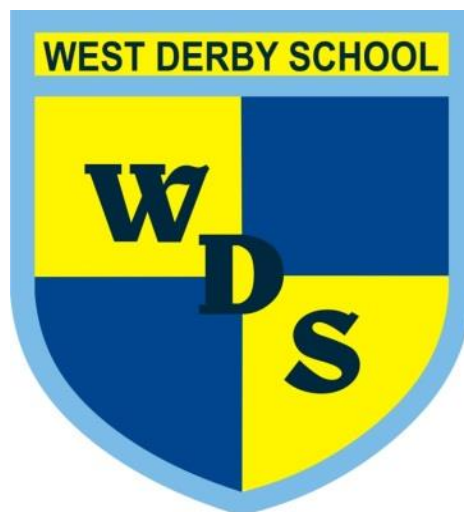


WEST DERBY SCHOOL



WHISTLEBLOWING STATEMENT & PROCEDURE

Approved on:	18/05/16
Next review date:	Autumn term 2019
Signed:	S Graham (Headteacher)
Signed:	C Birch (For and on behalf of Governing Body)

Introduction

1. West Derby School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment and in line with our safeguarding ethos, we expect employees who have serious concerns about any aspect of the school's work to come forward and voice those concerns.
2. A person who raises a concern is protected by the Public Interest Disclosure Act 1998 which is incorporated into the Employment Rights Act 1996 as long as they have reasonable belief that the complaint is made in the public interest. This legislation protects workers from victimisation, discrimination or disadvantage when they voice legitimate concerns and their actions are not unlawful or contravene other forms of legislation.

Purpose

2. Employees are often the first to realise that there may be something seriously 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. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. The purpose of this document is to ensure that individuals know how to raise a concern, feel confident in raising concerns and where concerns are raised, reassure them that the concern will be dealt with in confidence.
3. This document makes it clear that you may report your concerns without fear of victimisation, subsequent discrimination or disadvantage. *This Whistle Blowing Procedure is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or raising the matter externally.*

AIMS AND SCOPE OF THIS PROCEDURE

4. The Procedure applies to all employees and the governing body. It also covers other individuals involved in providing services to the school and partner organisations.
5. Whistle Blowing may be defined as the disclosure, by employees (former or current), of illegal or illegitimate practices.
6. This Procedure aims to:
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practices;
 - provide avenues for you to raise those concerns and received feedback on any action taken;
 - ensure that you receive a response to your concerns;
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
7. There are existing procedures within the school to enable individuals to lodge a complaint or grievance. The Whistle Blowing Procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:

- possible fraud and corruption
- the unauthorised use of public funds
- failure to comply with Standing Orders & Financial Regulations
- failure to comply with Codes of Practice and/or Statement of Vision & Values
- failure to comply with a legal obligation
- conduct which is an offence or a breach of law
- a criminal offence being committed (past, present or likely to be committed)
- disclosures related to miscarriages of justice
- actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- sexual or physical abuse
- child protection issues
- other unethical conduct
- any attempt to prevent disclosure of the above

ASSURANCES TO ALL EMPLOYEES

8. The school is committed to good practice and high standards and wants to be supportive of employees. The school recognises that the decision to report a concern can be a difficult one to make.
9. Disclosures made in good faith by employees under this procedure will be treated confidentially, seriously and sensitively. Requests for anonymity, where made, will be considered, but there may be circumstances such as prosecutions or disciplinary investigations where you may be asked to come forward as a witness.
10. The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
11. Any person who is the subject of a whistleblowing allegation has legal rights which may be exercised and are independent of the school.
12. Any person raising a concern must have a reasonable belief that it is in the public interest, that there are reasonable grounds for the concern and will be expected to co-operate with any investigation.
Examples of public interest concerns are included at paragraph 8.
13. All employees have a duty of confidentiality to the school. Where employees make external disclosures of information to the press or other media, disciplinary action may be taken.
14. Employees may take legal action independent of the school. This includes the person who is the subject of the complaint, the complainant and the school.

UNTRUE ALLEGATIONS

15. If you make an allegation in good faith, but it is not substantiated, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. If you make an allegation that is not in the public interest, which, after investigation turns out to be untrue, the matter may be considered under the school's Disciplinary Procedure and disciplinary action may be taken.

HOW TO RAISE A CONCERN

16. As a first step, you should normally raise concerns with your immediate Line Manager or, if the issue is particularly serious or sensitive, the Headteacher.

17. If you feel unable to speak to anyone at school, contact the Chair of Governors directly by email at: karen.l.callant@adient.com

18. If you are unwilling to raise your concerns with the Chair of Governors, then you could contact the charity Public Concern at Work (tel: 020 7404 6609 or email: helpline@pcaw.co.uk). They will provide confidential advice, free of charge, to anyone concerned about wrongdoing at work but who are not sure whether or how to raise the concern. If you do take the matter outside the school, you should ensure that you do not disclose confidential information or information which is legally protected.

19. Concerns should ideally be made in writing but may be raised verbally. The earlier you express the concern the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for your concern.

20. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

21. You may invite your trade union, professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns that you have raised.

22. When raising a concern individuals should provide as much information as possible including

- The background and history of the concern (including relevant dates, times, names, places, etc)
- The nature of the concern (examples are given in 8)
- The reason why they are particularly concerned about the situation.
- The names of any colleagues/employees who are considered to be either directly involved or who can help with further information.
- Any other background information eg lists of documents, etc.

