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PARKWOOD HALL CO-OPERATIVE ACADEMY

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"Growth through Personal and Social Learning "

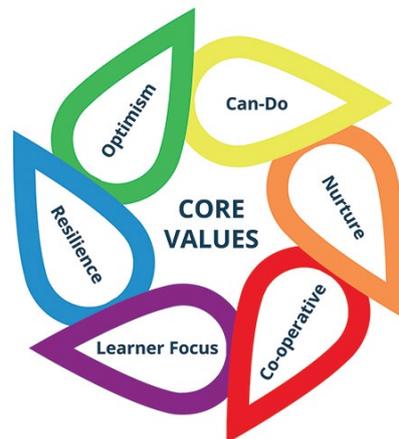
Statutory Policy File

WHISTLE-BLOWING POLICY & PROCEDURES

Index No: 05 v1.0

Parkwood Hall Co-operative Academy is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment'

Our Core Values



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WHISTLE-BLOWING POLICY AND PROCEDURES

1 WHAT IS WHISTLEBLOWING?

Whistleblowing is the term used when an employee passes on information concerning wrongdoing. In this guidance, we call that “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something you have witnessed at work.

To be covered by whistleblowing law, an employee who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone’s health and safety
- damage to the environment
- covering up wrongdoing in the above categories

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have ‘blown the whistle’.

2 PARKWOOD HALL’S RESPONSIBILITIES IN REGARDS TO WHISTLEBLOWING?

As a co-operative academy with co-operative values driving our work we believe it is good practice to create an open, transparent and safe working environment where employees feel able to speak up. Although the law does not require us to have a whistleblowing policy in place, the existence of a whistleblowing policy shows our commitment to listen to the concerns of employees. Our clear policies and procedures for dealing with whistleblowing demonstrate that we welcome information being brought to the attention of the Leadership Team or Governors. This is also demonstrated by the following:

Recognising workers are valuable ears and eyes: As employees you are often the first people to witness any type of wrongdoing within the school. The information that you may uncover could prevent wrongdoing, which may damage our school’s reputation and/or performance, and could even save people from harm or death.

Getting the right culture: If our organisation hasn’t created an open and supportive culture, you may not feel comfortable making a disclosure, for fear of the consequences. The two main

barriers whistleblowers face are a fear of reprisal as a result of making a disclosure and that no action will be taken if they do make the decision to 'blow the whistle'. There have been a number of high profile cases, including evidence collated by the Mid-Staffordshire NHS Foundation Trust Public Inquiry, the Freedom to Speak Up Independent Review into creating an open and honest culture in the NHS; and the Parliamentary Commission on Banking Standards that confirm many employees are scared of speaking up about poor practice. We believe that making sure our staff can approach us with important concerns is the most important step in creating an open culture. We aim to demonstrate, through visible leadership at all levels of our organisation, that we welcome and encourage employees to make disclosures.

Training and support: We implement training, mentoring, advice, supervision and other support systems to ensure you can easily approach a range of people in the school.

Being able to respond: It is our view that it is in the school's best interests to deal with a whistleblowing disclosure when it is first raised by an employee. This allows us to investigate promptly, ask further questions of the employee and where applicable provide feedback. We believe this policy helps explain the benefits of making a disclosure.

Better control: We believe that embracing whistleblowing as an important source of information ensures we have better information to make decisions and control risk. We believe Whistleblowers respond more positively when they feel that they are listened to.

Resolving the wrongdoing quickly: There are benefits for the school if an employee can make a disclosure internally rather than going to a third party. This way there is an opportunity to act promptly on the information and put right whatever wrongdoing is found.

3 COMMUNICATE POLICY AND PROCEDURE

All new staff will be provided with this document during their induction and it will form part of the school's handbook for all staff. Time will be allocated during induction to discuss and understand this policy. This policy will be given to all current staff and signed for to ensure everyone has a copy of the document. When the policy is first issued Cluster leads will discuss the main points of the document during a daily briefing session. The policy will also be available to all staff via Parkwood Share.

How? When someone blows the whistle we will explain our procedures for making a disclosure and whether the whistleblower can expect to receive any feedback. (The procedure is set out in part 2 of this document). Whistleblowers need to understand the school's procedures and that as a whistleblower they cannot influence that action or make any judgement on whether the issue is resolved. The school will provide feedback to the whistleblower in accordance with this policy.

