

The Killigrew Partnership

WHISTLEBLOWING POLICY DECEMBER 2016

Introduction

The Killigrew Partnership is committed to the highest possible standard of operation, probity and accountability across all its schools and recognises that its workers are often the first to realise that there may be something wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school and they may also fear harassment or victimisation.

The Public Interest Disclosure Act 1998 protects workers who raise concerns from victimisation or harassment. In accordance with that Act and its commitment to the highest standards of service delivery, The Killigrew Partnership encourages its workers with serious concerns about any aspect of the School's work to come forward and voice those concerns, in confidence, within the School rather than overlooking a problem or blowing the whistle outside.

The Killigrew Partnership will take all reasonable steps to protect the identity of workers who raise concerns and recognise that that children cannot be expected to raise concerns in an environment where staff fail to do so.

"Whistleblowing" is the term used when someone who works for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public, a vulnerable adult, child, young person or the schools own reputation.

When someone blows the whistle, it is to raise a concern about a danger or illegality that affects others. The Public Interest Disclosure Act 1998 provides protection for workers who disclose information which might otherwise be regarded as confidential.

All workers have a responsibility for the safety of children and vulnerable adults and to this end should report any concerns through the means identified in this Policy.

Aims and Scope of the Policy

The aim of this policy is to improve our service delivery to the community by providing employees, and other workers, with a procedure for reporting genuine concerns about unlawful conduct, malpractice or wrongdoing at work, without any fear of comeback. The policy is designed to encourage and enable employees to raise concerns as soon as the issue arises, rather than staying silent and waiting until something more serious happens.

The Killigrew Partnership will take your concerns seriously and ensure that any matter raised will be dealt with promptly and fairly.

Staff are aware of their duty to raise concerns about the attitude and actions of colleagues where these are inappropriate or unsuitable. If necessary the member of staff, can speak to the delegated 'Whistleblowing' Governor.

- Our staff will be advised on the boundaries of appropriate behaviour – such matters form part of our staff induction and staff have access to support and guidance when required or requested
- We recognise that staff working in the schools, who have become involved in the case of a child who has suffered harm, or appears likely to suffer harm, may find the situation stressful and upsetting.
- We support such staff by providing an opportunity to discuss their anxieties with the DSL, or another teacher and/or a trade union representative as appropriate.
- Our designated officers have access to support and appropriate workshops, courses or meetings as organised or recommended by the Cornwall and Isles of Scilly Safeguarding Children Board (CIoSSCB), Safeguarding Standards Unit (SSU) or Local Authority (LA).

This policy applies to all employees and other workers including casual staff, agency workers, contractors and consultants whilst engaged on school business and to Governors.

Concerns that should be raised via this Whistleblowing Policy may be in relation to the actions/behaviours that are perceived as being in the public interest and are:

- Unlawful / illegal;
- in breach of the school's procedures or regulations;
- falling below established standard or practice;
- amounting to improper conduct

For example (this list is not exhaustive):

- malpractice or ill treatment of a client/customer
- abuse or neglect of children, young people, vulnerable adults or any other service user, for example, failure to take reasonable steps to ensure their safety and well-being or by using abusive language,
- shouting or deliberately withholding food, drink or medication
- grooming a child, young person or vulnerable adult (in an effort to promote an unacceptable relationship)
- a criminal offence has been committed, is being committed or is likely to be committed
- pecuniary or business interests that conflict with employees roles and responsibilities
- suspected fraud, bribery or corruption
- a failure to comply with legislation or carry out a legal obligation
- damage to the environment
- endangering of an individual's health and safety
- a breach of Financial Regulations, Contract Procedure Rules, or any other part of the schools' Articles or other regulations, procedures or any code of conduct
- concealment of any of the above

A public interest disclosure is a disclosure by a worker concerning a wrongdoing on the part of his or her employer. Protected disclosures include information about: an alleged criminal offence; a failure to comply with a legal obligation; a miscarriage of justice; a breach of health and safety such that an individual has been, is, or is likely to be endangered; damage to the environment; or information that one of the above has been or is likely to be deliberately concealed.

From 25 June 2013, a disclosure is not protected unless the employee reasonably believes that the disclosure is made in the public interest.

Links With Other Policies

In certain circumstances, there may be links with other policies such as the Safeguarding Policies, Employee Code of Conduct, the Disciplinary and Capability Procedure.

What is the Difference Between a Grievance and Whistleblowing?

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be broken, he/she should use The Killigrew Partnership Grievance Procedure.

Whistleblowing is the term used when a worker raises a concern about a possible fraud, crime, danger or other serious risk that could threaten a vulnerable adult, child, young person, service user, colleague or the school's own reputation. The person blowing the whistle is usually not directly or personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the whistleblower is not expected to prove the malpractice. He or she is the messenger raising a concern so that others can address it.

By comparison, a grievance will usually concern an employee personally. For example, the individual may have a complaint about: his or her pay or working hours, the amount of work that he or she is expected to do or their working conditions. The person raising the grievance therefore, has a vested interest in the outcome and, for this reason, is expected to be able to evidence their case.

Confidentiality (where the employee's name is known but will not be disclosed without their consent, unless required by law)

All concerns will be treated in confidence i.e. The Killigrew Partnership would expect to protect the identity of the person raising a concern. At the appropriate time, however, the person raising the concern may need to come forward as a witness in order that the issue can be thoroughly investigated. The employee may be represented by a recognised trade union representative or work colleague and other forms of internal or external support will be offered, where requested.

