

## Ysgol Maesydderwen



## Whistleblowing Policy

*Polisi datgelu camarfer*

Type: Recommended Policy

Reviewed / Adopted On	Signed	Next Review
10/12/19	 Two handwritten signatures in blue ink. The first signature appears to be "P. Parry" and the second is "P. D. Grimes".	Summer Term 2021

# CYNGOR SIR POWYS COUNTY COUNCIL

## *Ysgol Maesydderwen*

### Whistleblowing Policy

This Policy/Procedure has been agreed by the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

GMB, Unison, NASUWT, NUT, NAHT, Voice, UCAC

This policy has been adopted by the governing body of Ysgol Maesydderwen on 5/4/17

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Policy Author	R Hudson
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Authorisation	Julie Rowles Joint Director of Workforce and OD  Date:  Signature:

## 1. INTRODUCTION

All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a **danger (to public or colleagues), professional misconduct or financial malpractice**, it can be difficult to know what to do.

You may be worried about raising such an issue, perhaps feeling it's none of your business or that it's only a suspicion. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next. You may feel that raising the matter would be disloyal to colleagues, to managers to the School or to the Council.

This School has introduced this policy to enable everyone to "blow the whistle" safely and without fear of any repercussions so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The School welcomes receipt of your concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff the school, and the Council. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.

If something is troubling you which you think we should know about or look into, please use this procedure. If, however, you are aggrieved about your personal position in work, please use the School's Grievance Procedure. **This whistleblowing procedure is primarily for concerns where the interests of others or of this School or Powys County Council are at risk.**

### **If in doubt - raise it!**

This policy is intended to cover concerns that fall outside the scope of other existing procedures and policies of the School. Where you have a concern which is personal and relates only to yourself rather than wrongdoing of a more general nature this will be treated as a grievance and the Grievance Policy will apply.

## 2. THIS APPLIES TO YOU

- 2.1 This applies to all staff whether you are a permanent employee, agency, supply or temporary staff, the staff of one of our contractors, or a volunteer.
- 2.2 This policy should be made easily available in shared areas of the School (for example pinned to a staff noticeboard) so that it can be accessed without needing to ask for it.

## 3. OUR COMMITMENT TO YOU

### 3.1 Protection of the “Whistle-Blower”

The School is committed to this policy and *hopes that staff feel able to voice their concerns openly*. This policy sets out a framework within which staff can make a “protected disclosure” without fear that they will be subjected to victimisation or dismissal (and selection for redundancy) provided that the disclosure is made in accordance with the Public Interest Disclosure Act 1998 (“The Act”) and (amendments in accordance with the Enterprise Regulatory Reform Act 2013). It is important for staff to be aware that they can only make a protected disclosure in certain circumstances. A “protected disclosure” must be of a certain type of information known as a “qualifying disclosure” and the disclosure must be made in a way which is described in the Act.

*A qualifying or protected disclosure is a disclosure of information made in the public interest which in the reasonable belief of the member of staff making the disclosure tends to show one or more of the following:-*

- *illegal practices (for example, a criminal offence);*
- *a failure to comply with a legal obligation;*
- *the health and safety of an individual, whether this is a member of the public, pupils or staff being endangered;*
- *damage to the environment;*
- *abuse of authority*
- *unauthorised use of public or other funds*
- *fraud or corruption*
- *breaches of financial or other regulations or policies*
- *mistreatment of any person*
- *sexual, physical or emotional abuse of members of staff or pupils*
- *unfair discrimination or favouritism*
- *miscarriage(s) of justice; and*
- *deliberate concealment of any of the above.*

### 3.2 Your confidence

The School will not tolerate the harassment or victimisation of anyone raising a concern.

Any member of staff who harasses or victimises a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the School's Disciplinary Procedure. The Act provides protection for employees in circumstances where their disclosure can be classed as protected. It is automatically unfair under the Act to dismiss, demote or select an employee for redundancy because they had made a protected disclosure.

The School hopes that staff feel able to voice their concerns openly. However, we recognise that you may nonetheless be anxious. If so, you can ask to talk privately to a Governor or an officer of the Council or to one of the persons identified in paragraph 4.3 below. If you want to raise your concerns confidentially, we will make every effort to ensure that your name will not be revealed without your consent, unless it is required by law. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

*However there may be occasions when it may become necessary to disclose your personal details. This could be for a variety of reasons depending upon the nature of the concerns raised. For example, it could be to ensure fairness for all involved.*