23. All anonymous concerns will be treated seriously, however without contact details it may be difficult to clarify information, gain additional information or carry out an investigation.

HOW THE SCHOOL WILL RESPOND

24. The School will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. The action taken by the school will depend on the nature of the concern raised and will normally be investigated internally by the school. However in appropriate cases the concerns may be referred to the local authority, a regulatory body or the Police in criminal matters.

25. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. grievance) will normally be referred for consideration under those procedures. In addition issues initially raised within the Whistle Blowing Procedure may also be dealt with within the Disciplinary Procedure.

26. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted. Where appropriate, the matters raised may be investigated by Management or by any individual nominated by Management. This will depend on the nature of the issue.

27. If when raising your concern you have provided contact details, the person receiving the concern will send you an acknowledgement within 10 working days. If it is possible to say at this stage how the matter is to be dealt with, then more information may be provided, however since investigations often involve maintaining confidentiality, it may not be possible to disclose any further information.

28. The amount of contact between the people considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school will seek further information from you.

29. Where any meeting is arranged, off-site if you so wish, a trade union or professional association representative or a work colleague can accompany staff.

30. The school will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the school will arrange for you to receive advice about the procedure.

31. If an investigation is to be undertaken an appropriate investigating officer will be appointed, which may be the person who received the concern. Where the individual has provided contact details, an investigation interview should be undertaken unless not required by the whistleblower. The investigating officer will meet with the individual to gather as much information as possible. Where the complainant is an employee, they will be entitled to representation by a trade union rep or colleague. The investigating officer will inform the individual what steps will be taken and potential timescales for the investigation to be completed. If the matter does not fall under the whistleblowing policy they will be informed how the matter will be taken forward.

32. Employees who are the subject of a whistleblowing concern which is being investigated, may be contacted by the Investigating Officer and a formal investigation will be carried out and the employee has a right to representation by a trade union rep or colleague. This is to ensure that the investigation is fair and open. The details of any concerns raised which are discovered to be untrue will not be kept on the employee's file.
33. The investigating officer will consider all the evidence and make a recommendation to the Governing Body.
34. The school accepts that you need to be assured that the matter has been properly addressed. Subject to legal constraints, we will, therefore, inform you of the outcome of any investigation.

HOW THE MATTER CAN BE TAKEN FURTHER

35. This policy is intended to provide you with an avenue within the School to raise concerns. The school hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the School, the following are possible contact points:

- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisation
- The police

There is also a list of organisations appended to this document whom you can contact for advice.

36. If you do take the matter outside the school, you should ensure that you do not disclose confidential information or information which is legally protected. Employees are also reminded that, in accordance with the Code of Conduct, contact with the press, radio or social media should not be made.

WHAT TO DO IF A CONCERN IS RAISED WITH YOU

37. If you receive a concern under this Procedure then you need to act quickly and with the utmost discretion. In deciding whether or not to refer a suspicion to the Head Teacher or Chair of Governors, you should consider the following points:

- The quality of the information provided and whether all relevant information has been provided or is available.
- Whether there is any corroborating evidence available, such as supporting documentation or testimony of another individual.
- Whether there are obvious motives that may have led to an accusation such as poor working relationships or the possibility of personal gain. There is also the possibility that a concern raised for the wrong reasons may also be true.

- An assessment of the seriousness of the concerns and the potential risks if they are correct or if they are not investigated.

38. All allegations must be evaluated objectively. You must consider the facts as they appear, based on the information you have been given. If you are in any doubt then report your suspicions anyway.

39. The Headteacher or Chair of Governors must be notified of all cases of alleged fraud or financial irregularities.

40. Depending on the seriousness of the suspicion and amount of evidence available at this early stage, consideration may be given to the suspension of the employee concerned in order that an investigation can be carried out unhindered and to prevent any further loss or damage to the school.

Appendix

The Information Commissioner	The Office of the Information Commissioner Wycliffe House, Water Lane Wilmslow, Cheshire SK9 5AF 0303 123 1113 casework@ico.gsi.gov.uk
Grant Thornton UK LLP (External Auditor to LCC as appointed by the Audit Commission)	Royal Liver Building Liverpool L3 1PS 0151 224 7200 www.grant-thornton.co.uk
Merseyside Police	Merseyside Police HQ Canning Place Liverpool L1 8JX 101 (for calls from Merseyside) or 0151 709 6010 (from outside Merseyside)
The Environment Agency	National Customer Contact Centre PO Box 544 Rotherham S60 1BY 03708 506 506 enquiries@environment-agency.gov.uk
Health and Safety Executive	Redgrave Court Merton Road Bootle L20 7HS 0845 300 9923
HM Customs and Excise	Customs Confidential Freepost SEA 939 PO Box 100 Gravesend, Kent DA12 2BR 0800 595 000
Public Concern at Work	Public Concern at Work 3 rd Floor Bank Chambers 6-10 Borough High Street London

	SE1 9QQ 020 7404 6609 whistle@pcaw.org.uk
Liverpool Archdiocese	LACE Croxteth Drive Sefton Park Liverpool L17 1AA 0151 522 1000
Diocese of Liverpool	St James' House 20 St James' Road Liverpool L1 7BY 0151 709 9722