



**PENINSULA**  
LEARNING TRUST

## Lostwithiel Primary School

### Whistleblowing Policy for Staff

Adopted by the Governing Body:	July 2016
Amended:	Nov 2017
Review date:	July 2017

#### 1. Introduction

1.1 Whistleblowing has been defined as:

**‘the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’** (*Public Concern at Work Guidelines 1997*).

1.2 The Governing Body of Penrice Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees who have serious concerns about any aspect of the Academy's work to come forward and voice those concerns.

This procedure makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious problems within the Academy rather than overlooking a problem or "blowing the whistle" outside.

1.3 This policy applies to all school staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the school.

**1.4** The Governing body has appointed a Governor with specific responsibility for this procedure. **The responsible Governor is Tabitha Carnell.**

## **2. Aims and Scope of Policy**

**2.1** The governing body is committed to high standards in all aspects of the Academy and will treat whistleblowing as a serious matter. In line with the governing body's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

**2.2** This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith

**2.3** The procedure is intended to supplement, rather than to replace, the existing complaints, disciplinary and grievance procedures. It is intended to cover serious concerns that fall outside the scope of other procedures. This policy covers whistleblowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice

- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed.

### **3. Confidentiality**

**3.1** The Governing Body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved.

### **4. Anonymous Allegations**

**4.1** Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Governing Body will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

## **5. Untrue and Malicious/Vexatious Allegations**

**5.1** If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Governing Body will consider taking disciplinary action against the member of staff.

## **6. How to raise a concern**

**6.1** As a first step you should normally raise concerns with the Principal, Senior Vice Principal or your Senior Manager and inform him/her that you are using this procedure.

**6.2** Concerns may be raised verbally or in writing, however it is advisable that your concerns should be in writing for the avoidance of doubt. You should set out the background of the concern, giving names, dates and places where possible, and explaining the reasons for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally.

**6.3** Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have reasonable grounds to raise them.

**6.4** Where employees fail to report their concerns, they may become themselves implicated and consequently the Governors may treat failure by an employee to report such matters as a serious matter which could lead to disciplinary action.

**6.5** You may wish to obtain assistance in putting forward your concern from a Trade Union representative or a colleague. You may choose to be represented by a Trade Union representative or colleague at any meetings which are required.

## **7 How the Governing Body will respond**

**7.1** In order to protect individuals and the Governors, 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 (for example Child Protection issues) will normally be referred for consideration under those procedures.

**7.2** The person with whom you have raised your concern will inform the relevant Governor of the facts. The Governor will write to you, within ten working days with the following:

- acknowledgement that the concern has been received
- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a full response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not, why not.

**7.3** The Governors will inform you in writing of the outcome of any investigation, or any action taken, subject to the constraints of confidentiality and the law.

## **8. The Responsible Officer**

**8.1** The School's Whistle-blowing Governor (Tabitha Carnell) has overall responsibility for the maintenance and operation of this policy within the School. That Governor will maintain a record of concerns raised and the outcomes and will report as necessary to the Governing body. The recording and reporting procedure will be in a form which ensures your confidentiality.

## **9. How the matter can be taken further**

**9.1** This procedure is intended to provide you with a route within the school to raise concerns, but if you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following:

- your Trade Union or Professional Association
- your local Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police – for concerns of criminal behaviour

- the Local Government Ombudsman

You have a duty to the school not to disclose confidential information. This does not prevent you from raising concerns with an independent body referred to above.

**9.2** Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.