

Tilston Parochial CE Primary School

Bringing out the Best in Everyone.
'Encourage one another and build each other up.' Thessalonians 5:1



Tilston Parochial
CE Primary School

Whistleblowing Policy 2022-2023

Kelsey Mort
14.05.2021
Review Date- May 2023

Whistle-blowing Policy and CWaC Protocol

The staff and governors of Tilston School seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. In the event that members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, Tilston School has established the following Whistle-blowing Policy, or code of practice, which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion. This policy applies the spirit and principles of the CWaC Whistle-blowing Protocol (attached) to the circumstances of Tilston School.

Throughout this policy, the term *whistleblower* denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the *Second Report of the Committee on Standards in Public Life: Local Spending Bodies* published in May 1996.

Tilston School is committed to tackling fraud, safeguarding our children, and other forms of malpractice and treats these issues seriously. Tilston School recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

Tilston School is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.

The provisions of this policy apply to matters of suspected fraud and impropriety and not matters of more general grievance which would be dealt with under the agreed school grievance procedures.

When might the whistle-blowing policy apply?

The type of activity or behaviour which Tilston School considers should be dealt with under this policy includes:

- inappropriate behaviour towards pupils
- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- any criminal activity
- abuse of position
- fraud and deceit
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- breaches of other school policies and procedures

What action should the *whistleblower* take?

Tilston School encourages the *whistleblower* to raise the matter internally in the first instance to allow those school staff and governors in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

Tilston School has designated a number of individuals to specifically deal with such matters and the *whistleblower* is invited to decide which of those individuals would be the most appropriate person to deal with the matter.

Position	Name
Headteacher	Kelsey Mort head@tilston.cheshire.sch.uk
Responsible Officer	Joanne Callister jcallister@tilston.cheshire.sch.uk
Chair of Governors	Kay Dutton

The *whistleblower* may prefer to raise the matter in person, by telephone or in written form marked **private and confidential** and addressed to one of the above named individuals c/o the school. The school's address is **Tilston Parochial CE Primary School, Church Road, Tilston, Malpas, Cheshire, SY14 7HB** and its telephone number is **(01829) 250204**.

All matters will be treated in strict confidence and anonymity will be respected wherever possible.


Alternatively, if the *whistleblower* considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed in the first instance to the Local Authority's Head of Audit or the Safeguarding Children in Education (SCiE) team:

Ian Kirby: Senior Manager Performance and Internal Audit **(01244) 976959**
Kerry Gray: Safeguarding Children in Education Officer **(0151) 3566549**

The Local Authority has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the *whistleblower* (protocol attached). The Local Authority will ensure relevant officers of the Department for Education and Employment are informed as appropriate.

In addition, information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work.

Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work, Suite 306, 16 Baldwins Gardens, London EC1N 7RJ
 020 7404 6609

How will the matter be progressed?

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, legal or personnel advisors, the police, the Department for Education and Employment and the Local Authority.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.

The *whistleblower* will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governing body and the Local Authority.

If the *whistleblower* is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), the governing body and/or directed to the Local Authority.

Respecting confidentiality

Wherever possible Tilston School seeks to respect the confidentiality and anonymity of the *whistleblower* and will as far as possible protect him/her from reprisals. Tilston School will not tolerate any attempt to victimise the *whistleblower* or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

Raising unfounded malicious concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

Conclusion

Existing good practice within Tilston School in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the school operates ensure that cases of suspected fraud or impropriety rarely occur. This whistle-blowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned.

Date: May 2022

Review: May 2023

Cheshire West and Chester Council

WHISTLE BLOWING PROTOCOL**INTRODUCTION**

1.1 As an employee, Member or contractor, supplier to or consultant with, the Council you may, from time to time, witness practices that seem suspicious. However, you may be deterred from expressing your concerns because you fear harassment or victimisation. You may feel that it may be easier to ignore the concern rather than to report your suspicions.

1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that you can do so, without the fear of victimisation, subsequent discrimination or disadvantage.

1.3 These procedures are intended to encourage and enable you to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. Premature or unnecessary publicity may damage the Council's reputation, impede proper investigations, or hurt individuals unnecessarily.

1.4 A Member shall not disclose confidential information, using the public interest exemption in the Council's Member Code of Conduct without first considering using the procedure in this Whistle Blowing Protocol to raise concerns about an issue, unless it is necessary for the disclosure to be made to the Police or a Regulatory Body.

PURPOSE & SCOPE

2.1 These procedures have been introduced to provide employees, Members and contractors, suppliers or consultants with a secure basis for reporting suspicions of impropriety, in the knowledge that the matter will be treated confidentially.

2.2 This policy covers the reporting of a malpractice, the information that will need to be recorded and the steps that need to be followed to ensure that you do not suffer any recriminations or victimisation.

2.3 These procedures are intended to supplement, rather than replace, existing Council policies and procedures (for example the Council's grievance procedures and the policies dealing with harassment)

whereby employees of the Council may already raise complaints or matters of genuine concern with the Council. They are therefore designed to provide for those instances where the person reporting the matter feels that, for any reason, they cannot make use of other procedures.

2.4 This policy has been designed to take into account Human Rights considerations.

3 CONTRACTORS, SUPPLIERS AND CONSULTANTS

3.1 In your dealings with the Council you will often work very closely with Council employees and Councillors. You will also operate under the Council's procedures and policies. The Council is fully aware that if you notice anything suspicious, or come across malpractice, you may be concerned about your relationship or future relationship with the Council if you raise this. As with employees and Councillors, the Council wants to encourage you to voice any concerns you may have, secure in the knowledge that the matter will be taken seriously and investigated, and that you and your organisation will not suffer any disadvantage.

