

Gastrells Community Primary School

Whistleblowing Policy

Adopted December 2018

Review December 2019

To be reviewed by Resources Committee

WHISTLEBLOWING POLICY

Introduction

The staff and governors of Gastrells seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. In the event that members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, Gastrells has established the following whistleblowing policy, or code of practice, which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

Throughout this policy, the term *whistleblower* denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the *Second Report of the Committee on Standards in Public Life: Local Spending Bodies* published in May 1996.

Gastrells is committed to tackling fraud and other forms of malpractice and treats these issues seriously. Gastrells recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

Gastrells is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.

The provisions of this policy apply to matters of suspected fraud and impropriety and not matters of more general grievance which would be dealt with under the Gastrells grievance procedures.

When might the Whistleblowing Policy apply?

The type of activity or behaviour which Gastrells considers should be dealt with under this policy includes:

- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- any criminal activity
- abuse of position
- fraud and deceit

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

What action should the *whistleblower* take?

Gastrells encourages the *whistleblower* to raise the matter internally in the first instance to allow those school staff and governors in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

Gastrells has designated a number of individuals to specifically deal with such matters and the whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter.

Name & Position Contact details:

Headteacher: Katie Merriman head@gastrells.gloucs.sch.uk

Chair of Governors Luke Van Meter chair@gastrells.gloucs.sch.uk

The *whistleblower* may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals. All matters will be treated in strict confidence and anonymity will be respected wherever possible.

Alternatively if the *whistleblower* considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed in the first instance to the Monitoring Officer, GCC, Shirehall, Gloucester. Please write to them.

Telephone line; 01452 427052

The Council has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the *whistleblower*. The Council will ensure relevant officers of the Department for Education and Employment are informed as appropriate.

In addition information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work
CAN Mezzanine

7-14 Great Dover Street
London SE1 4YR

Telephone number 020 7404 6609

How will the Matter be Progressed?

The individual(s) in receipt of the information or allegation will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, legal or personnel advisors, the police, the DFE, the Council.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.

The *whistleblower* will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governing body and the Council.

If the *whistleblower* is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), the governing body and/or directed to the Council.

Respecting Confidentiality

Wherever possible Gastrells seeks to respect the confidentiality and anonymity of the *whistleblower* and will as far as possible protect him/her from reprisals. Gastrells will not tolerate any attempt to victimise the *whistleblower* or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

Raising Unfounded Malicious Concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may

constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

Conclusion

Existing good practice within Gastrells in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the school operates ensure that cases of suspected fraud or impropriety rarely occur.

This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned.

Based on 1st April 2014 Gloucestershire CC

APPENDIX 1 - From Gloucestershire LA whistleblowing

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE BLOWING)

1. Employees are often the first to realise that there may be something wrong within the School. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation and it may be easier, therefore, to ignore the concern rather than report what may just be a suspicion of malpractice.
2. The School is committed to the highest standards of openness, probity and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the School's work, to come forward and voice those concerns. The phrase 'whistle-blowing' in this procedure refers to the disclosure internally or externally by employees of malpractice, as well as illegal acts or omissions at work.
3. This Procedure makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the School, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the School who, in the public interest, speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

AIMS AND SCOPE OF THIS PROCEDURE

4. This Procedure aims to:
 - encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their service area
 - provide alternative avenues for raising concerns
 - ensure that responses to concerns are made

- to reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in the public interest
5. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This Procedure is intended to cover concerns that fall outside the scope of other procedures and include:
- conduct which is an offence or a breach of law
 - disclosures related to miscarriages of justice
 - health and safety risks, including risks to the public as well as other employees (where the concerns raised have not been addressed through normal departmental procedures)
 - damage to the environment
 - the unauthorised use of public funds including fraud and corruption
 - sexual or physical abuse
 - other unethical or unprofessional conduct
 - notification of any suspicions of price-fixing cartels providing services/goods to the Council/School
6. The School fully understands that employees who are members of a trade union recognised by the Council may, in the first instance, wish to seek advice and guidance from their union on the application of this Procedure
7. Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the Governing Body/Council or others acting on behalf of the Governing Body/Council, can be reported under this Procedure. This may be about something that:
- makes an employee feel uncomfortable in terms of apparent non-adherence to known standards
 - appears to be contrary to the requirements of the Council's Standing Orders and Code of Conduct
 - falls below established standards of practice
 - may amount to improper conduct
 - appears to be an attempt to mislead

