



The
Bulmershe
School
INSPIRING POTENTIAL,
ACHIEVING TOGETHER

WHISTLEBLOWING POLICY

WHISTLEBLOWING POLICY FOR THE BULMERSHE SCHOOL

This policy is based on the Wokingham Borough Council model Whistleblowing policy for schools (2011). It was approved January 2016 and minor amendments made in February 2017.

1.0 Introduction

1.1 Wokingham Borough Council and The Bulmershe School are committed to delivering high quality services and expect high standards from employees and contractors. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are:

- to encourage you to raise concerns about malpractice within the organisation without fear of reprisal;
- to reassure you that your concerns will be taken seriously; and
- to provide information about how to raise your concerns and explain how the school or Council will respond.

1.2 This policy applies to all school employees, former employees, agency staff and contractors engaged by the school.

1.3 It shall be readily available to the school community and will be accessible through the school intranet.

2. WHAT GIVES CAUSE FOR CONCERN?

2.1 Safeguarding Children is a key aim of this policy. All members of staff, volunteers and governors in this school should, at all times, act proactively in child welfare matters especially where there is a possibility that a child may be at risk of harm. If anyone sees (or is told about) a colleague (or anyone else) behaving in a way that may harm a child, committing an offence against a child (like hitting) or behaving in a way that shows they are unsuitable to work with children, they are expected to raise this with an appropriate person. (See also the school's *Safeguarding policy*).

2.1.1 Reasons for whistleblowing on safeguarding matters: each individual has a responsibility for raising concerns about unacceptable practice or behaviour

- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent the person who becomes aware of the problem becoming implicated.

2.1.2 Reporting concerns about colleagues can be difficult. Fear of getting it wrong; of repercussions or damaging careers; or of not being believed are among the reasons that cause hesitation.

2.1.3 Early action to deal with concerns is essential.

Don't think, 'what if I'm wrong?' Think, 'what if I'm right?'

2.2 Fraud and financial malpractice The Bulmershe School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. They may include:

- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- the unauthorised use of public funds
- inappropriate use of the School's (or WBC's) Standing Orders, Financial procedures or Contract Regulations

- fraud or corruption
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation or failure to register a personal interest).

2.3 Other reasons for whistleblowing may include:

- Any criminal activity
- Actions likely to cause physical danger to any person, or to cause a risk of significant damage to property
- Practice falling below established standards
- Action contrary to the code of conduct for employees
- Discrimination in employment or the provision of education
- Abuse of position, or the use of the school's powers and authority for any unauthorised or ulterior purpose
- Other unethical conduct.

3.0 Who should I contact?

3.1 an employee of the school, or any other person covered by the Act, who has serious concerns about any aspect of the school's or Council's work, should in the first instance raise their concerns using one of the following methods:

Inform Line Manager or Headteacher

In many cases, raising concerns with the immediate line manager is the most appropriate route for an employee. The line manager should inform the Headteacher of the disclosure and an appropriate course of action should be agreed. If this is not a suitable option (for example because the issue may implicate the manager or if the concern has been raised but remains unaddressed) the concern should be raised directly with the Headteacher.

Chair of Governors

If an employee's concern is about the Headteacher, this should be raised with the Chair of Governors, Dr Peter Miskell, on 0785 772 5765.

Dedicated Whistleblowing Communication Channels

- Wokingham Borough Council has established a dedicated 24-hour answer phone hotline for receiving disclosures. The hot line number is 0118 974 6055;
- Post addressed to Confidential Whistleblowing, Investigations Team, Shute End, Wokingham, RG40 1BN; or
- In person at Shute End by asking for Investigations Team at reception.

4.0 Legal Protection

4.1 The Public Interest Disclosure Act (PIDA) 1998 sets out a framework of protection against victimisation or dismissal for workers who blow the whistle ('disclosure') on criminal behaviour and other specified forms of malpractice.

4.2 It applies to making a 'protected' disclosure in respect of specific types of malpractice, which are:

- (a) that a criminal offence has been committed, is being committed or is likely to be committed;
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
- (d) that the health or safety of any individual has been, is being or is likely to be endangered;
- (e) that the environment has been, is being or is likely to be damaged; or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

4.3 The Act covers internal disclosures to the school or Wokingham Borough Council as the employer, disclosures to prescribed 'persons' such as regulatory bodies (e.g. for health and safety issues, the Health and Safety Executive), and wider disclosures, for example to the police and the media.

5.0 Raising Concerns outside the school or Council

5.1 In certain circumstances it may be appropriate to raise concerns outside the school or Council to the appropriate 'prescribed regulator'. This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, trade union or the charity **Public Concern at Work** before reporting them outside the school or Council. Examples of prescribed regulators are set out below:

- The Audit Commission;
- The Standards Board for England;
- Information Commissioner;
- Environment Agency;
- Health and Safety Executive;
- Commissioner of the Inland Revenue;
- Ofsted;
- General Social Care Council;
- Care Quality Commission;
- The Commission for Social Care Inspection; and
- National Care Standards Commission.

