

# **Whistleblowing policy**

(This is a LA policy and has consulted with various parties including trade unions and should therefore be adopted without significant change)

## **Introduction**

Our school is committed to the highest possible standard of operation, probity and accountability and recognises that its employees, and other workers are often the first to realise that there may be something wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school and they may also fear harassment or victimisation. The Governor with responsibility for Whistleblowing at Perran-ar-Worthal School is Val Royston.

The Public Interest Disclosure Act 1998 (the 1998 Act) introduced protection for “whistleblowers”. The 1998 Act inserted a new Part IVA into the Employment Rights Act 1996 (the 1996 Act). Section 17 to 20 of the Enterprise and Regulatory Reform Act 2013 (the 2013 Act) made further amendments to Part IVA of the 1996 Act. In accordance with Part IVA of the 1996 Act and its commitment to the highest standards of service delivery, our school encourages its employees, and other workers, with serious concerns about any aspect of the school’s work to come forward and voice those concerns, in confidence, within the school rather than overlooking a problem or “blowing the whistle” outside the school.

The school will take all reasonable steps to protect the identity of employees, or other workers, who raise concerns.

“Whistleblowing” is the term used when someone who works for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public, a vulnerable adult, child, young person or the organisation’s own reputation. When someone “blows the whistle” it is to raise a concern about a danger or illegality that affects others. Part IVA of the 1996 Act, as amended by the 2013 Act, provides protection for workers who disclose information which might otherwise be regarded as confidential.

All employees, and other workers, have a responsibility for the safety of children and vulnerable adults and to this end should report any concerns through the means identified in this policy. The school’s Safeguarding Policy is the primary policy for reporting Safeguarding concerns and whilst concerns about children, young people or vulnerable adults can be raised via this policy, cases will be responded to and dealt with using the separate safeguarding procedure.

This policy includes reference to workers and is consistent with the Public Interest Disclosure Act 1998. The scope of the policy is intended to be inclusive across TNS’s workforce and will apply to all employees, agency and casual staff, contingent workers, contractors, consultants whilst engaged on Council business and to Governors.

## **Aims and Scope of the Policy**

The aim of this policy is to improve our service delivery to the community by providing employees, and other workers, with a procedure for reporting genuine concerns about unlawful conduct, malpractice or wrongdoing at work, without any fear of comeback. The policy is designed to encourage and enable employees to raise concerns as soon as the issue arises, rather than staying silent and waiting until something more serious happens. Perran-ar-Worthal School will take concerns seriously and ensure that any matter raised will be dealt with promptly and fairly.

Concerns that should be raised via this Whistleblowing Policy may be in relation to the actions/behaviours that are perceived as being in the public interest and are:

- Unlawful/illegal;
- In breach of TNS's procedures or regulations;
- Falling below established standard(s) or practice(s); or
- Amounting to improper conduct.

For example (this list is not exhaustive):

- Malpractice or ill treatment of a client / customer;
- Abuse or neglect of children, young people, vulnerable adults or any other service user, for example, failure to take reasonable steps to ensure their safety and well-being or by using abusive language, shouting or deliberately with-holding food, drink or medication;
- Grooming a child, young person or vulnerable adult (in an effort to promote an unacceptable relationship);
- A criminal offence has been committed, is being committed or is likely to be committed;
- Pecuniary or business interests that conflict with employees' roles and responsibilities;
- Suspected fraud, bribery or corruption;
- A failure to comply with legislation or carry out a legal obligation;
- Damage to the environment;
- Endangering an individual's health and safety;
- A breach of Financial Regulations, Contract Procedure Rules, or any other part of the school's Constitution or other Regulations,
- Procedures or any Code of Conduct;
- Concealment of any of the above.

A public interest disclosure is a disclosure by a worker concerning a wrongdoing on the part of his or her employer. Protected disclosures include information about: an alleged criminal offence; a failure to comply with a legal obligation; a miscarriage of justice; a breach of health and safety such that an individual has been, is, or is likely to be endangered; damage to the environment; or information that one of the above has been or is likely to be deliberately concealed. A disclosure is not protected unless the employee reasonably believes that the disclosure is made in the public interest (Section 17 of the 2013 Act).

## **Links with other policies**

In certain circumstances, there may be links with other policies such as:

- Safeguarding Policies
- Employee Code of Conduct
- Disciplinary and Capability Procedure

## **What is the difference between a complaint/grievance and whistleblowing?**

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the school's Grievance Procedure.

"Whistleblowing" is the term used when a worker raises a concern about a possible fraud, crime, danger or other serious risk that could threaten a vulnerable adult, child, young person, service user, colleague or the organisation's own reputation. The person "blowing the whistle" is usually not directly or personally affected by the danger or illegality. Consequently, the "whistle-blower" rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the "whistle-blower" is not expected to prove the malpractice. He or she is the messenger raising a concern so that others can address it.

By comparison, a grievance will usually concern an employee personally. For example, the individual may have a complaint about: his or her pay or working hours, the amount of work that he or she is expected to do or their working conditions. The person raising the grievance therefore, has a vested interest in the outcome and, for this reason, is expected to be able to evidence their case.