*The School will seek to withhold personal details being released; it cannot guarantee that others will not try to deduce (correctly or otherwise) your identity. This may be the case where you have already voiced your concerns to colleagues. In addition, at the appropriate time you may need to come forward as a witness. Where it is necessary for your identity to be disclosed we will discuss this with you, explaining the reasons why your identity needs to be disclosed. We will also discuss and provide any reasonable support to try to alleviate concerns that you may have regarding the need to make the disclosure.*

*If a member of staff makes an allegation with reasonable belief but it is not confirmed by further enquiry then the matter will be closed and no further action will be taken. However, if the inquiry shows that untrue allegations were malicious and / or vexatious, or made for personal gain, then the School will consider taking action under the Disciplinary Procedure against the member of staff.*

### 3.3 Anonymous concerns

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the School. In exercising this discretion, the facts to be taken into account

would include the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from available sources.

#### **4. Protection of Children and/or Vulnerable Adults**

If you witness or have concerns about the safety or welfare of a child or vulnerable adult or if you suspect that abuse may be taking place, please report your concerns immediately to the School's Safeguarding Lead. You can also report these concerns to the Council's Safeguarding Manager during office hours. Outside of normal office hours please contact the Out of Hours Team on 0845 7573818. *Alternatively, you can call the Police by 'phoning 101 and asking for your local Police Station.*

*If a member of staff raises a concern related to a child protection issue then the Headteacher (or the person with whom the concern is raised if this is not the Headteacher) should urgently consult the Lead Child Protection LEA officer, or the designated manager for Child Protection in the Social Services Team.*

#### **5. HOW TO RAISE A CONCERN INTERNALLY**

- *You should not attempt to investigate suspected malpractice yourself;*
- *You should deal with the matter promptly, if you feel your concerns are warranted, involving your recognised trade union as necessary;*
- *You make an immediate note of your concerns (making a note of all relevant details such as 'what was said' in a telephone discussion or other conversations), the date, time and the names of any parties involved particularly details of any witnesses.*

##### **5.1 Step one**

If you have a concern, we hope you will normally feel able to raise it with your Line Manager or Headteacher so it can be resolved locally, where appropriate.

##### **5.2 Step two**

If you don't feel step one is appropriate or it hasn't worked, please raise the matter with your Headteacher or Chair of Governors or Governor nominated for whistleblowing (as appropriate). Please say if you want to raise the matter in confidence so that appropriate arrangements can be made. We may ask if you would like us to write to you summarising your concern and the action we propose to take.

### 5.3 Step three

If these steps have been followed but have not worked, or you feel that the matter is so serious that you cannot discuss it with any of the above, you can report your concerns, in strict confidence to:-

- The School's HR Business Partner Team (01597 826066)
- The Council's Internal Audit Manager by writing to the Internal Audit Manager, County Hall, Llandrindod Wells, Powys LD1 5LG or by telephone on 01597 826821; or
- The Council's Monitoring Officer (Chief Legal Officer) (Tel: 01597 826746); or
- The Council's Chief Finance Officer (Tel: 01597 826729); or
- The Leader or Deputy Leader (Tel: 01597 826199).

You can also seek advice and support from your Trade Union representative.

5.4 Please note that if you do not wish to raise a Child Protection concern through the School then you must consult the LEA as described in Paragraph 4 above. It may be that the concern needs to be investigated by the police or other statutory authority, and if this is the case then the whistleblowing process will be halted until these investigations can be concluded and the relevant authorities have confirmed that the whistleblowing process should move forward.

## **6. HOW WE WILL HANDLE THE MATTER**

6.1 Once you have told us of your concern, the concern will be looked into to assess what action should be taken. This may involve an informal review, an internal inquiry or an investigation, or may involve external authorities as described above in paragraph 3.4. We will tell you who is handling the matter, how you can contact them and whether your further assistance will be required.

6.2 We will write to you, normally within 10 working days summarising your concern and setting out how we propose to handle it, and how long we think that this will take.

6.3 When you raise the concern we may ask you how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the grievance or other procedures we will inform you.

6.4 Your concerns will be dealt with as quickly as possible and normally any investigation will be concluded within one month.

6.5 Should it become necessary during the inquiry, the person responsible for it may refer the matter to the Police, the LEA or another relevant authority. They will maintain confidentiality wherever possible but will be mindful that there is no guarantee that you can remain anonymous. If the person conducting the inquiry needs to speak to you

then you are entitled to be accompanied to the meeting either by a Trade Union representative or by a colleague not involved in the area of work to which the concern relates.

6.6 The person conducting the inquiry will produce a written report to the Headteacher / Chair of Governors (as appropriate). A Committee will be convened with at least one other Governor and an independent person from outside the Governing Body (e.g. a representative from the LEA or a Governor from another School) to consider the report and decide on the action to be taken. This should normally happen within 5-10 working days of receipt of the report, and you should then be provided with written notification of the outcome within 5 working days of the meeting. This letter will set out the action to be taken, or that no action is to be taken and the reasons why.

