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# Horsmonden Primary School

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## *Whistleblowing Policy*



## **1. Introduction**

Horsmonden Primary School and KCC are committed to the highest possible standards of openness, probity and accountability and we encourage employees and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimisation, internally within Horsmonden Primary School rather than over-looking a problem or raising the matter outside.

## **2. Other Complaints Procedures**

This procedure is separate from Horsmonden Primary School's **Complaints Procedures** and other statutory reporting procedures.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

## **3. Aim & Scope**

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- provided with avenues to raise concerns and receive feedback on any action taken
- given a response to their concerns and are aware of how to pursue them if not satisfied.
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.
- are aware that, in the case of KCC employees, a false or malicious disclosure will be addressed in accordance with the KCC Disciplinary Procedure

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying. This procedure is intended to cover concerns that fall outside the scope of other procedures. These include:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct that has occurred, is occurring or is likely to occur the result of which Horsmonden Primary School fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure
- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other employees (see below)
- past, current or likely damage to the environment

Concerns about any aspect of service provision or the conduct of officers or employees of the school or others acting on behalf of the school, can be reported under the Whistleblowing Procedure. This may be about something that you:

- feel uncomfortable about in terms of known standards, your experience or the standards you believe Horsmonden Primary School subscribes to; or
- is against the Horsmonden Primary School's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

The School's safety complaints procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

#### **4. Confidentiality**

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

#### **5. Anonymous Allegations**

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at Horsmonden Primary School's discretion.

In exercising the 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**

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

#### **7. Bribery**

Horsmonden Primary School and KCC have a zero tolerance approach to acts of bribery and corruption. Any instances of suspected bribery and corruption must be reported. If you do not feel able to report your concerns to your line manager, the Whistle Blowing Procedure can be used to confidentially raise this matter

#### **8. How to Raise a Concern**

##### **General**

Concerns can 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 you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A trade union or professional association may raise a matter on behalf of an employee. If you intend to make a whistle blowing complaint you are encouraged to include your name. If you specifically request for your name not be released during the examination of your complaint, all efforts will be made for this information to remain confidential. However, if you are required to participate in the process as a witness, it may not be possible for your name to be withheld.

In the event of anonymous allegations being received, Horsmonden Primary School and KCC will determine whether or not it is possible and appropriate for the allegations to be examined. This will be determined on a case by case basis with reference to the seriousness of the issues raised, the credibility of the concern and the likelihood of being able to confirm the allegation from attributable sources.

### **Step One – Raising a Concern**

Whenever possible you should raise your concern with the Headteacher, or Deputy Headteacher as soon as any malpractice becomes apparent. If this is not appropriate, for example where it is suspected that the Headteacher/Deputy Headteacher already knows about the malpractice and does not appear to be addressing it, or where it is suspected that the Headteacher/Deputy Headteacher may be involved, the whistleblower should report their concerns to the Governors. Alternatively, the matter may be raised with one of the following if for whatever reason the whistleblower is unable to raise his/her concerns with one of the above: KCC Head of Schools Human Resources, KCC Head of Audit or KCC Head of Legal Services. For up to date contact details of such individuals, refer to

<https://shareweb.kent.gov.uk/Documents/KELSI/School%20management/Education%20complaints/Grievances%20and%20whistleblowing/Whistle%20Blowing%20procedure.pdf>

KCC also has an Independent Helpline – Public Concern at Work on 020 7040 6609. Employees may also wish to seek advice from 'Public Concern at Work (PCAW)', an independent organisation, offering confidential advice. They can be contacted via email on [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

### **Step Two - How the school will respond**

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

- be investigated internally by the Headteacher
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

An appropriate manager will conduct preliminary enquiries into the matters you have raised. In order to determine whether your concern needs to be formally investigated the manager will seek advice from HR and, where appropriate, safeguarding professionals, Internal Audit or the Counter Fraud Manager.

The formal investigation will identify what, if any, action is required to address the concerns you identified via the Whistle Blowing Procedure. This may involve disciplinary action against another KCC employee or the involvement of agencies such as the Police or the External Auditor.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

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

## **9. Contact**

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

## **10. Attending Meetings**

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

## **11. Support**

The school will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the school/KCC will advise or arrange for you to have advice about the procedure.

The school/KCC will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith. The school accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

## **12. How The Matter Can Be Taken Further**

This procedure is intended to provide individuals with an avenue to raise concerns within the school and through KCC. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Public Concern at Work 020 7404 6609
- Audit Commission 020 7630 1019
- local Kent County Council member
- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If a matter is taken outside of the school and KCC, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named School/KCC contacts.

### **13. Public Interest Disclosure**

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any Horsmonden Primary School employee directly due to the individual having made such a disclosure will automatically be unfair

### **14. False or Malicious Accusations**

Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.