

FERNHURST PRIMARY SCHOOL



Public Disclosure (Whistleblowing) Policy



Created	2015
Responsible Committee	Finance and Resources
Approved	October 2017
Next Review	Autumn 2019

Public Interest Disclosure: Policy and Procedure (Whistleblowing)

This policy applies to all academies within the University of Chichester Academy Trust.

Introduction

The Trust has drawn on guidance issued by the following in drawing up this policy:

- Public Concern at Work, (PCAW), an independent UK charity which addresses ethics, accountability and whistleblowing and
- Education Funding Agency guidance on 'Whistleblowing'

The Public Interest Disclosure Policy

The Public Interest Disclosure (PID) Policy and Procedure of the University of Chichester Academy Trust ('the Trust') is designed to:

- Support the Trust's values
- Ensure that staff can raise concerns without fear of incurring retribution
- Provide a transparent and confidential process for dealing with concerns.

The Policy is in response to the Public Interest Disclosure Act 1998 which gives rights to employees who disclose certain types of information to their employer. The purpose of the Policy is to enable disclosures about serious malpractice, such as financial irregularity, a criminal offence, failure to comply with a legal obligation, dangerous working conditions or fraud to be raised without fear of recrimination or victimisation.

All public bodies must conduct their affairs in a responsible and open manner and comply with the requirements of UK legislation, their funding bodies, accrediting organisations and the good practice set out in the reports of the Committee on Standards in Public Life. As a private company limited by guarantee, the Trust must also comply with its Articles of Association, company and charity law.

Members of staff may be the first to know when something goes wrong; this Policy and Procedure is the mechanism through which concerns raised can be properly investigated and, if appropriate, corrective action taken.

This Policy includes matters relating to:

- Conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical
- Conduct or practice which is inconsistent with school standards and policies
- Issues related to safeguarding
- Improprieties in matters of financial reporting
- Fraud
- Corruption, bribery or blackmail
- Criminal offences
- Failure to comply with a legal or regulatory obligation
- Failure to properly safeguard assets
- Miscarriage of justice
- Endangering the health and safety of an individual
- Sexual or physical abuse of pupils or others
- Concealment of any of the above

The above is not an exhaustive list, and guidance should be sought from the Trust's Accounting Officer in the first instance if an individual wishes to raise a matter which is not listed above.

The Trust will not tolerate the harassment or victimisation of anyone raising a genuine concern. Any individual making a disclosure will retain their anonymity unless they agree otherwise. The Trust will ensure that any individual raising a concern is aware of the person who is handling the matter. The Trust will ensure that no-one will be at risk of incurring some form of retribution as a result of raising a concern, even if they are mistaken. This safeguard will **not** however, extend this assurance to someone who maliciously raises a matter they know to be untrue.

Public Interest Disclosure Act 1998

All UK employees are protected under the Public Interest Disclosure Act 1998 when they make a protected disclosure. This is a disclosure which, in the reasonable belief of the employee making the disclosure, covers the following employer activities:

- A criminal offence has been, is being, or is likely to be committed
- A person has failed, is failing, or is likely to have failed to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health and safety of an individual has been, is being, or is likely to be endangered
- The environment has been, is being, or is likely to be damaged
- Information relating to the above is being deliberately concealed.

Raising concerns without blowing the whistle

Members of staff may be the first to know when something goes wrong. The Governing Body has a number of mechanisms for these to be dealt with, such as line management meetings or making use of the Grievance Procedures, where the Public Interest Disclosure Procedure does not need to be triggered.

The Trust has approved this procedure for its academies.

Staff Concerns

The Governing Body of the school will treat all matters of malpractice very seriously and allegations about such matters will be dealt with quickly, seriously and with appropriate confidentiality.

In order to meet the requirements of the Act, in addition to staff in schools, the procedure is applicable to agency staff, students on placements, supply staff, volunteers, contractors and suppliers operating under contract to the school. The term “staff member” in this procedure is intended to cover all of these categories of people.

How to raise a concern

Within the academy

In the first instance, concerns under this procedure should be raised with the staff member’s immediate line manager who should deal with the problem as quickly as possible. If the staff member believes that their immediate line manager is involved in the malpractice they may raise their concerns with a more senior member of staff, including the Head Teacher. If the staff member believes it is not appropriate to raise the matter with the Head Teacher he/she may approach the Chair of Governors.

