

# **Whistle Blowing Policy**

**To be reviewed:** Two yearly

**Policy Agreed:** 12<sup>th</sup> December 2017 **To be reviewed:** December 2019



This policy relates to the Nursery School, Pre-nursery and Family Centre

## 1. Purpose

Any fraud, misconduct or wrongdoing by employees, workers, governors or volunteers of the Centre, is reported and properly dealt with.

The Public Interest Disclosure Act enables individuals to raise concerns where they have a reasonable belief that:

- A criminal offence;
- A miscarriage of justice;
- An act creating a risk to health and safety;
- A breach of other legal obligation;
- Damage to the environment;
- Concealment of any of the above;

is being, has been or is likely to be committed, and it is in the public interest to disclose it, without fear of dismissal, victimisation or detriment. This policy and procedure sets out how such concerns should be raised and handled within the centre.

## 2. Applicability

This policy applies to all employees and governors of the centre as well as individuals performing functions in relation to the centre, such as volunteers, agency workers and contractors.

The Governing Body will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the centre, **which are in the public interest**. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

**1.1** The centre expects the highest standards of conduct from all employees and governors and will treat seriously any concern raised about illegal or improper conduct.

**1.2** Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Headteacher (or the Chair of Governors if the concerns relate to the Headteacher) any serious impropriety or breach of procedure.

**1.3** It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed,- a reasonable belief is sufficient. The requirement that a whistleblower makes a qualifying disclosure 'in good faith' has been removed.

The employee has no responsibility for investigating the matter; it is the centre's responsibility to ensure that an investigation takes place

**2.1** Where the concerns are about **safeguarding children or young people**, the centre's Designated Senior Person for Child Protection should be notified.

**2.2** If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the centre's grievance procedure.

Concern about a colleague's professional capability should **not** be dealt with using this procedure.

**2.2** It is a procedure in which the Headteacher or Chair of Governors will be expected to act swiftly and constructively in the investigation of any concerns.

**Where a disclosure is merely an expression of opinion** that fails to show that a legal obligation has been or is likely to be breached, it **cannot** amount to a protected or qualifying disclosure for the purposes of the whistle blowing legislation

**3.1** This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Nor should this policy apply where the employee simply disagrees with the way the centre is run.

**3.2** Employees must have reasonable grounds for believing the information they have is accurate and not just gossip or rumour.

**3.3** An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns.

**3.4** An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed may contact their Professional Association/Trade Union.

**3.5** Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to Internal Audit for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Headteacher or Chair of Governors who will in turn report it to Internal Audit. Similar principles apply to Academies where the funding agency must be informed.

#### **4. Principles**

**4.1** Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

**4.2** No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.

**4.3** Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

**4.4** If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.

**4.5** Maliciously making a false allegation is a disciplinary offence.

**4.6** An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

**Where an investigation confirms the allegations workers may be required to attend hearings as witnesses.**

## 5. Procedure

5.1 In the first instance, unless the employee reasonably believes his/her Headteacher to be involved in the wrongdoing, any concerns should be raised with the employee's Headteacher. If he/she believes the Headteacher to be involved, then the employee should contact the Chair of Governors by telephone, email or in writing as follows;

<b>Whistleblowing Helpline</b>	Telephone	01488 682628
	Email	DAngell@hungerfordnursery.w-berks.sch.uk
	Post	Hungerford Nursery School Centre for Children and Families The Croft Hungerford Berkshire RG17 0HY

**The Chair of Governors will decide how the concern should be dealt with, seeking advice as relevant,**

5.2 The Headteacher/Chair of Governors will arrange an investigation into the matter (either by investigating the matter himself/herself or passing the issue to someone appropriate to investigate). The investigation may involve the employee and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account and he/she will be asked to comment on any additional evidence obtained.

Employees who want to use the procedure but feel uneasy about it may wish to consult their Professional Association/Trade Union initially and bring a colleague or Professional Association/Trade Union Representative along to any discussions, so long as the third party is not involved in the issue.

Where allegations are raised anonymously they will be considered at the discretion of the Head Teacher in consultation with the Chair of Governors

Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.

**Managers receiving concerns are responsible for reporting the concern and the outcome to the Chair of Governors so that it can be recorded.**

**All managers are directly responsible for making their staff aware of this policy and procedure and for the adherence of their staff.**

**Workers have an individual responsibility to adhere to this policy and procedure.**

5.3 The investigating officer will then report to the Headteacher or where the headteacher has investigated the matter or is implicated in the matter, the chair of governors who will take the necessary action, including reporting the matter to any appropriate department or regulatory agency.

If disciplinary action is required this will be taken forward by the Headteacher/Chair of Governors/Governing body in consultation with the Centre's HR Advisory Team. On conclusion of any investigation the employee will be told the outcome of the investigation (subject to legal constraints) and what the next steps will be. If no action is to be taken the reason for this will be explained.

If the employee is concerned that his/her Headteacher is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, he/she should inform the, Chair of Governors. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:

- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education Funding Agency
- The Department for Education
- The National College for Teaching and Leadership

## **6 What should be done if an issue is raised with a member of staff?**

**6.1** If a member of staff, other than the Headteacher, is approached by a colleague on a matter of concern as defined in this document, he/she is advised to take the matter to the Headteacher or the Chair of Governors.

## **7 Safeguarding Children and Young People**

**7.1** All employees have a duty to report concerns about the safety and welfare of students.

**7.2** Concerns about any of the following should be reported to the Designated Senior Person for Child Protection (DSP):

- physical abuse of a pupil/student
- sexual abuse of a pupil/student
- emotional abuse of a pupil/student
- neglect of a pupil/student
- an intimate or improper relationship between an adult and a pupil/student

The centre's designated Senior Person is:

The Headteacher

**7.3** The reason for the concern may be the actions of a colleague (including a more senior colleague), a Governor, another student or someone outside the centre. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.