## 7. Response times

Employees and members of the public need to be aware that matters which have been raised through the Whistleblowing Policy can often be complex matters to investigate. In all cases however, all whistle-blowers will receive a written acknowledgement of the concern(s) raised from either the School or the Council depending upon who the concern(s) was/were raised with, within 10 working days. Subject to the limitations and provisions of statute and confidentiality, all matters raised should be fully investigated within 45 working days, noting that it may not be possible to fully disclose what outcomes were reached in respect of the issue(s) raised.

## **8. INDEPENDENT ADVICE**

If you are unsure whether or how to raise a concern or you want free independent advice at any stage, you may contact:

- your Trade Union or Professional Association; and/ or
- the charity Public Concern at Work on 020 7404 6609. Their lawyers can give you independent confidential advice at any stage about whistleblowing.

## **9. EXTERNAL CONTACTS**

To reassure you that we want you to raise concerns internally and that we will deal with it properly, please know that you can also contact specific regulating bodies, such as the Health & Safety Executive or the Wales Audit Office. Where you believe the local response has been inadequate, you can also raise your concerns with a body such as the Public Services Ombudsman of Wales ([www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) – telephone: **0300 790 0203**) or Public Concern at Work. Your union will be able to advise you which route is appropriate in your circumstances.

The Wales Audit Office can be contacted at:

PIDA Officer  
The Auditor General for Wales

24 Cathedral Road  
Cardiff  
CF11 9LJ  
E-mail: [whistleblowing@wao.gov.uk](mailto:whistleblowing@wao.gov.uk)  
Phone: **01244 525980**

For concerns related to the provision of social services, the Care and Social Services Inspectorate Wales (CSSIW) can be contacted at:

Welsh Government office  
Rhydycar Business Park  
Merthyr Tydfil  
CF48 1UZ  
E-mail: [cssiw@wales.gsi.gov.uk](mailto:cssiw@wales.gsi.gov.uk)  
Phone: **0300 7900 126**

Welsh Government Education and Skills Department can be contacted at:

Education and Skills Department  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
Email: [customerhelp@wales.gsi.gov.uk](mailto:customerhelp@wales.gsi.gov.uk)  
Phone: 0300 0604400

## **10. IF YOU ARE DISSATISFIED**

If no action had been taken and/ or you are not satisfied with the way that the matter has been dealt with then you can make a complaint under the School's complaints procedure, or you can raise your concerns with other appropriate organisations, for example:

- Powys County Council
- A diocesan authority (for Church Schools)
- A relevant professional body or regulatory organisation (or example the Education Workforce Council or 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
- The relevant MP or AM
- Your Trade Union

Whilst we cannot guarantee that you will be fully satisfied with our response, our aim is to handle the matter fairly and properly. By using this policy, you will help us to

achieve this.

#### Appendix A – Guidance note for members of staff

This guidance should be followed if you suspect any conduct or practice in any area of the School's activities which is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice.

#### **Do:**

- Make an immediate note of your concerns
- Note all relevant details – such as what was said in telephone or other conversations, the date and time and the names of any parties who were involved, or any action observed
- Convey your suspicions to someone with the appropriate authority and experience – for example your line manager, a member of the senior management team, the Headteacher or Chair of Governors
- 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 been provided routinely to all staff. If you do not wish to ask for the School's policy then a model policy is available on page 3770 of Powys County Council's Intranet.

#### **Do Not:**

- Do nothing
- Be afraid to raise your concerns. You will not suffer any recriminations as a result of voicing a reasonably held suspicion. The Headteacher and / or Chair of

Governors will treat any matter that you raise sensitively and confidentially wherever possible (if you feel that this is not happening then seek professional or alternative advice)

- Approach or accuse any individuals directly
- Try to investigate yourself. There are rules surrounding the gathering of evidence in criminal cases and in relation to child protection cases. Any attempt to gather evidence by people who are not familiar with these rules may destroy the case.
- Convey your suspicions to anyone other than those with the proper authority, although other organisation such as a trade union may help you to raise your concerns
- If you wish to remain anonymous then do not include your name or position or any other information which could lead to your identity being disclosed.

**Remember that the Act protects you from victimisation by dismissal, redundancy or any other detrimental action provided that you:**

- Have disclosed the information with reasonable belief
- Believe it to be substantially true
- Have not acted maliciously or made a false allegation
- Are not seeking any personal gain
- It was reasonable for the disclosure to have been made.