

Gloucester Nursery School



Policy and Procedures on Whistleblowing

Policy Statement

The Public Interest Disclosure Act 1998 (the “Act”) places a legal responsibility on employers to ensure that matters of serious public concern can be addressed. Gloucester Nursery School is committed to the highest standards of openness, probity and accountability. In line with this commitment the school encourages individuals with serious concerns about an activity within or related to the school to voice those concerns. This also applies to concerns about the actions of employees, volunteers and external organisations in their dealings with Gloucester Nursery School. This policy is provided as a reference document to outline how issues can be raised internally, and if necessary, outside the management structure of the Council; it documents our assurance that concerns will be seriously considered and appropriate action taken. Additionally, it:

- provides the basis on which individuals can raise serious concerns they may have, and receive feedback on action taken;
- allows individuals to take the matter further if they are dissatisfied with the school’s response;
- outlines the protection from reprisals or victimisation for ‘whistle-blowing’.

It should be noted that any clause within a worker’s contract of employment is void if it attempts to prevent an individual from making a protected disclosure under the Act. This code does not remove or diminish the existing contractual or statutory rights of employees. This policy applies to all employees, contractors working for the school on its premises, suppliers and those providing services under a contract with the school in their own premises. The term ‘individual’ used throughout this document is used to include all the above. If you are unsure whether or not to use this policy/procedure, or if you need independent advice at any stage, you can contact Public Concern at Work which is an independent charity which can give free confidential advice at any stage on how to raise a concern about serious malpractice at work. Please refer to Appendix 1 for further details.

This policy can be read alongside the following relevant policies:

- Safeguarding and child protection
- Complaints
- Charging
- Health and Safety
- Staff Code of Conduct

The Principles of the Policy

There are existing procedures in place to enable individuals to raise grievances about their own employment. This policy is intended to cover concerns that fall outside the scope of individual grievances and relates to both employees and workers.

A 'qualifying disclosures' is any disclosure of information that is made in the public interest and in the reasonable belief of the worker may show that one or more of the following is either happening at the present time, took place in the past or is likely to happen in the future:
a criminal offence

- a miscarriage of justice
- an act creating risk to health and safety – this includes risk of significant harm to a child
- an act causing damage to the environment
- a breach of any other legal obligation; or
- concealment of any of the above

Issues relating to unsafe practice which could lead to any of the above would constitute information worthy of disclosure and would need to be passed on through the relevant channels by the individual who becomes aware of the concern.

An individual does not have to raise a grievance in order to make a 'protected disclosure'; however, if the employee intends to raise the matter as a grievance, this intention must be clearly stated.

Safeguards in Place to Protect Whistleblowers

In making the disclosure, an individual must have a reasonable belief that the information disclosed shows one or more of the offences or breaches listed above. The belief need not be correct, but the individual must show that they held the belief and that it was a reasonable belief, in the circumstances, at the time of the disclosure. Individuals are encouraged to come forward with genuine concerns in the knowledge that they will be taken seriously. Gloucester Nursery School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice.

The Council encourages individuals to put their name to allegations made. Concerns expressed anonymously are much less powerful as the ability to gather crucial information from the complainant is not possible. As far as possible the senior leaders and governors of the school will seek to respect the confidentiality and anonymity of the individual raising the concern and will seek to protect him/her from reprisals. In this regard, any harassment or victimisation of the individual who has raised the concerns will not be tolerated. Additionally, any attempt to prevent individuals from raising concerns be unacceptable.

Raising Concerns

The earlier concerns are expressed by individuals, the easier it is to take action. As a first step, individuals are encouraged to initially raise concerns with the Head Teacher, Julia Mann, or the Chair of Governors, enabling those in positions of responsibility and authority an opportunity to address the issue and seek an explanation for the behaviour or activity. This will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved and who is alleged to be involved.

Individuals who feel that they cannot approach anyone within school should approach either:

- Northamptonshire Police (101)
- Local Authority Designated Officer for Safeguarding (03001261000, option 1, ask for Designated Officer(s) LA)
- For matters of fraud or malpractice, the Council's Head Audit and Risk Management should be contacted, by telephone 01604 367055 or by email at: fraudhotline-audit2@northamptonshire.gov.uk
- NSPCC Whistleblowing Helpline 0800 028 0285
- If an employee so wishes, advice may also be sought from a Trade Union or Professional Association. The employee should consider who would be the most appropriate person to deal with the matter, being mindful of issues of confidentiality.

Concerns raised under this policy should, where possible, be submitted in writing, setting out the background and history of the concern, giving names, dates and places, and the reasons why the individual is concerned about the situation. Individuals who do not feel able to put their concerns in writing can telephone or meet the appropriate officer.

What to Expect Following a Disclosure Being Made

The action taken will depend on the nature of the concern. The matters raised may for example:

- be investigated internally;
- be referred to the Police, Designated Officer(s) (LA), or other appropriate body;
- be referred to the External Auditor;
- form the subject of an independent inquiry.

In order to protect individuals, initial enquiries will be made to determine whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or unlawful discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for further investigation. The preliminary investigation may identify the need to involve third parties to provide further information, advice or assistance; for example, the involvement of other members of staff, legal or HR advisors, the police, or other appropriate external body.

Detailed records will be kept and stored securely and will log all work undertaken and actions taken throughout the investigation. The investigating officer(s), will consider how best to report the findings and what (if any) corrective action needs to be taken. This may include some form of disciplinary action or third party referral.

Raising Unfounded or Malicious Concerns

If an allegation is made but is not confirmed by the investigation, no action will be taken against the individual raising the concern and all efforts will be made to protect the individual from reprisals or victimisation. However, if an employee makes an allegation which – through the internal investigation process - is found to be malicious, mischievous or vexatious, or a disclosure made for personal gain, such actions will be considered as disciplinary offences and are likely to result in disciplinary action being taken against the employee. Whistle-blowers making untrue allegations may expose themselves to actions for libel or slander which together make up the civil wrong of defamation. This is a complex area of law. In essence a person puts themselves at risk of being sued for damages if, without justification, they publish or

communicate a false statement about someone which may injure his or her reputation in the eyes of ordinary members of society.

However, a whistleblower will not generally be liable provided that they had a legal, moral or social duty or interest in making the statement to a person with a similar interest.

Written November 2014

Reviewed and revised October 2016

APPENDIX 1

Public Concern at Work

Public Concern at Work is an independent organisation which can provide guidance and training to employers on whistleblowing and can also offer free advice to employees unsure whether or how to raise a concern about workplace wrongdoing.

Public Concern at Work

3rd Floor, Bank Chambers

6-10 Borough High Street

London SE1 9QQ

Telephone (general enquiries and helpline): 020 7404 6609

Email UK enquiries: whilst@pcaw.co.uk

UK helpline: helpline@pcaw.co.uk

UK services: services@pcaw.co.uk