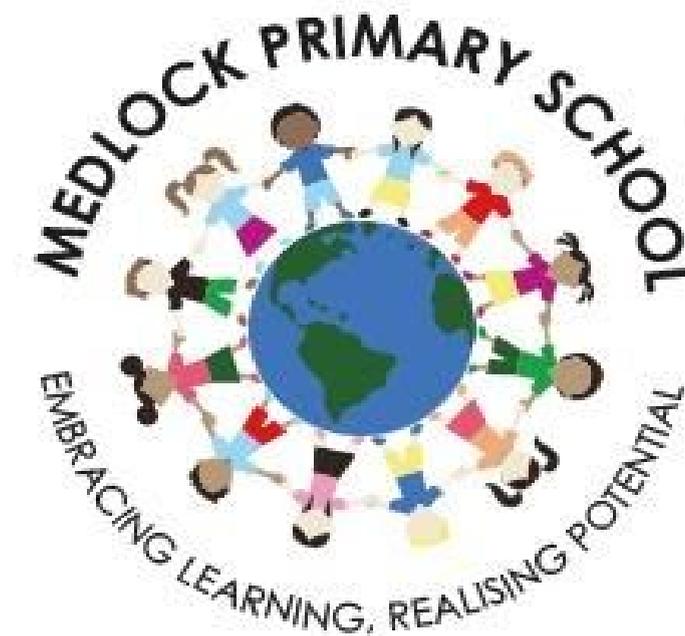


# Medlock Primary School



## Whistleblowing Policy

March 2021

Review: March 2024

## **Contents**

Introduction.

Aims & Scope.

What is Whistleblowing?

Making a disclosure or raising a concern.

Whistleblowing by members of the public.

Whistleblowing by employees.

How to report a Whistleblowing Concern.

How the School or Council will Respond.

Anonymous allegations.

Outcomes.

Role of the person receiving the complaint.

Safeguards.

Confidentiality and Anonymity.

Harassment and Victimisation.

False and malicious allegations.

Misuse of the policy.

Data Protection and FOI.

Monitoring of Whistleblowing Complaints.

Training and Awareness.

Frequently Asked Questions.

Appendix A – Whistleblowing Case Record.

Appendix B – Seven Nolan Principles.

Appendix C – Whistleblowing Flowchart.

## 1. Introduction

- 1.1. Medlock Primary School is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.
- 1.2. The School's Whistleblowing Policy is a vital element of our governance arrangements and is designed to allow those employed by the School and / or members of the public to come forward and raise both disclosures and serious allegations of wrongdoing involving the actions of the Schools employees, its Governors, contractors or any aspect of the School's activities.
- 1.3. As such, Medlock Primary School is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest.
- 1.4. Whistleblowing is generally the term used when someone who is employed in an organisation reports a concern about suspected wrongdoing, malpractice, illegality or risk in the workplace. This can include:
  - 1.4.1. criminal offences;
  - 1.4.2. failure to comply with a legal duty;
  - 1.4.3. miscarriages of justice;
  - 1.4.4. fraud or corruption;
  - 1.4.5. abuse of authority;
  - 1.4.6. serious breaches of Council policy or procedure;
  - 1.4.7. unethical conduct and actions deemed unprofessional or inappropriate;
  - 1.4.8. breaches of regulations requiring school governors to 'act with integrity, objectivity and honesty and in the best interests of the school' and breaches of the 'Nolan Principles' which are the basis of ethical standards expected of public office holders (Appendix B);
  - 1.4.9. the health and safety of any individual has been, or is likely to be, endangered;
  - 1.4.10. the environment has been, is being or is likely to be, damaged (as a result of the City Council's actions or inactions); and
  - 1.4.11. information about any of the above has been, is being, or is likely to be, deliberately concealed.
- 1.5. This policy seeks to set out how the School will handle and respond to serious allegations of perceived wrongdoing irrespective of whether the individual raising the concern is employed by the School or not.

## **2. Aims and Scope**

- 2.1. Our whistleblowing policy seeks to cover all disclosures and allegations made by employees of the school, including temporary and agency staff.
- 2.2. Our whistleblowing policy seeks to cover all disclosures and allegations made by any other individual who wants to raise an allegation of perceived wrongdoing. This could include consultants, contractors, sub-contractors, volunteers, visitors or parents.
- 2.3. This policy has specific sections to advise those employed by the School and members of the public of the process to be followed when raising a disclosure or allegation and how the School will respond.
- 2.4. The policy seeks to:
  - 2.4.1. provide for a culture of zero tolerance toward fraud and corruption as well as a deterrent to wrongdoing;
  - 2.4.2. encourage employees and others with serious concerns about any aspect of the School's work to feel confident to come forward and voice those concerns;
  - 2.4.3. raise concerns at an early stage and in the right way ensuring that critical information gets to the people who need to know and who are able to take action;
  - 2.4.4. provide safeguards to reassure those who raise concerns in the public interest and not maliciously or for personal gain, that they can do so without fear of reprisals or victimisation or disciplinary action, regardless of whether these are subsequently proven;
  - 2.4.5. set out who allegations should be made to within the school (and outside where appropriate) and how the school will respond to allegations made and how feedback can be obtained on any action taken;
  - 2.4.6. ensure that employees know what to do if they are not satisfied with actions taken.
- 2.5. The whistleblowing policy is not to be used where other more appropriate internal reporting procedures are available. The school has existing procedures which enable employees to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a general complaint, which by contrast, generally have no additional public interest dimension.
- 2.6. This whistleblowing policy covers concerns that fall outside the scope of those existing internal procedures. Equally, any allegations made

through the above procedures, which raise serious concerns over wrongdoing, the school will investigate under the whistleblowing process.

- 2.7. Any individuals who are raising concerns relating to money laundering offences or Proceeds of Crime Act 2002 are required to report these concerns directly to the Money Laundering Reporting Officer (MLRO) in line with the Anti Money Laundering Policy.

### **3. What Is Whistleblowing**

- 3.1. Whistleblowing is the confidential disclosure by an individual of any concerns relating to a perceived wrongdoing involving any aspect of the school's work or those who work for the school. The whistleblowing policy assists individuals who believe they have discovered malpractice, impropriety or wrongdoing to raise a concern in order for this to be addressed.
- 3.2. The Public Interest Disclosure Act 1998 (PIDA) is known as the Whistleblowing law and is designed to encourage and enable employees to "speak out" and to report suspected wrongdoing at work. This is commonly known as "blowing the whistle".
- 3.3. PIDA legislation legally protects employees (including temporary workers and agency staff), from any detriment from their employer or colleagues that arises as a result of making a "protected disclosure" (a qualifying disclosure) in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.
- 3.4. A qualifying disclosure means any disclosure of information made to the employer (this can be either via the board of Governors, Headteacher or in some circumstances directly to the Local Authority) or other prescribed regulator, which in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following;
  - 3.4.1. that a criminal offence has been committed, is being committed or is likely to be committed;
  - 3.4.2. that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
  - 3.4.3. that a miscarriage of justice has occurred, is occurring or is likely to occur;
  - 3.4.4. that the health or safety of any individual has been, is being or is likely to be endangered;
  - 3.4.5. that the environment has been, is being or is likely to be

damaged; or

- 3.4.6. that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed
- 3.5 A disclosure of information is not a qualifying disclosure if the person making the disclosure commits an offence by making it.
- 3.6 A prescribed regulator is someone who is independent of the employee's organisation, but usually has an authoritative relationship with the organisation, such as a regulatory or legislative body.
- 3.7 Whilst protection under PIDA covers most workers it is not extended to partners, contractors, non-executive directors, volunteers or the self-employed. However, the principles outlined in this policy, as far as they can be, will be applied to whistleblowing allegations received from sources other than employees of the School. As with internally reported cases, particular consideration needs to be given to matters of confidentiality.

#### **4. Making a Disclosure**

- 4.1. Once an employee (or other party) has decided to raise a concern, then wherever possible, it should be expressed either verbally or in writing. This should set out the background and history of the concern, giving names, dates and places where possible, and the reason why the individual is particularly concerned about the situation.
- 4.2. Although individuals raising concerns are not expected to have supporting evidence to prove the truth of an allegation before reporting, he or she must reasonably believe that the information is substantially true to enable the matter to be taken forward.

#### **5. Whistleblowing by Members of the Public**

- 5.1. If you are not a School employee you can still contact the School or Internal Audit at Manchester City Council to report any concerns or disclosures over wrongdoing, these will be treated in the same way. Unlike disclosures made by employees, protection under PIDA law does not extend to disclosures made by members of the public.

#### **6. Whistleblowing by Employees**

- 6.1. It is the hope and intention of the School that any employee with a concern about any aspect of the School's operations or its conduct, feels able to first raise those concerns internally, this includes where an employee wants to make a protected disclosure. In the first instance concerns should be raised with the Headteacher. Where the concern

relates to the Headteacher, or the individual raising the concerns feels it would not be properly handled, they should report the concern to the Chair of Governors.