5.2 As a last resort you may choose to raise your concern outside the school or Council to someone other than a prescribed regulator, e.g. to the police or your MP. You should only do this if, in addition to the conditions above, they meet one of three preconditions. Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

- reasonably believed that you would be victimised if you raised the matter internally within the school or Council; or
- reasonably believed that the matter would be 'covered up' and there is no prescribed regulator; or
- have already raised the matter internally or with a prescribed regulator

5.3 It should be noted that wider disclosures (i.e. to the media) can only be protected where there is a justifiable cause for going wider and where the particular disclosure is reasonable. The school therefore encourages concerns to be raised initially using one of the methods described in section 3 of this Policy.

6.0 Making a protected disclosure

6.1 This policy is intended to allow the internal investigation and resolution of any concerns raised. In accordance with the PIDA 1998, to make a 'protected' disclosure the whistleblower has to meet certain conditions:

- Disclosure to the school or Council will be protected if it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
- Disclosure to a regulatory body will be protected where, in addition, the whistleblower honestly and reasonably believes that the information they provide and any allegation contained in it are substantially true.
- Disclosure to other external bodies will be protected if, in addition, making it is in all respects reasonable. 'In all respects reasonable' means, in effect:

- the disclosure is not made for personal gain;
- the whistleblower reasonably believed that they would be victimised if they raised the matter internally;
- there is no relevant regulatory body;
- the whistleblower reasonably believed that evidence was likely to be concealed or destroyed;
- the concern has already been raised with the employer and/or relevant regulatory body; and
- the concern is of an 'exceptionally serious' nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority's care.

6.2 This may be done orally or in writing. If you are writing, remember to give details of how you can be contacted. Anonymous disclosures present difficulties for effective investigation. Your name will not be revealed without your consent, unless required by law. However the school recognises that despite the dual safeguards of confidentiality and legal protection from recrimination that individuals may still feel unable to reveal their identity. In these situations individuals can report their concerns anonymously, but should be aware that these concerns carry less weight with the investigation teams and the disclosure may not be sufficiently detailed to provide a successful investigation.

6.3 Allegations that are malicious, or allegations made for personal gain, may result in action against the person making them. If an allegation is made in good faith, but is not confirmed by an investigation, no action will be taken against the person who raised the concern.

6.4 It is preferable that a whistleblowing concern be raised as soon as there is reasonable suspicion. Employees are not expected to investigate the matter themselves or prove that their concern is well-founded.

6.5 The school recognises that the decision to report a concern can be difficult. If you report the concern in good faith, the school will not tolerate any harassment or victimisation against you. Any employee who is found to have victimised or harassed an employee who raised a concern will face disciplinary action.

7.0 How will the school respond?

7.1 The action taken by the school will depend on the nature of the concern. The matters raised may:

- be investigated internally or by Wokingham Borough Council;
- be referred to the Police;
- be referred to the external auditors (the Audit Commission);
- form the subject of an independent inquiry; or
- be considered a service issue and referred to the service to respond by any combination of the above.

7.2 In ALL cases, where a concern is raised, the contacted officer shall notify the Monitoring Officer (Director of and Electoral Services) and the Section 151 Officer (Strategic Director, Resources). These officers will assess the nature of the concern in conjunction with the Business Assurance Manager to decide the appropriate response. Some concerns may be resolved by agreed action without the need for investigation.

7.3 Feedback on the outcome of the concern will be given to the person raising the concern. This feedback may be limited due to legal obligations of confidentiality (i.e. if disciplinary action is taken against a school employee).

8.0 What if I am dissatisfied with the school's response?

8.1 This policy is intended to provide you with an avenue to raise concerns within the school or Council. However, if at the end of the process an employee of the school, or any other person covered by the Act, is not satisfied with how a disclosure has been dealt with and wishes to pursue matters by means of a wider disclosure, the following points of contact are available to you:

- your local Council Member (if you live in the area of the borough);
- the Audit Commission;
- relevant professional bodies or regulatory organisations;
- relevant inspection body;
- your solicitor; or
- the Police.

8.2 If you do decide to take the matter outside of the school or Council, you need to ensure that you do not disclose confidential information and that you are 'protected' in accordance with the PIDA 1998 (refer to section 6.0 of this Policy).

9.0 Further information and advice

9.1 The whistleblowing charity, Public Concern at Work (PCAW), provides confidential independent advice to employees about wrongdoing in the workplace. Contact details:

- Tel: 020 7404 6609
- Email: services@pcaw.co.uk
- UK advice line: whistle@pcaw.org.uk
- Website: <http://www.pcaw.org.uk/>

Advice can also be obtained from:

The Audit Commission

1 Vincent Square, London SW1P 2PN

Telephone: 020 7828 1212 Email: enquiries@audit-commission.gov.uk

Professional bodies or trade unions

If you are a member of a professional body or trade union they should be able to advise you on Whistleblowing.