### **Confidentiality (where the employee's name is known but will not be disclosed without their consent, unless required by law)**

All concerns will be treated in confidence i.e. the school would expect to protect the identity of the person raising a concern.

At the appropriate time, however, the person raising the concern may need to come forward as a witness in order that the issue can be thoroughly investigated.

The employee may be represented by a recognised trade union representative or work colleague; other forms of internal or external support will be offered, where requested. For example, you can access a free confidential counselling service. A telephone helpline is available 24 hours a day, 365 days a year and your call will be taken by a trained and experienced counsellor who can support you to work out ways of addressing your difficulties. Confidentiality is guaranteed - individuals will not be identified to the school.

Call 0800 0277844 to access the service. Employees can also self-refer for support from the Occupational Health Service, which is also confidential. Call 01872 (32)/493138 or email [healthsafetyandwellbeing@cornwall.gov.uk](mailto:healthsafetyandwellbeing@cornwall.gov.uk).

### **Anonymous allegations (where the employee does not identify him or herself at any stage to anyone)**

This policy encourages employees who raise concerns not to remain anonymous as, by doing so, allegations are difficult to investigate. The Council will exercise its discretion in deciding whether to investigate an anonymous allegation and will take into account the seriousness of the issues raised and the likelihood of being able to confirm the allegation from identifiable sources. Remember, if you don't tell us who you are it will be much more difficult for us to protect your position or to give you feedback.

### **How to raise a concern**

This policy was approved by the Finance, Premises and Personnel Governors Nov 2023

If something is concerning you, please tell us straight away. We prefer that you raise the matter promptly rather than to stay silent or wait until something more serious happens. If you are aware that a child, young person or vulnerable adult has been abused or is at risk of abuse you must report it immediately. Please see the relevant section below in respect of that process.

Failure to report abuse could ultimately leave the Authority open to noncompliance of our legal duty to refer appropriate matters to the Disclosure and Barring Service. Relevant contact information is detailed below under “Raising a concern about children, young people or vulnerable adults”. We will take your concerns seriously and will ensure that any matter raised will be dealt with promptly, confidentially, and will be thoroughly investigated by an appropriate senior person. Remember, you are potentially acting as a witness, not as a complainant. *(Governors should raise any whistleblowing concerns with the Chair of Governors in the first instance).*

If an investigation is appropriate, it will be completed by an independent experienced senior manager and/or a senior member of Audit Services. Due care and consideration will be given, depending on all the circumstances, to appoint the most appropriate investigator for the case. If you would feel more comfortable speaking to a particular person, please mention this when you make contact with us.

### **Steps to raise a concern:**

As a first step you should normally raise concerns with your line manager or their manager i.e. the Headteacher or the Chair of Governors if the concern is about the Headteacher. However, we recognise that on occasions this may not be appropriate, in which case there are the following other options to raising a concern:

- Telephone the HR Helpdesk: 01872 323500 (Option 5) or email: [hrhelpdesk@cornwall.gov.uk](mailto:hrhelpdesk@cornwall.gov.uk).
- Contact any other senior manager of the school.
- Alternatively, you can raise a concern in writing to The Monitoring Officer (marking the letter Private and Confidential), New County Hall, Treyew Road, Truro, TR1 3AY or by emailing [whistleblowing@cornwall.gov.uk](mailto:whistleblowing@cornwall.gov.uk).

This should identify the nature of the concerns and the grounds upon which these are based. Information on the background, history, names, dates and places should be provided if possible.

You must make it clear that your declaration is being made as a “whistleblow” and as such will be treated in accordance with this policy.

If a reported concern is in relation to suspected fraud, corruption or irregularity the recipient of the “whistle-blow” must inform the Chief Audit Executive immediately.

Audit Services will notify the Monitoring Officer in writing as soon as a concern has been received as it is his role to ensure that the school acts lawfully at all times.

### **Raising a concern about children, young people or vulnerable adults**

If you have any safeguarding concerns about children, young people or vulnerable adults you should contact the Designated person for child protection:

1. Mrs Hannah Pallot - DSL
2. Mrs Rachel Heffer - Deputy DSL
3. Mrs Val Royston – Chair of Governors (if the concern is about the Headteacher)

Alternatively, you may refer the concern on the following contact details:

- Children: 0300 1231 116  
0300 1234 100 (out of hours)
- Adults: 0300 1234 131  
0300 1234 131 Option 1 (out of hours emergency only)

Whilst concerns about children or vulnerable adults can be raised via this policy, cases will be responded to and dealt with using the separate safeguarding procedures. Any safeguarding concerns relating to suspicions of financial abuse/irregularity must also be referred directly to the Chief Audit Executive.

### **How the school will respond**

All concerns raised will be treated confidentially by those involved in the reporting process.

