

Whistleblowing Policy

Current from: Feb 2024



Every child. Every chance. Every day.

Definitions

County	Flintshire County Council, or its committees or officers according to the reasonable context of the text
Governor, Governors	a member or members of the governing body of Ysgol Pen Coch, or the governing body corporately where in context that is the natural meaning to be inferred
Head	the head teacher of Ysgol Pen Coch
PIDA	the Public Interest Disclosure Act (1998)
Policy	the Whistleblowing Policy of Ysgol Pen Coch
School	Ysgol Pen Coch
SLT	the Senior Leadership Team at Ysgol Pen Coch
Staff	a person or people employed to work at Ysgol Pen Coch, full time or part time, permanent, temporary or supply, in any role

1. Aims

1.1 This policy aims to:

- give confidence to Staff (including the Head and SLT) about raising concerns about conduct 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 they are encouraged to act on those concerns,
- provide Staff with avenues to raise concerns,
- ensure that Staff receive a response to the concerns they have raised and feedback on any action taken, and
- offer assurance that Staff are protected from reprisals for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

1.2 This Policy applies to all Staff (including the Head and SLT) and to individuals undertaking work or study placements at School.

2. Whistleblowing

2.1 The Public Concerns at Work Guidelines (1997) define whistleblowing 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”*.

2.2 The Governors are committed to high standards in all aspects of conduct of School business and will treat whistleblowing as a serious matter. The Governors are committed to openness, probity and accountability. Staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

2.3 Statutory protection for employees who whistleblow is provided by PIDA, which 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 workplace or organisation which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice, eg: this may include but is not limited to bullying, illegal discrimination, fraud, favouritism, 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, 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.

2.4 The PIDA sets out the full statutory rights and obligations of Staff wishing or needing to whistleblow. Where 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 visit www.pcaaw.co.uk). Staff could also approach their trade union for further advice.

3. Safeguard Against Reprisal, Harassment and Victimisation

3.1 The Governors will not tolerate harassment or victimisation of Staff when matters are raised in accordance with the PIDA provisions. Any Staff who victimise or harass another Staff member as a result of that Staff member having raised a concern in accordance with the Policy will be dealt with under the Governors' staff disciplinary procedures.

3.2 PIDA provides protection to employees in circumstances where their disclosure can be classed as a protected disclosure. Under PIDA it would be automatically unfair to dismiss or make any employee/member of staff redundant because they had made a protected disclosure; and it would also 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.

4. Confidentiality

4.1 The Governors recognise that Staff may want to raise concerns in confidence and will do its utmost to protect the identity of Staff who raise a concern and do not want their name disclosed.

4.2 It is recognised that investigation into the concern could reveal the source of the information; and statements may be required as part of the evidence from the Staff member concerned, which would be seen by all parties involved.

4.3 If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

4.4 The Governors will not place 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.

5. Anonymous Allegations

Staff should put their name to allegations whenever possible as anonymous concerns are much less powerful. Nonetheless anonymous allegations will be considered under this whistleblowing procedure. Any concern raised relating to the welfare of children will be acted on swiftly in accordance with safeguarding procedures, see Section 7. In relation to determining whether an anonymous allegation will be taken forward the Governors 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.

6. Untrue and Malicious/Vexatious Allegations

If Staff make an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. However, if the inquiry shows that allegations found to be untrue were malicious and/or vexatious or made for personal gain then the Governors will consider taking disciplinary action against Staff concerned.

7. Allegations Concerning Child Protection Issues

7.1 If Staff raise a concern related to a child protection issue, the Head or chair of Governors should urgently consult the LEA officer designated to lead on child protection (or if they are not available the designated manager for child protection in the authority's social services department) so that the action for handling of such allegations under the School's disciplinary procedure for staff and the child protection procedures established by the Local Safeguarding Childrens Boards can be initiated.

7.2 In relation to child protection issues, Staff always have the right and ability to make a direct referral to the social services designated manager either before raising their concern with the Governors or where the Head or chair of Governors fails to do so, or appear to fail to do so, after raising their concern and Staff remains concerned about the situation.

8. Procedure for Making a Whistleblowing Allegation

8.1 Staff should raise their concern with their line manager, the Head, 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.

8.2 If Staff feel they cannot express concerns within School, it is open to them approach someone outside School from the list of organisations in the Section 13. Key organisations to contact suggested are County, Public Concern at Work or a trade union. However, where the concern relates to a child protection matter, if Staff do not want to raise this through the school, you must consult the County 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.

8.3 If the concern needs to have police or other statutory authority involvement, 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.

8.4 If possible concerns should be put in writing for the avoidance of doubt. Staff should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for concerns. Concerns can be raised verbally – Staff should arrange to meet or speak with 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.

9. Response to Whistleblowing

The matter raised may:

- need 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 County 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.

10. Timescale for Initial Response

Except in the case of anonymous allegations the person appointed by the Governors to look into whistleblowing allegations will provide a written response to the whistleblower within 5 working days:

- 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 you of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that the Staff member can remain anonymous.

11. The Inquiry Process

11.1 The governors will appoint an appropriate person to investigate. The appointed person 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 County appointed person dealing with complaints about financial management of schools,
- if appropriate, for concerns of criminal behaviour refer the matter to the police, or

- if appropriate, for concerns of child protection, refer the matter to the County officer designated to lead on child protection/local authority social services designated manager for child protection.

11.2 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.

11.3 If the person appointed by the governing body needs to talk to the Staff member raising the concern, they are 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.

11.4 The target is to complete the inquiry within 15 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.

12. The Inquiry Report

12.1 Following completion of the inquiry process the person appointed will make a written report and submit to the chair of Governors body within 5 working days. The report will not contain the whistleblower's name unless they have expressly stated that they wish to be named.

12.2 Following receipt of the inquiry report, the chair of Governors will convene a committee with at least one other Governor and an independent person from outside the Governors, eg: from County 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 10 working days following receipt of the inquiry report.

12.3 Except in relation to anonymous allegations, following notification of the committee's decision, the chair of governors will notify the whistleblower of the outcome within 5 working days setting out the action to be taken or that no further action is to be taken and the reasons why.

13. Taking the Matter Further

If no action is to be taken and the whistleblower is not satisfied with the way the matter has been dealt with, they can make a complaint under the Governors' complaints procedure or raise their concerns with other organisations as listed below:

- County
- Education Workforce Council
- a trade union
- another relevant professional body, eg: 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

- 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)

7. Review

7.1 This Policy has been approved by the Governors and is available for use to all Staff.

7.2 The Policy will be reviewed by the Head every two years following the date set out in the Policy, or at such other times that the Governors or Head deem necessary.

7.3 The Policy will be reviewed in light of any statutory frameworks or guidance in place that pertain to schools in Wales and sector best practice current at the time.

7.4 Following any review and irrespective of whether any changes are made, the Policy must be ratified by the Governors.

7.5 Historic versions of the Policy should be archived but remain readily available for reference as required.

Signed:

(Head Teacher)

Date:

Signed:

(Chair of Governors)

Date:

Date of next review: October 2025

Whistleblowing Policy

Appendix: Guidance for Whistleblowers



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DO

- Make an immediate note of your concerns.
- Note all relevant details such as what was said in telephone or other conversations, the date, time and the names of any parties involved; or any action observed.
- Convey your suspicions to someone with the appropriate authority and experience eg: your line manager, a member of the senior management team, the headteacher, Chair of Governors or an appropriate external body, eg: County, trade union or professional body.
- Deal with the matter promptly.
- Keep a copy of all notes/details etc.
- Ask for a copy of your school's whistleblowing policy if this has not routinely been made available to all school staff.

DO NOT

- Do nothing.
- Be afraid of raising your concerns. You must not suffer any recrimination as a result of voicing a reasonably held suspicion.
- The Headteacher and/or Chair of Governors will treat any matter you raise sensitively and confidentially wherever possible (if you feel that the matter raised is not being treated sensitively and seriously then seek professional or alternative advice).
- Approach or accuse any individuals directly.
- Try to investigate the matter yourself. There are rules surrounding the gathering of evidence for use in criminal cases and in relation to child protection cases. Any attempt to gather evidence by people who are unfamiliar with these rules may destroy the case.
- Convey your suspicions to anyone other than those with the proper authority although other organisations such as a trade union or professional association may help you raise your concerns.
- If you wish to remain anonymous, do not include your name/position or any other information which could lead to your identity being disclosed.

REMEMBER

The Public Interest Disclosure Act 1998 protects you from victimisation by dismissal, redundancy or any other detrimental action provided you:

- have disclosed the information in good faith,
- believe it to be substantially true,
- have not acted maliciously or made a false allegation,
- are not seeking any personal gain, and
- it was reasonable for the disclosure to have been made.