Ysgol Gymraeg Pen-y-Groes
Whistleblowing Policy for School Staff

Introduction

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 workplace, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997). Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 ("PIDA"). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice. This policy applies to all school staff including full and part time, casual, temporary or substitute staff and to individuals undertaking work experience in the school.

Aims and Scope of Policy

The governing body is committed to high standards in all aspects of the school and will treat whistleblowing as a serious matter. In line with the governing body's commitment to openness, 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 and within the meaning of the PIDA.

  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.

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistleblow. Where members of staff are unclear about any of the PIDA requirements they should seek further advice. Public Concern at Work is an independent charity that provides free advice for persons who wish to express concerns about fraud or other serious malpractice (telephone 0207 404 6609 or www.pcaw.co.uk).

Members of staff could also approach their trade union for further advice. Safeguard Against Reprisal, Harassment and Victimisation The governing body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the governing body's staff disciplinary procedures.

The PIDA provides protection to employees in circumstances where their disclosure can be classed as a protected disclosure. Under the PIDA it would be automatically unfair to dismiss or make any employee/member of staff redundant because they had made a protected disclosure; and that it would be unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action an Employment Tribunal has the power to order re-instatement, re-engagement or order the award of compensation to successful claimants confidentiality.

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. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court. The governing body will not place members of staff under pressure to give their name and will give due consideration to proceeding with investigating the concern on the basis of an anonymous allegation.

Anonymous Allegations

Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations will 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, and obtaining information provided.

Untrue and Malicious/Vexatious Allegations

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.

Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the headteacher or chair of governors should urgently consult the LA officer designated to lead on child protection so that the action for the handling of such allegations under the school's disciplinary procedure for staff and the child protection procedures established by the Local Safeguarding Children's Boards can be initiated. However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the social services designated manager either before raising their concern with the governing body or where the headteacher or chair of governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

Procedure for Making a Whistleblowing Allegation

You should raise your concern with your line manager, the headteacher, the chair of governors, or the governor nominated for whistleblowing. The person to be approached depends to an extent on the seriousness and sensitivity of the issue and who is thought to be involved. If you feel you cannot express your concerns within the school, it is open to you to raise your concern with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further', with key organisations to contact suggested as the LA, Public Concern at Work and the trade unions. However, where the concern relates to a child protection matter, if you do not want to raise this through the school, you must consult the LA officer designated to lead on child protection or if that person is not available, the local authority's designated social services manager for child protection. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

Procedures for Whistleblowing

If possible put your concern in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or

arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern. Response to Whistleblowing
The matter raised may:

- need inquiry internally in the school
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the person in the LA who deals with complaints about financial management or financial propriety in schools
- need to be referred to the LA officer designated to lead on child protection if there is a concern relating to child protection, or if that person is not available the local authority's designated social services manager for child protection. At this stage concerns/allegations are neither accepted nor rejected.

Timescale for Response

The person [name/status] appointed by the governing body to look into whistleblowing allegations will normally provide a written response to you within 5 working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing you of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

The Inquiry Process

The appointed person [name/status] will:

- Look into the allegation - seeking evidence and interviewing witnesses as necessary.
- Maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain anonymous.
- If appropriate, bring the matter to the attention of the LA appointed person dealing with complaints about financial management of schools.
- If appropriate, for concerns of criminal behaviour refer the matter to the Police.
- If appropriate, for concerns of child protection, refer the matter to the LA officer designated to lead on child protection/local authority social services designated manager for child protection.

The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process. If the person appointed by the governing body needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates. The target is to complete the inquiry within 10-15 working days from the date of the initial written response. If the enquiry extends beyond the timescales

outlined for specific reasons all individuals concerned will be notified of this in writing with an indication when the inquiry will be completed.

The Inquiry Report

Following completion of the inquiry process the person appointed [name/status] will make a written report and submit to the chair of the governing body normally within 5 working days. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named. Following receipt of the inquiry report, the chair of governors will convene a committee with at least one other governor and an independent person from outside the governing body, e.g. the LA or a governor of another school to consider the inquiry report and decide on the action to be taken. This should normally take place within 5 - 10 working days following receipt of the inquiry report. Following notification of the committee's decision, the chair of governors will notify you of the outcome normally within 5 working days (except in relation to anonymous allegations), setting out the action to be taken or that no further action is to be taken and the reasons why.

Taking the Matter Further If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the governing body's complaints procedure or raise your concerns with other organisations as listed below:

- the local authority
- a diocesan authority (for Church schools)
- a relevant professional body or regulatory organisation such as the EWC or the Wales Audit Office
- the Children's Commissioner for Wales
- the Public Services Ombudsman for Wales
- the Care and Social Services Inspectorate for Wales
- a solicitor
- the Police - for concerns of criminal behaviour
- a trade union or professional association
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 0207 404 6609 or www.pcaw.co.uk).

Chair of Governors Mr Mike Landers
Contact Telephone Number 02920735723

Headteacher:

Date:
Chair of Governors: