

**Plymouth
School of
Creative Arts**

make
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Plymouth School of Creative Arts

Whistleblowing Policy

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1 Introduction

A Whistle-blowing policy and procedure is about the ways in which concerns about malpractice may properly be raised within Plymouth School of Creative Arts (PSCA) and if necessary outside, whilst protecting whistle-blowers from dismissal and/or victimisation.

1.1 The Public Interest Disclosure Act 1998 came into force in 1999. It applies to all organisations. It protects workers from victimisation when they blow the whistle inside and – where there is a good reason – outside an organisation. It encourages people to raise concerns about malpractice in the workplace. It helps ensure that organisations are able to focus on the message rather than the messenger, so that serious malpractice is not covered up.

1.2 Workers are often the first to realise that there may be something seriously wrong within the school. However, they may not voice their concerns because they feel that speaking out would be disloyal to their colleagues or the school. They may also be worried about being harassed or victimised. In these circumstances, some people might find it easier to ignore the issues, rather than report what may be just a suspicion of malpractice.

1.3 It is important to strike a balance between the right of the individual member of staff to speak freely and the right of the school or colleagues to protect themselves against false or malicious accusations.

1.4 It can be hard to raise a concern, especially if it could have an impact on friends, colleagues or managers. A whistle blowing policy/procedure shows how concerns about malpractice, either inside or outside the school, can be raised. The policy is also there to protect whistle blowers from the threat of victimisation or dismissal.

1.5 Any disclosure made in ‘good faith’ will be protected by this policy if the whistle blower has a reasonable suspicion that malpractice has occurred, is occurring or is likely to occur.

2 Definition

2.1 Whistle blowing inside the work place is defined as the reporting by workers or ex-workers of wrong doing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the Governing Body or by fellow employees. Workers may include volunteers, contractors and outside agencies or others.

3 Principles supporting the procedure

3.1 The PSCA governors and managers are committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment we expect staff to tell us about any serious concerns they might have about any aspect of the school’s work or colleagues. All staff have a legal duty to pass on any concerns involving the safeguarding or protection of children to someone who can deal with it. This will include concerns about fellow professionals, or anyone who works with or comes into contact with, children. We recognise that most cases will have to proceed on a confidential basis.

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3.2 This policy document confirms that staff will be able to express their concerns without fear of being victimised, or penalised in any way. It aims to encourage and enable staff to raise concerns internally, rather than ignoring the problem or taking it outside the organisation.

4 About the policy

4.1 This policy applies to all employees, students on placement, volunteers, agencies and anyone else who has access to pupils or a school. This includes contractors working on site, school suppliers and those providing services either to the pupils or the school.

4.2 Where the procedure refers to a manager or supervisor, this will normally mean a member of the SLT.

4.3 ***This procedure is in addition to the Complaints Procedure policy.*** This procedure should be used to raise serious concerns. These include:

- Conduct which has failed, or is likely to fail, to comply with a legal obligation
- Disclosure related to miscarriages of justice
- Actions which endanger the health or safety of any individual, including risks to children or the public as well as other workers
- Damage to the environment
- Theft or misuse of school property or assets
- The unauthorised use of public funds
- Possible fraud or corruption
- Serious departure from professional standards
- Sexual or physical abuse of children / service users / workers
- Neglect or emotional abuse of children in the institution
- Serious breach of school, Learning Trust or Local Authority regulations

4.4 All employees have a duty to report fraud and offences of a criminal or child protection nature. They should use their own judgement but it is better to report suspicions using these procedures rather than ignore concerns.

4.5 Employees can use these procedures to report concerns about service provision, or the conduct of staff or other people. This might include something that:

- Goes against orders and/or policies of the school

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- Falls below established standards or practice
- Could be viewed as improper conduct; or
- Makes individuals feel uncomfortable and goes against their experience of right and wrong

5 Creating an ethical and open culture

5.1 It is important that all staff raise their concerns as soon as possible rather than wait until they become more serious.

5.2 The school's code of conduct tells staff what kind of conduct is considered unacceptable. All staff are expected to have and understood the code.

6 Communicating concerns internally in a safe environment

6.1 Where there are serious concerns expressed about wrong doing, these will be dealt with seriously and the whistle blower protected.

6.2 We do not tolerate harassment or victimisation in any form and will take action to prevent it. Whistle blowers will be treated as witnesses not complainants.

6.3 Victimising people who raise genuine concerns will be treated as a disciplinary offence.

6.4 At the same time, it is also a disciplinary offence to make allegations that are untrue or malicious.

7 Reporting concerns

7.1 When concerns arise staff should first contact their line manager. If the line manager is the person named in the complaint then it should be referred to the next senior manager, the member of staff nominated to receive complaints, or the Nominated Safeguarding Children Adviser (NSCA), or go directly to the Headteacher.

8 Wider Disclosure

8.1 Although we prefer you not to take your concerns to someone outside PSCA without first going through these internal procedures, there may be a good reason for doing so. For example, you may not be happy with the conclusions of the manager. Other reasons could be that senior managers are involved, or there are serious health and safety issues or possible discrimination.

8.2 The external sources which could be used are:

- Chair of Governors
- Children's Services if the matter is about child protection or Safeguarding issues

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- Police
- Health & Safety Executive
- Audit Commission
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Department for Education (DfE)
- OfSTED

8.3 Staff who decide to take the matter outside the school need to be aware that they should be careful not to reveal any confidential information.

8.4 Whistle blowers must:

- Reasonably believe that they will be victimised if they raise the matter internally; or
- Reasonably believe a cover up is likely
- Have already raised the matter internally and the issues have not been addressed

8.5 Contracts of employment usually stipulate a duty not to disclose any matters that could be considered confidential. This prevents employees from publicly disclosing employers' confidential information unless it is in the public interest to do so, or unless the school has failed to deal with the issue properly.

9 Confidentiality

9.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle blower. However, in order to investigate the matter properly, the investigating officer may need to ask for files or question other employees, so it is impossible to guarantee complete confidentiality.

9.2 Some cases are clearly so serious that police may have to be involved. In these cases it may be necessary to reveal the identity of individuals.

9.3 While these procedures are being carried out, all parties will need to agree that the issue will be kept confidential.

9.4 Students and pupils may also have information which should be raised in the public interest. There should be proper procedures in place for them to air their concerns, such as a students' complaints procedure.

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10 Anonymous Allegations

10.1 It is far better for staff to put their name to any allegations, because anonymous allegations are not as powerful as those put forward by a named individual. However, the managers will investigate anonymous allegations as far as possible.

11 Untrue Allegations

11.1 If allegations are made in good faith but it is not confirmed by the investigation no action will be taken against the whistle blower. If, however, the allegation was considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual.

12 Role of Trade Unions

12.1 The management recognise that individuals may wish to seek advice and be represented by their trade union when following these procedures. We actively encourage trade union support for any member of staff who raises concerns.

13 Responding to a concern

13.1 We will always respond to concerns, but an investigation does not mean that we have accepted or rejected concerns.

13.2 Where appropriate the matters raised may be;

- Investigated by managers, internal audit, or through the disciplinary process
- Investigated under other procedures such as child / adult protection
- Investigated under procedures designed to deal with allegations made against professionals
- Referred to the Police
- Referred to the external auditor or other external investigation
- The subject of an inquiry
- Investigated under other forms of prosecution and inspection such as the protection of public health and safety; or
- Referred to an independent investigator

13.3 We will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it will take. If the matter falls within the scope of specific procedures (for example, child protection or discrimination issues) it will normally be considered under those procedures.

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14 The Procedures

14.1 The person raising the concern should:

- Raise their concern with their line manager or Headteacher. They can do this in writing, or by talking to them about it. They have the right to ask for the matter to be treated confidentially
- If the line manager believes the concern to be genuine and that it is appropriate to use the Whistle Blowing Procedure, they will contact the Chair of the Governing Body
- If it is alleged that the Chair of the Governing Body is involved in the malpractice, a senior manager should be contacted
- If the individual feels unable to discuss the matter with their line manager or the Headteacher, they can take it directly to the Chair of Governors. If this is the case, the member of staff will be asked to justify why they feel unable to raise their concern in the normal way

15 The role of the line manager

15.1 The line manager should:

- Interview the member of staff privately within seven working days, or straight away if there is a risk of loss of life, serious injury or if the matter involves child protection
- Get as much information as they can from the person making the complaint about the malpractice. If it is a child protection or safeguarding issue, the manager will only need brief facts to decide whether to follow the specific child protection procedures, and what action to take
- Discuss with the individual what further steps should be taken and keep informed of any actions
- Advise on the best way forward if the matter does not fall under the school's Whistleblowing Procedure
- Report all matters raised under this procedure to the Governing Body's Responsible Officer, usually the Chair of Governors

15.2 A recognised Trade Union representative, work colleague or other person may be asked to attend the interview with the manager. The manager carrying out the interview may also ask another senior manager or HR advisor to join them if they wish.