Has the issue been resolved? It is for the school to be satisfied that the disclosure has been acted upon appropriately and that the issue has been resolved. There will be clear and prompt communications between the whistleblower and the school. We will provide feedback to

whistleblowers, within the confines of our internal policies and procedures. We understand that feedback is vital so that whistleblowers understand how their disclosure has been handled and dealt with. We understand that if a whistleblower is unhappy with the process or the outcome it will make them more likely to approach other individuals and organisations to 'blow the whistle', such as a "prescribed person".

4 DISCLOSURE OR GRIEVANCE?

Sometimes an employee believes they are blowing the whistle when, in fact, their complaint is a personal grievance. Employees who make a disclosure under an organisation's whistleblowing policy should believe that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law. We will ensure this policy, procedures and other communications make this clear.

5 TRADE UNION REPRESENTATION

Employees may wish to consult and seek guidance from their Trade Union representative before making a disclosure under this procedure

Employees may be accompanied to any meeting by a trade union representative or workplace colleague who is not involved in the area of work to which the concern relates.

6 RESPONSIBLE OFFICER AND MONITORING OF COMPLAINTS

The Governing Body has overall responsibility for the maintenance and operation of this policy and procedure.

The Principal will ensure the effective implementation of the whistle blowing arrangements, providing training as appropriate, and undertake an annual audit of the whistle blowing arrangements, reporting the outcome to the Full Governing Body.

The Principal will consider:

- The number and types of concerns raised and the outcomes of the investigations.
- Feedback from individuals who have used the arrangements
- Any complaints of victimisation
- Any complaints of failures to maintain confidentiality
- Any relevant litigation
- The level of staff awareness, trust and confidence in the arrangements

Any reporting will not identify the parties to the complaint.

7 RAISING A CONCERN

Wherever possible employees should initially raise concerns openly with their line manager or the Principal.

In instances of serious concern or where the complaint involves the line manager or Principal complaints may be raised with the Chair of Governors

Should the Principal have concerns – these should be raised with the Chair of Governors in the first instance.

Please refer to APPENDIX 1 for the appropriate internal contacts

Concerns may be raised verbally or in writing.

A concern raised in writing should:

- Set out the background and history of the concern - giving names, dates and places where possible
- Give the reason why the Employee is particularly concerned about the situation
- For clarity it would be helpful for the Employee to state that they wish their concerns to be addressed under the whistleblowing procedure

An Employee is not expected to prove the validity of their concern, however they will need to demonstrate that there is a reasonable suspicion for their complaint.

An Employee may invite a Trade Union representative to support them in raising a concern or raise the matter on their behalf or at a subsequent meeting to explore the complaint.

8 HOW THE SCHOOL WILL RESPOND

Preliminary enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with the Employee who has raised the concern.

On occasion it may not be appropriate for the person who receives the complaint to progress the concern and the matter may be referred to another individual within Parkwood Hall or an external organisation.

It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation.

Where it is not possible to resolve the matter informally, the action taken by Parkwood Hall will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation
- Referral to Parkwood Hall's auditors
- Referral to another regulatory authority
- Referral to the Police
- Referral to the EFSA

Within 10 working days of receipt of any concern, the person progressing the matter will write to the Employee to:

- Acknowledge that the concern has been received

- Indicate how and through whom Parkwood Hall proposes to address the matter including whether further investigation or referral to another organisation will be made
- Give an estimate of how long the investigation will take
- Indicate whether further information will be sought from the employee and the arrangements for obtaining this where known

The form of further contact between the Employee and the person progressing the complaint will depend on the nature of the matter raised and the follow up action required.

In instances where an investigation is prolonged or referral to an external agency takes place – arrangements will be made to provide the Employee with situational updates as far as is practicable.

On occasion the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred
- The matter is / has been the subject of internal proceedings under another school policy
- The matter is / has been the subject of external legal proceedings / been referred to another external agency
- A false and malicious or vexatious complaint has been made

9 NOTIFICATION OF THE OUTCOME OF THE CONCERN

Parkwood Hall recognises that an Employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the complaint, wherever possible.

In some circumstances however it may not be appropriate or permissible to share this information (for example where legal / disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback the Employee will be advised that the matter has been addressed or concluded as far as is practicable.

Where a matter is not to be considered further the Employee who raised the complaint will be advised of this in writing.

10 HOW THE MATTER MAY BE TAKEN FURTHER

This procedure is intended to provide Employees with a mechanism to raise concerns internally within Parkwood Hall.

Should this process be exhausted and the Employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of Parkwood Hall.

Appropriate contacts are listed at APPENDIX 1.

An Employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate form of action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside of Parkwood Hall, an Employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

11 PROTECTION AND SUPPORT FOR EMPLOYEES

Parkwood Hall will take reasonable measures to support and protect Employees who raise concerns.

Protection from Detriment

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an Employee believe they have been subject to detriment or retribution they should report this to the Chair of Governors who may address the matter in accordance with Parkwood Hall's disciplinary procedure.

No action will be taken against an Employee where concerns raised are subsequently unproven.

However disciplinary action may be taken against individuals who knowingly make 'false, malicious and / or vexatious allegations.

Should an employee commit a criminal offence in raising a concern (e.g. accepting a bribe or an act of corruption) – protection from detriment may be lost and the Employee may be subject to the School's disciplinary procedures.

Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for Parkwood Hall to assess and investigate the issue. However, it is recognised that there may be some circumstances where an employee would prefer to raise a concern in confidence. Employees should make the School aware of this when raising their concern.

Where appropriate every effort and consideration will be given to arrangements to maintain the Employee's confidentiality – including off site meetings where appropriate.

Every effort will be made not to reveal the Employee's identity, without their prior consent, if this is their wish.

However, in certain cases, it may not be possible to maintain confidentiality if the concern is subject to an external / police investigation where disclosure is required. An Employee will be advised should there be a possibility that their confidentiality cannot be maintained.

Anonymous Concerns

Employees are encouraged to put their name to any allegation where possible.

Anonymous allegations will be considered and investigated at the School's discretion.

In exercising the discretion, the following factors may be considered:

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

It should be noted that it may be more difficult to address the concern, support an employee or advise them of the outcome where a concern is reported anonymously.

Support

Employees who raise a concern may wish to make use of the confidential counselling service provided by the School, if appropriate.

Employees may also wish to consult their professional association or Trade Union if they are a member.

Other sources of support are provided in APPENDIX 1.

Should an employee be required to give evidence in criminal or disciplinary proceedings – consideration will be given to appropriate support.

12 OTHER CONCURRENT PROCESSES

Where a complaint is raised under the whistleblowing procedure this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy.

However, each case will be considered on its merits to ensure that the School is acting reasonably.

13 RECORD KEEPING

Notes may be taken of all meetings with the Employee held under this procedure. Where notes are taken a copy will be made available to the Employee.

All records will be treated as confidential and processed in accordance with the Data Protection Act (1998) which provides individual's with the right to request and have access to certain data.

A central record of whistle blowing will be maintained by the Governing Body. This record will include, a summary of the concern raised, action taken and the resulting outcome. Senior staff or Governors who receive whistle blowing concerns must ensure the concern is recorded.

APPENDIX 1: CONTACT DETAILS

It is the usual expectation that an Employee will have endeavoured to raise the concern internally within the school before referring the matter to an external organisation

Internal

<i>Contact</i>	<i>Telephone Number</i>	<i>Email</i>
Cathryn Falconer	01322664441	Cathryn.Falconer@parkwoodhall.co.uk
Jacqui Tovey	01322664441	Jacqui.Tovey@parkwoodhall.co.uk
Libby Blake (Chair of Governors)		chair@parkwoodhall.co.uk

Or in writing to the above named at the following address:

Parkwood Hall Co-operative Academy
Beechenlea Lane
Swanley
Kent
BR8 8DR

External

Contact	Telephone Number	Email / Website
PROTECT	020 7404 6609	www.pcaw.org.uk
Department for Education	0370 000 2288	www.education.gov.uk
Ofsted	0300 123 3155	whistleblowing@ofsted.gov.uk
Local Government Ombudsman	0300 061 0614	www.lgo.org.uk
Office of Qualifications & Examinations Regulation	0300 303 3346	Public.Enquiries@ofqual.gov.uk
Education and Skills Funding Agency (EFSA)		

Employees may also wish to raise a concern with:

- Relevant trade union or professional association where the employee is a member
- A solicitor
- The police

Support for Employees

- Confidential Counselling Service
- Teachers Support Line www.teachersupport.info;
- Trade Union or Professional Association where the employee is a member
- Citizen’s Advice Bureau www.citizensadvice.org.uk

APPROVAL

This Policy was written for Parkwood Hall Co-operative Academy and will be approved by the Finance & General Purposes Committee on a 2-yearly cycle.

Date Policy Reviewed:	12/11/18
Date of Next Review:	12/11/20
Signature of Governor: <i>(for statutory policies only)</i>	Signature of Principal:
Date: APPROVED F&GP 29/11/18	Date:

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1.0	4/10/18	Creation of document.