However, staff may feel, rightly or wrongly, that their own position will be jeopardised if they raise a particular concern in this way and sometimes the usual channels may seem inappropriate. These concerns could relate to the behaviour of:

- A member of staff
- A senior manager
- A member of the Board of Governors or a co-opted member of one of its Committees
- A member of the Trust
- A member of the Trust Board
- Or the propriety of decisions made by committees or other groups.

In such cases, staff are encouraged to use the Public Interest Disclosure procedure as set out below.

Outside the academy

Staff may also 'blow the whistle' to someone outside the academy. They are protected under the terms of the Public Interest Disclosure Act in doing so when they:

- reasonably believe the information tends to show a specific malpractice;
- are acting in good faith;
- do not make the disclosure for personal gain; and
- believe that the information is substantially true.

Issues may only be raised with an external person where they relate to:

- A crime or breach of regulatory, administrative or common law;
- A miscarriage of justice;
- Danger to health and safety; or
- Damage to the environment

Guidance on whether a concern is relevant for this Policy and Procedure can be obtained from Public Concern at Work, www.pcaw.co.uk

Public Interest Disclosure Procedure

Confidentiality

Any person making an allegation should be guaranteed that the allegation shall be regarded as confidential by the receiver until a formal investigation is launched. Thereafter, the identity of the person making the allegation may be kept confidential, if required, unless this is incompatible with a fair investigation, or if there is an over-riding reason for disclosure.

The academy reserves the right not to investigate allegations which have been made anonymously.

The Allegation

The person to whom the allegation is made should make a record of its receipt and of what subsequent action has been taken.

Provided the allegation has been made lawfully, without malice and is in the public interest, the employment of the person cannot be disadvantaged for reasons of making the allegation. Action by a manager or others to deter a member of staff from raising a concern about an irregularity or other malpractice may be considered to be a disciplinary offence.

The Investigation

Any allegation made under this procedure shall normally be the subject of a prompt and thorough investigation by the Investigating Officer who shall be either the Head Teacher or a person or persons appointed by him or her.

If the allegation concerns the Head Teacher then the Investigating Officer will be the Chair of the Governing Body or a person or persons appointed by him or her.

The Governing Body will take steps to ensure that the investigation is not carried out by the person who may ultimately have to reach a decision on the matter.

If the matter to be investigated is thought potentially to involve gross misconduct, and where a member of staff is the subject of the allegation, the individual may, with the approval of the Chair of the Governing Body and the Trust's Accounting Officer, be immediately suspended while the investigation proceeds. Similarly if, during the investigation, the Investigating Officer believes that a serious breach of discipline may have occurred, he or she may make a recommendation to the Chair of the Governing Body and the Trust's Accounting Officer that the individual be suspended. Any decision to suspend will be confirmed in writing as soon as reasonably practicable; suspension is a precautionary measure pending the outcome and should not be considered to be a disciplinary issue.

Other than in exceptional circumstances, the investigation will always include an interview with the individual concerned, [who may be accompanied by a work colleague or Trade Union representative] as well as other relevant witnesses. The individual, against whom the allegation is made, will have the right to representation and copies of any witness statements collected.

The Investigating Officer will summarise the facts in a brief report to the Chair of the Governing Body and a copy will also be sent to the individual who is the subject of the allegation. The investigation and report must be completed within fifteen working days of the allegation being made.

If the Investigating Officer is the Chair of the Governing Body, or a person or persons appointed by him or her then the report will be sent to the Trust's Accounting Officer.

Throughout the process, the Investigating Officer will give as much feedback as possible, without any infringement of a duty of confidence owed by the Trust to someone else.

The Outcome

The Chair of the Governing Body will consider the investigation report and inform the individual in person of any action which he or she proposes to take within five working days of receipt of the report.

The outcome will be one or more of the following:

- No case to answer
- Disciplinary action taken against the alleged individual
- Referral to Social Services of the Police, or other relevant organisation

The Chair of the Governing Body's decision will be confirmed in writing to the person who made the allegation and the person against whom the allegation was made.

If the Chair of the Governing Body, or person or persons appointed by him or her, is the Investigating Officer then the outcome will be decided by the Trust's Accounting Officer.

Further investigation

Where no investigation is carried out, and the allegation is effectively dismissed, the person making the allegations shall be informed and given the opportunity to resubmit the allegation to some other person or authority within the Trust, usually the Accounting Officer.

Final Report

The Final Report should be passed to the Trust Secretary who will report all allegations and the action taken to members of the Trust Board as soon as possible

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