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15.3 Within ten working days of the interview, the manager should recommend to the Headteacher one or more of the following options. That the matter be:

- Investigated internally by the school
- Investigated by external auditors appointed by the school
- Reported to Children’s Services
- Reported to the Police
- Reported to the DfE
- Pursued by the whistle blower using other procedures if their concerns do not fall within these procedures; or
- Considered closed with no further action by the school

15.4 The following examples can be considered grounds on which no further action need be taken;

- The manager is satisfied that there is no evidence and it is unlikely that malpractice, as defined by these procedures, has occurred, is occurring or is likely to occur. The manager believes that the individual is not acting in good faith
- The matter is already (or has been) the subject of proceedings under one of the school’s other procedures or policies
- The matter is already the subject of legal proceedings, or has already been reported to the Police, Children’s Services, the DfE or another public authority

15.5 If it is alleged that the Headteacher is involved in the malpractice, the manager will refer the matter to the Responsible Officer of the Governing Body, usually the Chair of Governors.

15.6 The person who receives the line manager’s recommendations (Headteacher or Responsible Officer) must ensure that it is acted on fully unless there is a good reason for not doing so. If there is a good reason for ignoring the recommendation, it must be reported to the next meeting of the Governing Body.

15.7 The whistle blower’s identity will be kept confidential unless they are happy to be named, or unless there are grounds to believe that they have acted maliciously. If there are no such grounds, the manager will only reveal the identity if:

- They have to do so by law
- The information is already known
- It is revealed in confidence to a qualified lawyer in order to get legal advice; or
- The whistle blower has to provide evidence at a disciplinary hearing or other proceedings

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15.8 The whistle blower will be told the outcome of any investigations within 28 days. The information will be sent in writing to the individual's home address. If the individual has not had a response within 28 days, they may appeal to the school's external auditors, but they must inform the Manager before doing so. The individual may discuss the matter in confidence at any time with a qualified lawyer in order to get legal advice. The school will ensure that the individual is protected from any form of victimisation or discrimination.

16 Recording, monitoring and evaluation

16.1 All staff should be made aware of the organisation's whistle blowing policy and feel able to voice concerns about the attitude or actions of colleagues.

16.2 If a member of staff believes that other concerns are not being dealt with appropriately they should contact PSCA's HR partner. They can also contact their trade union. The most senior member of staff dealing with the disclosure will keep records and monitor progress. These should be kept in a safe location.

17 If the whistle blower is dissatisfied

17.1 If any member of staff is unhappy with the response, they can take the matter to a higher level or one of the organisations listed in this policy. Although the managers cannot guarantee that they will respond to all matters in the way that they might wish, we will always try to deal with the matter fairly and properly. This policy should help all parties achieve their aims.

18 Independent advice

18.1 Any member of staff who is not sure whether to use these procedures, or who wants independent advice at any stage, can contact the charity **Public Concern at Work**. The issue needs to be of public concern and affect a third party. Their lawyers offer free confidential advice at any stage to people who are worried about something that is going on at work, or who are unsure about what to do next. They also advise people who have already raised concerns that have not been addressed and where the risk remains.

18.2 They can be contacted on their website at www.pcaw.co.uk or by calling 020 7404 6609.

19 If the whistle blower is dissatisfied

19.1 The Governing Body will determine the review period of this policy to assess its progress and performance. All staff and people working within the school will be made aware of the policy.

20 If the whistle blower is dissatisfied

20.1 You should first raise your concern with your line manager, supervisor or the Headteacher. You can do this in writing or by talking to them about it. You have the right to ask for the matter to be treated confidentially.

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20.2 If your concerns involve your line manager or supervisor, you should approach someone from the senior management team or Headteacher. If you feel unable to discuss the matter with your line manager or the Headteacher, you can take it directly to the Chair of Governors. If this is this case, you will be asked to justify why you feel unable to raise your concerns in the normal way.

20.3 If the Chair of the Governing Body is allegedly involved in the malpractice, a senior manager should be contacted. If you feel you might be victimised, or there might be a cover up, or your concerns are being ignored, you may feel unable to raise the issue with staff at school. In these cases, you should contact any of the bodies below (see paragraph 21).

20.4 If you are not sure what to do, or you want independent advice at any stage, you can contact the independent charity Public Concern at Work on 020 7404 6609 or visit their web site at www.pcaw.co.uk

21 Key Contact details

- Headteacher – Mr D Strudwick
- Chair of Governors – xxx (Insert name when known)
- Public Concern at Work - Suite 30,16 Baldwin Gardens, London EC1N 7RJ, Tel: 020 7404 6609,Fax: 0207404 6576,E-mail: whistle@pcaw.co.uk
- Ofsted - E-mail: whistleblowing@ofsted.gov.uk, Tel: 08456 404046, Monday to Friday - 8am to 6pm

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