



## Ranvilles Junior School Procedure for Protected Disclosure (Whistleblowing)

### 1. ACCESSIBILITY

This procedure is available in large print or Braille. Please contact the school office who will be happy to arrange this for you.

### 2. PURPOSE OF PROCEDURE

This procedure has been designed to operate in accordance with the provisions of the Public Interest Disclosure Act 1998 (as amended) (hereafter known as 'the Act'), which gives protection to staff and workers who disclose reasonable concerns about serious misconduct or malpractice at work. This is sometimes known as ***Whistleblowing***.

### 3. APPROVAL

Approval date: 16<sup>th</sup> September 2020

Date for next review: September 2023

### 4. INTRODUCTION

The procedure applies to all staff (which will include all agency staff, students on placements, supply staff, volunteers, contractors and suppliers operating under contract to the school or the County Council) and is intended to encourage all staff and workers to raise concerns within the school as a first priority, rather than make a disclosure outside of the school. In this procedure, all individuals are collectively referred to as staff or staff members.



## **5. REFERENCES**

- Public Interest Disclosure Act 1998 (as amended)
- Manual of Personnel Practise Procedure for Protected Disclosures (Whistleblowing) issued by Education Personnel Services

## **6. PRINCIPLES**

The Governing Body of Ranvilles Junior School will treat all disclosures made under the procedure very seriously and allegations about such matters will be dealt with quickly and with appropriate confidentiality at all times.

The procedure gives protection from victimisation, discrimination or disadvantage to staff who make such a disclosure in the public interest. This protection applies in respect of such a detriment arising from an act, or a failure to act, either by the employer, or by a fellow staff member, whether the latter be with or without the employer's knowledge. The procedure also ensures that the person making the disclosure receives an appropriate response to their disclosure and is made aware of how they may pursue the matter outside the school if they deem the response given to not be satisfactory.

This 'Whistleblowing' Procedure should not be confused with others, such as individual or collective grievance procedures that exist to enable staff to raise concerns about their own employment. This procedure is designed to deal with issues that fall outside of the scope of the grievance procedures and therefore excludes all matters that are more appropriately covered by them.

## **7. TIME LIMITS**

There are no time limits on raising concerns under this procedure, but they should be raised at the earliest opportunity. Where time limits are included within this procedure, they exist to ensure that disclosures are dealt with as quickly as possible, and to ensure a prompt initial response from the school. The investigation that takes place after a disclosure is made is not time limited, but will be conducted as quickly as possible within the circumstances of the disclosure.

## **8. REPRESENTATION**

Staff are entitled to representation by a professional association/trade union representative or work colleague at any meeting or interview held in relation to the disclosure made. Staff should specify that they are making a disclosure under this procedure.

## **9. UNFOUNDED OR IMPROPERLY MADE ALLEGATIONS**

All allegations will be appropriately investigated.



If an allegation is unfounded or unsubstantiated (i.e. there is no factual basis or evidence to support the allegation) but the staff member has made the allegation honestly and in the reasonable belief that it was in the public interest, no action will be taken against them.

If an allegation is deemed to have been made falsely, maliciously, frivolously or for personal gain, then the person making the allegation may face disciplinary action.

## **10. CONTENT**

### **10.1 Step 1 - Raising a Concern**

In the first instance, concerns should be raised with the immediate line manager. If the staff member believes that the immediate line manager is involved in the malpractice, the concerns can be raised with a more senior member of staff, including the Headteacher. If the staff member believes it is not appropriate to raise the matter with the Headteacher, he/she may approach the Chair of Governors. In the event that the matter cannot be raised within the school, the staff member may raise their concerns in accordance with Step 5.

Within ten working days of a concern being raised, the person who has received the concern will write to the staff member to acknowledge receipt and indicating what initial steps will be taken to deal with it. Where possible an estimate will be given of the time it will take to provide a final response.

Concerns may be raised orally or preferably in writing. These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information, etc. Staff must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Staff may wish to make an anonymous disclosure although it may be important for the investigating manager to know the source of the information for a full investigation. The manager would need to take into account the nature and credibility of an allegation before deciding whether to proceed with an investigation. However, staff should be reassured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity. The Act provides protection against victimisation of anyone who makes a protected disclosure in good faith.