SAFEGUARDS

Harassment or Victimisation

8. The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is the subject of the complaint. However, if employees believe that what they raise as a concern to be the truth and in the public interest they should be confident that they are fulfilling their duty to their employer and those for whom they are providing a service.
9. The School will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees, when they raise a concern in the public interest, from suffering a detriment (including bullying or harassment) either from the employer or from co-workers.
10. Any investigation under this procedure, into allegations of potential malpractice will be dealt with separately to any grievance, disciplinary or redundancy procedure concerning an employee. Equally, any investigation will not be influenced by any such procedures involving an employee. However the outcome of the investigation may lead to action under other school's procedures.

CONFIDENTIALITY

11. All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. However this cannot be guaranteed if say following an investigation a case is taken to Court, where the employee may need to be called as a witness.

ANONYMOUS ALLEGATIONS

12. In order to ensure that employees receive protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are sometimes less credible. Anonymous concerns and allegations, whether made to the Head Teacher or the Governing Body, will therefore be investigated at the discretion of the School.
13. In exercising this discretion the factors 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 attributable sources' factual evidence.

UNTRUE ALLEGATIONS

14. If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, the allegation is frivolous, malicious or for personal gain, disciplinary action may be taken against them.

HOW TO RAISE A CONCERN

15. Employees who wish to raise a serious concern should do so verbally or in writing (marked 'Confidential') to the Head Teacher or Chair of Governors

Alternatively the concern can be raised by writing to

Monitoring Officer

Gloucestershire County Council

Shire Hall

Gloucester GL1 2TZ

Or employees may wish to use the Council's 24 hour "whistle blowing" answerphone service on Gloucester 01452 - 427052 to report any concern relating to possible fraud, corruption, conduct or mal-practice/administration

.Employees who wish to make a written statement/report are invited to set out:

- the background and history of the concern
- relevant dates, person involved

- details of supporting evidence

16. Although employees are not expected to prove an allegation they will need to demonstrate that the disclosure is in the public interest.

HOW THE SCHOOL/COUNCIL WILL RESPOND

17. **In all cases** in order to protect individuals and those involved in the concern, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the School/ Council will take into account is public interest; however, there is a zero tolerance attitude to any fraudulent activity. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

18. Within 10 working days of a concern being raised, the employee will be contacted at their private address:-

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- telling the employee whether any initial enquiries have been made
- telling the employee whether further investigations will take place and, if not, why not

Investigation

Allegations reported to the school will normally be investigated by the Head Teacher/Governing Body. However in some circumstances, sometimes to avoid contaminating evidence which may then go to a criminal investigation, they may decide to involve external investigators.

Advice/support on investigation can be obtained from Theresa Mortimer: Chief Internal Auditor on 01452 328883 or e-mail

theresa.mortimer@gloucestershire.gov.uk or Janet Bruce: Counter Fraud Specialist on 01452 328889 or e-mail janet.bruce@gloucestershire.gov.uk

19. The monitoring officer will arrange investigation of allegations reported to the Council. The Monitoring Officer will respond to such concerns and, where appropriate, the matters raised may be:

- investigated by school management, Internal Audit
- referred to the Police
- referred to the District Auditor
- the subject of an independent enquiry.

20. The School's Conduct Procedures will be used where the outcome of an investigation indicates improper behaviour by an employee.

21. A representative of a trade union recognised by the School/Council or work place colleague may accompany an employee during any stage of an investigation conducted under this Procedure.

22. The School/Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the School/Council will arrange for them to receive advice about the procedures involved.

23. The School/Council accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.

FURTHER ACTION

24. This Procedure is intended to assist employees who wish to raise concerns within the School/Council and it is hoped that employees will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the Council, the following organisations are possible contact points:

- Health & Safety Executive

- Environment Agency
- External Auditors
- The Financial Conduct Authority/Prudential Regulation Authority
- Department of Work & Pensions
- Serious Fraud Office
- Trade Union
- Her Majesty's Revenue & Customs
- Relevant Voluntary Organisation
- Charity Commission
- Police
- 'Public Concern at Work' (tel: 0207 404 6609)

25. If employees do decide to take the matter outside the School/Council, they must ensure that they do not disclose to a third party any School/Council confidential information. If employees are in any doubt, they are strongly advised to seek the confidential advice before taking any action to ensure that they are not putting themselves in a vulnerable position.