, the preferred course of action is to report to the Chief Executive who will, in turn, have to consult the Monitoring Officer, the Chief Finance Officer, or the Head of the Internal Audit Unit, depending on the nature of the matter(s) raised.

It is better to raise concerns in writing. We ask you to provide the background and history of your concern, providing names, dates and places, if possible, and your reason for being concerned about the situation. If you feel unable to put your concern in writing, you are welcome to telephone or meet your Headteacher and Chair of Governors with the Schools' Service Officer.

Although you are not expected to prove that your allegation is true, you must demonstrate to the liaison person that there are sufficient grounds for your concern.

Advice or guidance on how to deal with your concern can be obtained from your union representative.

Your teachers' union, trade union or professional association can be invited to raise the matter on your behalf.

6.0 HOW THE EDUCATION AUTHORITY/GOVERNING BODY/SCHOOL WILL RESPOND

The way in which the Education Authority/Governing Body responds will depend on the nature of the concern. The matters you raise may:-

- be internally investigated
- be referred to the Police
- be referred to the District Auditor, or
- be subject to an independent inquiry.

In order to protect individuals and the school, enquiries will initially be carried out to decide whether or not an investigation is called for, and if so, what type of investigation. It should be remembered that investigating a concern does not mean that it is accepted or rejected. If you choose to formally disclose a concern, a person will be designated by the school's Senior Management Team, by the Governing Body, or by officers of the Schools' Service, to liaise and to respond to your concern. Concerns or allegations which fall within specific arrangements (e.g. child protection or discrimination issues) will usually be referred for consideration under those arrangements.

It will sometimes be possible to agree on how to resolve a concern without resorting to an investigation. If an urgent response is called for, this may be carried out before an investigation commences.

Within 15 working days of receiving a concern, the designated person will write to you:-

- to acknowledge receiving the concern
- to indicate how he/she proposes to deal with the matter
- to provide an estimate of the amount of time required before a final response is forthcoming
- to state whether or not he/she has undertaken any initial enquiries, and
- whether or not he/she will undertake any further investigations, and if not, provide the reason for this.

The amount of contact between you and the designated person dealing with the matter will depend on the nature of the matters raised, the potential difficulties and the clarity of the information provided. If necessary, the designated person will ask you for more information.

When a meeting is arranged, you have the right, if you wish, to bring a union representative with you, or a friend.

The Schools' Service and the Governing Body will do their utmost to minimize any difficulties you encounter as a result of expressing your concern. If, for example, you are required to give evidence in a criminal case or disciplinary case, the Schools' Service/Governing Body will advise you of the procedure.

The Schools' Service/Governing Body accepts that you wish to receive assurance that the matter is properly addressed. Therefore, subject to legal constraints, you will be informed of the outcome of any investigation.

7.0 FURTHER ACTION

The intention behind this policy is to provide an avenue for you to raise concerns within the Schools' Service. The Council hopes that you will be satisfied. If not, and you feel that it is right to take the matter outside the Service, you could contact one of the following:-

- the District Auditor
- a relevant professional body or regulatory organization
- your solicitor
- the Police
- the Local Authority Ombudsman

If you take the matter outside the Council or school, you must ensure that you do not disclose any confidential information.

It would be inappropriate for you to contact an external body or the media before the matter is discussed internally first of all.

8.0 THE RESPONSIBLE OFFICER

The overall responsibility for maintaining and implementing this policy rests with the Head of Schools' Service. He will retain a record of concerns raised and of the outcomes (but in a way that will not jeopardize your confidentiality) and will report to the Council as necessary.

9.0 ABUSING THE SYSTEM

If you make malicious or vexatious allegations under this policy, you may be disciplined.