Anonymous Allegations (where the employee does not identify him or herself at any stage to anyone)

This policy encourages employees who raise concerns not to remain anonymous as, by doing so, allegations are difficult to investigate. The Killigrew Partnership will exercise its discretion in deciding whether to investigate an anonymous allegation and will take into account the seriousness of the issues raised and the likelihood of being able to confirm the allegation from attributable sources. Remember, if you don't tell us who you are it will be much more difficult for us to protect your position or to give you feedback.

How to Raise a Concern

If something is concerning you, please tell us straight away. We prefer that you raise the matter promptly rather than to stay silent or wait until something more serious happens. If you are aware that a child or vulnerable adult has been abused or is at risk of abuse you must report it in accordance with the Child Protection and Safeguarding Policy.

Failure to report abuse could ultimately leave The Killigrew Partnership open to noncompliance of our legal duty to refer appropriate matters to the Independent Safeguarding Authority. Contact information is detailed below under "Raising a concern about children or vulnerable adults".

We will take your concerns seriously and will ensure that any matter raised will be dealt with promptly, confidentially, and will be thoroughly investigated by an appropriate senior person.

Remember, you are potentially acting as a witness, not as a complainant. If an investigation is appropriate, it will be completed by an independent experienced senior manager.

Due care and consideration will be given, depending on all the circumstances, to appoint the most appropriate investigator for the case. If you would feel more comfortable speaking to a particular person please mention this when you make contact with us.

Steps to Raise a Concern

As a first step you should normally raise concerns with your Line Manager and inform them that you are using this procedure. However, the Governing Board recognises that on occasion this may not be appropriate. A number of alternative contacts may be appropriate depending on the nature of the concern. For example, you could approach the Head of School or Executive Headteacher. If the concern is about the Executive Headteacher then you can contact **Tony Deacon** who is the Whistleblowing Governor for the Killigrew Partnership.

You must make it clear that your declaration is being made as a 'Whistleblow' and as such will be treated in accordance with this policy. If a reported concern is in relation to suspected fraud, corruption or irregularity the recipient of the whistleblow must inform the Executive Headteacher immediately.

How The Killigrew Partnership Will Respond

All concerns raised will be treated confidentially by those involved in the reporting process. Action taken by The Killigrew Partnership will be dependent on the nature of the concern raised and may:

- be resolved by agreed action without the need for investigation
- be investigated by the Executive Headteacher
- be referred to the Police
- form the subject of an independent inquiry
- be referred to the external auditor

Employees will receive an initial response to any concerns raised within 14 calendar days. Due to the nature of the concerns covered by this procedure it may not be possible for the School to indicate how it proposes to deal with the matters and the timescales involved. However, the School undertakes to inform employees, who wish to know, of the progress and outcome where this will not compromise the process. The aim is to reassure employees that the matter has been properly addressed.

The amount of contact between the individual raising the concern and the person(s) investigating the matter will be dependent upon the issue raised, the potential difficulties involved and the clarity of the information provided.

Upon completion of an investigation, the Executive Headteacher will seek assurance that management controls will be introduced such that similar cases do not occur.

Support From “Public Concern at Work”

Public Concern at Work is an independent charity which specialises in providing individuals, employers and schools, free, confidential and practical advice about raising concerns at work. They can help you identify how to raise the concern while minimising any risk to you and maximising the opportunity for any wrongdoing to be addressed.

An adviser will talk through with you how to safely and effectively raise a concern or help you if you are unsure whether to raise a concern or not. Their key advice is to remember that you are a witness not a complainant.

Their contact details are: 020 7404 6609 www.pcaw.co.uk

How Will You Be Protected?

The Killigrew Partnership recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. No worker will be victimised for raising a matter under this policy. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has raised a legitimate concern.

The Killigrew Partnership will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary & Capability Procedure.

Untrue Allegations

If you raise a concern, but it is not confirmed by the investigation, no action will be taken against you. If you knowingly make malicious or vexatious allegations, disciplinary action may be taken against you.

Raising Your Concern Outside of The Killigrew Partnership

This policy is intended to provide you with an avenue to raise concerns within The Killigrew Partnership. They hope you will be able to follow the internal whistleblowing policy first of all, but if this is not possible, and you feel that it is right to take the matter outside of The Killigrew Partnership, the following are possible contact points:

- Audit Commission: Tel 0303 444 8300 www.audit-commission.gov.uk
- Public Disclosure hotline 0845 0522 646
- Care Quality Commission 0300 0616 161: www.cqc.org.uk
- Environment Agency: www.environment-agency.gov.uk
- Food Standards Agency: Tel 020 7276 8000 www.food.gov.uk
- The Health and Care Professions Council: Tel (0)20 7840 9814 Freephone (in the UK): 0800 328 4218 ftp@hcpc-uk.org
- Health and Safety Executive Tel 08701 54500 www.hse.gov.uk
- Ofsted Tel 0300 123 4666 www.ofsted.gov.uk
- The Police

Employees who do take a concern outside of The Killigrew Partnership should ensure that they do not disclose confidential information.

Links With Other Policies

This policy also links to (and should be read in conjunction with) the following policies:

- The Child Protection and Safeguarding Policy
- Anti Fraud, Bribery and Corruption Policy
- Employee Code of Conduct

This policy was developed from a Policy adopted by Cornwall Council in consultation with the recognised trade unions, Legal Services, Children, Schools and Families, Adult Care and Support, Internal Audit and People & Organisational Development.

Monitoring Arrangements

The Executive Headteacher will monitor all cases and report to the Governing Board.

Anonymised data may be shared on request with the Cornwall and Isles of Scilly Safeguarding Children Board/Safeguarding Adults Board.

This Whistleblowing Policy for The Killigrew Partnership was agreed by the Full Governing Board at their meeting on 5th December 2016 and will be reviewed annually.