### **10.2 Step 2 – Determine whether it is a Protected Disclosure**

Qualifying disclosures are disclosures of information where the staff member reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- a criminal offence (e.g. fraud, corruption, sexual or physical abuse of pupils or others)
- a failure by a person to comply with any legal obligation to which he/she is subject



- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment, or
- a deliberate attempt to conceal any of the above matters

Following a disclosure of one of the above matters, the person receiving the disclosure must determine whether it is a 'qualifying disclosure' under the Act, by considering the following:

- Whether any factual information was actually disclosed, as opposed to opinion only, to the employer (or relevant person);
- Whether the individual making the disclosure believed that the information tended to show that one of the matters in the Act has occurred, is occurring or is likely to occur and
- Whether that belief was reasonable.

If the above criteria are met, the disclosure will qualify as a protected disclosure, and the remainder of this procedure will apply. If the criteria are not all met but the staff member's disclosure was in good faith, investigations should still take place into the allegations, and the staff member should not be discriminated against because they have raised such an allegation. If it is found that the disclosure was made for malicious purposes or for personal gain, the school should deal with this under the disciplinary procedure.

### **10.3 Step 3 – Investigation**

A preliminary investigation will need to be undertaken to establish whether the allegation could actually have occurred, be occurring or be likely to occur in the future. The investigation is not, at this stage, to determine whether the alleged act or omission has actually occurred, but to determine the facts of the case (e.g. was the alleged individual actually where they were purported to be, what does the evidence show).

Allegations that have some foundation to them should be followed up with a full internal investigation, which may result in one or more of the following:

- No case to answer
- Disciplinary action taken against the alleged individual
- Referral to Social Care or the Police, or other relevant organisation
- Referral to Internal Audit or other County Council departments

If the allegations are unfounded (no evidence or proper basis that supports the allegation), or unsubstantiated (can neither be proven nor disproven), no action need be taken by the school, although it would be pertinent to determine why the staff member felt the need to raise the allegation in the first place.

If it is found that the allegation was made for malicious purposes or for personal gain, the school should deal with this under the disciplinary procedure.)



#### **10.4 Step 4 - Communication**

Subject to legal constraints and the need to protect the rights of individuals, the staff member raising the concern will be informed of the outcome of any investigation at the earliest practicable opportunity, to reassure them that appropriate action has been taken. Such information will not include confidential details about formal action taken against another staff member.

For reasons of sensitivity and confidentiality, all communications with a staff member who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

#### **10.5 Step 5 - Taking the matter further**

In the event that a staff member feels that their concerns have not been resolved through the above process, they may write to the Chair of the Governing Body, if he/she has not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of Governors will write to the staff member to acknowledge that the concern has been received and indicate what further steps will be taken, as well as providing an estimate of the time it will take to provide a final response. The Chair of Governors may decide to set up a small group of governors, where appropriate, to investigate the concerns. The Chair of Governors will then inform the staff member of the outcome of this process on the same basis as required of the manager above.

In the event that the matter cannot be satisfactorily resolved within the school, the staff member may escalate their concerns further. Staff should raise their concerns, in writing, within the following officers of the County Council and in the following order:

- a. with the Assistant Director (Education & Inclusion)
- b. with the Director of Children's Services
- c. with the Chief Executive of Hampshire County Council

These officers will follow the same basic procedure outlined above in the same timescales and will feed back the outcome to the staff member. The address for all of the above is: Children's Services Department, Hampshire County Council, Elizabeth II Court West, The Castle, Winchester, SO23 8UG or [childrens.services@hants.gov.uk](mailto:childrens.services@hants.gov.uk).

If a staff member is dissatisfied with the response of the Governing Body and the County Council, and subject to the concern being a protected disclosure as outlined in Step 2 above, they can raise the matter, as appropriate, with any of the following:

- An elected Member of the County Council
- The Local Government Ombudsman



If a staff member remains dissatisfied having raised concerns as above, they can raise their concerns with:

- A local Member of Parliament
- A relevant professional body or inspectorate (e.g. Ofsted or Health & Safety Executive)
- A 'prescribed person' as designated by the Act. A full list of 'prescribed persons' can be found on the Gov.uk website (search 'Whistleblowing: list of prescribed people and bodies').

Staff can only make a disclosure to a prescribed person if they:

- make the disclosure in good faith
- reasonably believe the information is substantially true
- reasonably believe they are disclosing the issue to the appropriate person or body (e.g. Health and Safety issues to the Health & Safety Executive).

In taking their concern outside of the school, staff must ensure that, as far as possible, the matter is raised without personal information relating to other staff, or confidential information about unrelated matters, being disclosed.

A staff member who approaches an accredited legal advice centre, e.g. Public Concern at Work or Citizens Advice Bureau, must not breach the duty of confidence in this procedure to the Governing .

#### **10.6 Step 6 - Failure to follow this procedure**

Any staff member who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

#### **11. APPENDICES**

None.