4 LEGISLATION

4.1 The Public Interest Disclosure Act 1998 has been introduced to protect employees who expose serious wrongdoing in the workplace. It applies where a malpractice is disclosed involving:

- a crime or breach of regulatory, administrative and common law;
- a miscarriage of justice;
- danger to health and safety;
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption; and
- sexual, physical or financial abuse of clients

4.2 The Act protects you from victimisation where you reasonably believe the information, and are acting in good faith.

4.3 A disclosure is protected if you have an honest and reasonable suspicion that a malpractice has occurred, is occurring or is likely to occur.

As an employee you can raise the matter with your line manager who will refer it to one of the named below, or if you prefer direct to:

- Head of Paid Service (Chief Executive);
- Monitoring Officer (Head of Legal and Democratic Services);
- Director of Resources; or

- Audit and Risk Manager

4.4 Councillors can report suspicions to any of the above four officers.

4.5 A confidential record will be maintained by the Audit and Risk Manager of all concerns raised (except if the complaint is against the Audit and Risk Manager's team).

4.6 It is important to note that in response to concerns raised with any of the above, they will initially act independently of each other when making investigations, except for the Audit and Risk Manager who may be asked to carry out the investigation.

SAFEGUARDS

Harassment Or Victimisation

5.2 The Council is committed to good practice and high standards, and wants to be supportive of employees.

5.3 The Council recognises that the decision to report a concern can be a difficult one to make. It will not tolerate any harassment or victimisation and will protect you if you raised a concern in good faith.

5.4 If you happen to be involved in any disciplinary or redundancy procedures these will be kept separate from the investigation of your complaint.

Confidentiality

5.5 The Council will protect the confidentiality of all matters raised by concerned employees and Councillors.

5.6 If there is any breach of confidentiality by any of the four named officers in paragraph 4.3, the employee raising the concern can take the appropriate action under the grievance procedures.

Anonymous Allegations

5.7 This policy encourages you to put your name to your allegation whenever possible.

5.8 This is because concerns expressed anonymously are much less powerful than those raised by an identified individual. Anonymous allegations will, however, be considered at the discretion of the Council.

5.9 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

6 UNTRUE ALLEGATIONS

6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, as an employee you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. In the case of Members, the Standards Committee will consider the matter and make recommendations to the Council.

7 PROCEDURES

Raising a Concern

7.1 You can raise your concern orally, (i.e. face to face or over the phone) or in writing. If you write, mark the envelope 'personal, private and confidential' and if the concern is of a serious nature, hand deliver the envelope to the person you wish to report the matter to.

7.2 Whichever way you choose, please give as much information as you can. Remember also to give your name, job and say if you do not want to be contacted at work (if so, give your home address and phone number).

7.3 You should include the following:

- background information;
- information as to why you are concerned;
- details of any other procedures which you have already used, and what happened;
- the names of the employee/Members involved and where they work (if applicable);
- dates or periods of time relating to the matter;
- the names and jobs of any other employees / Members who may support your concern.

7.4 The earlier you express your concern, the easier it will be to take action.

7.5 Although you will not be expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for the concern.

7.6 You may find it easier to raise the matter jointly if there is another

employee / Member who has the same concern, and will support your allegation.

7.7 You would be advised to invite your trade union representative, or another person, to be present during any meetings or interviews in connection with the concern raised. In this case you can remain anonymous when the concern is first raised, but you may have to be involved personally if the matter goes further.

8 HOW THE COUNCIL WILL RESPOND

8.1 One of those named in paragraphs 4.3 will firstly decide whether to carry out an investigation and determine which Council procedure it is appropriate to use.

8.2 If it is decided that the matter should be taken further under Whistleblowing procedures, the concern raised will be:

- investigated by the Monitoring Officer, Management or Audit & Risk Management;
- referred to the police;
- referred to the external auditor;
- considered to become the subject of an independent inquiry;
- considered under the Council's Member Code of Conduct.

8.3 You may be interviewed by the person investigating the matter.

8.4 In order to protect individuals accused of a possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will take place before an investigation is undertaken.

What You Will be Told

8.5 The person to whom you have raised your concern will contact you in writing within 10 working days detailing the following:

- acknowledging that the concern has been received;
- indicating how the Council intends to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- detailing any initial enquiries that have been made; and
- informing you whether further investigations will take place (and if not, why not).

8.6 The amount of contact you have with the people considering the matter will depend on the type of concern, the potential difficulties of the investigation and the availability of information. Wherever possible, you will be told the final outcome of any investigation.

8.7 The Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For example, if required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure.

9 THE RESPONSIBLE OFFICER

9.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

10 IF YOU ARE NOT SATISFIED WITH THE COUNCIL'S RESPONSE

10.1 This procedure is meant to give everyone an effective way to raise a concern within the Council (and if possible resolve it internally). However, if you are still unhappy after using the procedure (and getting a final written response) you are entitled to consider taking your concern elsewhere. If you do this, these are some of the contacts that are available:

- the Council's external auditors – 01244 972521
- UNISON Whistle blowing Hotline – 0800 597 9750
- Audit Commission Anti Fraud and Corruption Unit – 0207 630 1019
- The independent charity Public Concern at Work – 0207 404 6609
- a Citizens Advice Bureau
- the Standards Board for England – 0845 0788181
- a relevant professional or regulatory body
- a relevant voluntary organisation
- the police