

7B: WHISTLEBLOWING POLICY

Date Reviewed: November 2021

Next Review: August 2022

Revision number: 6

Reviewed by: BS

INTRODUCTION

Cameron Vale School is fully committed to ensuring that any instances of malpractice by any staff are brought to light and dealt with. We will give full and unequivocal support to any member of staff who draws attention to malpractice. The Public Interest Disclosure Act 1998 allows individuals to disclose certain issues to particular external parties where there is good reason to believe that internal disclosure will not be taken seriously or will cause the individual making the disclosure to be penalised in some way. However, Cameron Vale School is committed to dealing responsibly, openly and professionally with any genuine concern and encourages Employees to discuss concerns internally wherever possible.

The aim of this policy is to ensure that Employees are fully aware of the sorts of matters which they should report, and the reporting procedure Employees should follow.

This policy should not be used for complaints relating to an Employee's own personal circumstances, such as the way they have been treated at work. In those cases, the Employee should use the Grievance Procedure. If an Employee chooses to raise a concern under this policy, they must have a reasonable belief that to do so would be in the public interest.

RAISING CONCERNS

Most Employees at some time have concerns about matters in work which are usually easily resolved. However, where an Employee has concerns about serious malpractice such as fraud; financial irregularities; corruption; bribery; dishonesty; or creating or ignoring a serious risk to health and safety then it is important that the Employee can raise such concerns without fear of reprisal. It is the responsibility of everyone to ensure that appropriate, reasonable and timely action is taken in relation to any concerns of wrongdoing or malpractice raised that could expose the School to loss or liability. Employees are encouraged to report any situation or matter which, they reasonably believe, might show that one or more of the following has occurred, is occurring or is likely to occur in the future:

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- a damage to the environment;
- a deliberate cover-up of any of the above matters;
- a serious breach of the School's conduct rules.

This reporting procedure should also be followed if Employees feel that they have been asked to do something which they believe to be improper or unethical or would result in them being implicated in any of the matters listed above.

The procedures outlined below enable an Employee to come forward in confidence with their concerns without fear of being punished for doing so and to have those concerns thoroughly investigated. Once an investigation has taken place, a decision will be made as to what action, if any, should be taken to address the problems.

HOW TO RAISE A CONCERN INTERNALLY

In circumstances where an Employee has such a concern, s/he should initially raise it with the Head orally or in writing. If the Employee feels that the Head is unable to deal with the issue correctly or is an inappropriate person with whom to raise it, the matter should be noted in writing to the Chair of Governors and should include information as to why the Employee feels unable to approach anyone else. The Chair of Governors will appoint a manager, who is unrelated with the concern, to meet with the Employee and investigate the issue.

INVESTIGATION

Once the concern has been raised, it is important that the matter is properly investigated. Care will be taken to ensure that the Employee is kept informed of the outcome of the investigation. If the investigation shows that the issue raised can be resolved quickly, or in a straightforward manner then it will be brought to the attention of the appropriate manager. A decision will then be made as to whether the complaint has substance and whether the Disciplinary Procedures require to be invoked, or whether more formal investigation procedures are necessary (e.g. involvement of the police).

In circumstances where a concern raised requires more detailed consideration, either because of the complexity of the concern, or the possibility of other proceedings, Cameron Vale School will normally conduct an investigation under the direction of the Chair of Governors. Any action taken to resolve a concern raised by an Employee will be notified to them. In some instances, it may not be possible to reveal the full extent of the investigation where this relates to personal issues involving a third party.

PROTECTION FOR EMPLOYEES

All concerns raised under this procedure will be treated with care and sensitivity and, where the Employee has requested that his or her details are kept confidential, this will be adhered to. Should it prove to be not possible to keep an Employee's details confidential (e.g. if asked to give evidence), the Employee will be informed and given every opportunity to discuss the matter prior to taking any action. It is important to be clear that the earlier a matter is brought to management's attention the easier it is to resolve. When raising a concern, the Employee must declare any personal interest he or she may have in this matter. Failure to do so may lead to the investigation being compromised.

Cameron Vale School does not tolerate harassment or victimisation in any form where someone has raised a concern under this procedure. If an Employee chooses to use this procedure s/he may be accompanied by another Employee or another representative, should this be helpful to the Employee in raising the concern. The person accompanying the concerned Employee will be in attendance in a supporting role and not to take part in any of the investigatory procedure. The accompanying person will be required to ensure that s/he treats any information gained during the investigatory process as strictly confidential.

Any action taken to resolve a concern raised by an Employee will be notified to him/her. In some instances, it may not be possible to reveal the full extent of the investigation where this relates to personal issues involving a third party.

This procedure has been designed to ensure that Employees may raise concerns without fear of victimisation or harassment, without any need to do so anonymously. Employees should be absolutely clear that Cameron Vale School fully prefers that a concern is raised in a responsible manner rather than not at all.

HOW THE SCHOOL WILL HANDLE ALLEGED DETRIMENT

If an Employee believes that he or she is being victimised by or suffering any detriment from someone from within Cameron Vale School as a result of reporting a concern or assisting in any investigation, he or she must inform the Employee's line

manager immediately and appropriate action will be taken to protect the Employee.

DISCIPLINARY ACTION

Disciplinary action will be taken against anyone who:

- Deliberately makes false or malicious allegations;
- Makes disclosures for personal gain;
- Makes a non-protected disclosure without exhausting the internal procedure;
- Victimises anyone for raising a concern or making a disclosure under this policy;
- Inappropriately deters anyone from making a legitimate disclosure.

Such conduct will be treated as gross misconduct and may lead to dismissal.

Where, following investigation, a disclosure is substantiated, disciplinary action, or other appropriate sanction, may be taken against the person who is the subject of the disclosure.

HOW TO RAISE A CONCERN EXTERNALLY

It should only be in exceptional circumstances that it should be necessary for an Employee to raise a concern externally. It is accepted, however, that an Employee may disclose information to a legal adviser in the course of obtaining legal advice. Provided the disclosure is made in the public interest and the Employee believes it to be substantially true, he or she may also disclose information to one of a number of prescribed "supervisory persons" that protected disclosures may be made to under the Act – such as the Health and Safety Executive for health and safety matters.

Employees should be aware that disclosure to the media or to non-prescribed persons will not usually be protected unless there are extreme circumstances and that non-protected disclosures may lead to disciplinary action being taken.

Employees should seek independent advice before raising concerns externally so that they can be advised on whether the proposed disclosure may be protected under the Act. Such advice can be obtained from the charity Public Concern at Work. Further information can be found by looking at the website: <http://www.pcaw.co.uk>

INTERPRETATION

In this policy, the term "senior manager" means Head and designated deputy/ies.

This policy does not form part of any employee's contract of employment and may be amended at any time.