Action taken by the school will be dependent on the nature of the concern raised and may:

- Be resolved by agreed action without the need for investigation
- Be referred to the governing body
- Be investigated by management or Audit Services
- Be referred to the Police
- Form the subject of an independent inquiry
- Be referred to the External Auditor

Employees will receive an initial response to any concerns raised within 14 calendar days. Due to the nature of the concerns covered by this procedure it may not be possible for the school to indicate how it proposes to deal with the matters and the timescales involved. However, the school undertakes to inform employees who wish to know of the progress and outcome of any investigation, where this will not compromise the process and as the law allows. The aim is to reassure employees that the matter has been properly addressed.

The amount of contact between the individual raising the concern and the person(s) investigating the matter will be dependent upon the issue raised, the potential difficulties involved and the clarity of the information provided.

Upon completion of an investigation, the Governing Body or Audit Services, under their delegated powers, will seek assurance that management controls will be introduced to ensure that similar cases do not occur in the future. Audit Services reserves the right to take whatever action necessary to satisfy itself that those management controls have been properly implemented.

### **Support from “Public Concern at Work”**

Public Concern at Work is an independent charity which specialises in providing individuals, employers and schools, free, confidential and practical advice about raising concerns at work. They can help you identify how to raise the concern while minimising any risk to you and maximising the opportunity for any wrongdoing to be addressed. An adviser will talk through with you how to safely and effectively raise a concern or help you if you are unsure whether to raise a concern or not.

Their key advice is to remember that you are a witness not a complainant. Their telephone number is: 020 7404 6609 or Website: [www.pcaaw.co.uk](http://www.pcaaw.co.uk)

### **Trade Union support**

This policy was approved by the Finance, Premises and Personnel Governors Nov 2023

If you are a member of a trade union, you may also wish to contact your local office for advice and support in relation to raising concerns.

### **How will you be protected?**

Perran-ar-Worthal School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of repercussions and/or reprisals from those responsible for the malpractice. No worker will be victimised for raising a matter under this policy. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.

The employee raising a concern should immediately notify the person(s) investigating the matter should they experience bullying or harassment as a result of their “whistle-blow”. Co-workers can be held personally liable for such victimisation (Section 19 of the 2013 Act).

The school will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary & Capability Procedure and reasonable steps will be taken to prevent any such incidents occurring.

### **Untrue Allegations**

If you raise a concern, but it is not confirmed by the investigation, no action will be taken against you. If you knowingly make malicious or vexatious allegations, disciplinary action may be taken against you.

### **Raising your concern outside of the school**

This policy is intended to provide you with an avenue to raise concerns **within** the school. The school hopes you will be able to follow the internal whistleblowing policy first of all, but if this is not possible and you feel that it is right to take the matter outside the school, the following are possible contact points:

- Care Quality Commission: Tel 0300 0616 161 or [www.cqc.org.uk](http://www.cqc.org.uk)
- Environment Agency: 0370 8506506  
<https://www.gov.uk/government/organisations/environment-agency>
- Food Standards Agency: Tel 020 7276 8829 or [www.food.gov.uk](http://www.food.gov.uk)
- The Health and Care Professions Council: 0845 300 6184 or [www@hcpc-uk.org](http://www@hcpc-uk.org)
- Health and Safety Executive: [www.hse.gov.uk](http://www.hse.gov.uk)
- Ofsted: Tel 0300 123 4666 or [www.ofsted.gov.uk](http://www.ofsted.gov.uk)
- The Police (in an emergency 999 or 101 for non-urgent matters).
- Your Member of Parliament.
- Employees who raise a concern outside of the school should ensure that they do not disclose confidential information.

### **Consultation**

This policy was developed in consultation with the recognised Trade Unions, Legal Services, Education, Health and Social Care, Audit Services, People Management, Development and Wellbeing and the Standards Committee. This policy has been approved by the Standards Committee.

### **Monitoring arrangements**

This policy was approved by the Finance, Premises and Personnel Governors Nov 2023

The council's Monitoring Officer is the Head of Governance and Information. The Monitoring Officer must be notified by Audit Services, as soon as a concern or complaint has been received. The Monitoring Officer will report to the school as necessary. The Head of People Management, Development and Wellbeing holds overall responsibility for the maintenance and operation of the Whistleblowing Policy. As the nominated recipient of any notifications under this policy, Audit Services will maintain a record of all concerns raised and the outcomes. Anonymised data may be shared on request with the Cornwall and Isles of Scilly Safeguarding Children Board/Safeguarding Adults Board.

Policy implementation: This policy will be circulated to governors and staff members who will sign to indicate that they have read and understood the policy. It will be available on the school's website for all staff members to access.

Review: This policy will be reviewed annually or sooner in the event of a change to relevant legislation, guidance or if research, monitoring or auditing suggests that a review may be required.

### **Alternative Formats**

We want to ensure that your needs are met. If you would like this information on audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact:

**Cornwall Council**  
**New County Hall**  
**Treyew Road**  
**Truro TR1 3AY**  
Telephone: **0300 1234 100**  
Email: [enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)  
[www.cornwall.gov.uk](http://www.cornwall.gov.uk)