- 6.2. If the concern relates to both parties or the individual feels it will not be properly handled, then the report should be made to Manchester City Council's Head of Internal Audit or a prescribed regulator using the Councils reporting procedures set out in section 7.
- 6.3. However, under the terms of PIDA, if an employee does not feel comfortable making a disclosure internally within the School or to the Council, they have the right to take their concerns outside the employer to certain 'prescribed regulators'.
- 6.4. The link below provides a list of other 'prescribed regulators' to whom you make a protected disclosure:  
  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf)
- 6.5. Before making a disclosure, an employee may first wish to discuss the concern on a confidential basis with a work colleague, trade union representative, solicitor or professional body to seek advice on how to proceed. These discussions may help assess how justified their concern is and, if they then wish to proceed, the most appropriate and effective way to report it. This is important because the report should be made so as to allow the most effective investigation, whilst affording the whistleblower protection under the PIDA.
- 6.6. Additional information about PIDA law can be obtained from the Whistleblowing Charity Protect (formerly Public Concern At Work (PCaW)), which contributed to the formulation of the PIDA and is a legal advice centre designated as such by the Bar Council. For information visit [www.pcaw.org.uk](http://www.pcaw.org.uk) or telephone their advice line 0800 1124408.
- 6.7. Employees are protected when they make a disclosure. In making a protected disclosure the employee must:
  - 6.7.1. reasonably believe that the disclosure they are making is in the public interest;
  - 6.7.2. reasonably believe that the information detailed and any allegation in it are substantially true; and
  - 6.7.3. the matter disclosed must fall within the matters prescribed for that regulator.
- 6.8. The earlier an employee expresses a concern, the easier it will be to

take action. Employees should raise a concern as soon they have a reasonable suspicion and are not expected to investigate the concern themselves to prove their suspicions are well founded.

- 6.9. Safeguarding concerns - if the concern raised relates to a child protection issue, these should be reported to the Local Authority Designated Officer (LADO) and in line with the specific guidelines outlined in the school's safeguarding policy and procedures.
- 6.10. Employees who have major concerns about other schools or about other Council services can report these matters to Manchester City Council Internal Audit as a member of the public.

## 7. How to Report a Concern

- 7.1. Anybody who has a whistleblowing concern relating to the School can use our whistleblowing reporting procedures. A person who wishes to report a concern or suspected serious wrongdoing (a disclosure) should report it in one of the following ways:
  - 7.1.1. **Headteacher** email your concerns directly to the Headteacher at [j.brown@medlock.manchester.sch.uk](mailto:j.brown@medlock.manchester.sch.uk)
  - 7.1.2. By telephone on **0161 2731830**
  - 7.1.3. In writing to the following address, **J. Brown, Medlock Primary School, Wadeson Road, Brunswick, Manchester, M13 9UJ**
  - 7.1.4. In person with the Headteacher (members of the public should contact the School to arrange an appointment with the Headteacher) using the above channels.
- 7.2. If the person raising the concern does not feel it will be properly dealt with or it is not appropriate to report their concern to the Headteacher they should report it to the Chair of Governors.
  - 7.2.1. **Chair of Governors** email your concerns directly to the Chair of Governors on [lindsay.gilbert74@gmail.com](mailto:lindsay.gilbert74@gmail.com)
  - 7.2.2. By telephone on **07973 121436**
  - 7.2.3. In writing to **Chair of Governors, Lindsay Gilbert, Medlock Primary School, Wadeson Road, Brunswick, Manchester, M13 9UJ**
  - 7.2.4. In person with the Chair of Governors (members of the public should contact the School to arrange an appointment with the Chair of Governors) using the above channels.
- 7.3. If the person raising the concern does not feel it will be properly dealt with or it is not appropriate to report their concern to the Chair of Governors they should report it to the Council via Internal Audit.
  - 7.3.1. **Manchester City Council Internal Audit** email your concerns to

Internal Audit at: [Whistleblowing@manchester.gov.uk](mailto:Whistleblowing@manchester.gov.uk)

7.3.2. By telephone: Whistleblowing hotline on **0161 234 5280**

7.3.3. Use the Council's secure online Whistleblowing reporting form:

<https://secure.manchester.gov.uk/forms/form/606/en/whistleblowing>

7.4. Concerns can also be reported in writing to: **Head of Internal Audit and Risk Management, Confidential, Manchester City Council, Floor 5, Town Hall Extension, Mount Street Elevation, Manchester, M60 2LA**

7.5. If the person raising the concern feels they cannot report it within the School or Council they can report it to a prescribed regulator, See section 6.3 for more information. Any person reporting a concern should provide as much information as possible, including:

7.5.1. who the allegations are against;

7.5.2. full details on the nature of the alleged wrongdoing;

7.5.3. provide any evidence they have in support of the allegation;

7.5.4. state if the person making the disclosure is an employee of the school;

7.5.5. if not, does the person work in another school or Council department;

7.5.6. whether the person is a service user or member of the public;

7.5.7. name and contact details (unless they wish to remain anonymous).

7.5.8. In the event that an employee does not feel comfortable in making a disclosure to the school or Council then you are entitled to make a protected disclosure to one of the prescribed organisations listed.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf)

## **8. How the School or Council Will Respond**

8.1. The school or Council will formally respond to you to acknowledge receipt of a disclosure within 2 working days of the concern being received.

8.2. A further acknowledgement will be sent within 10 working days to indicate:

8.2.1. how the school or Council proposes to deal with the matter; and the policy under which it will be investigated;

- 8.2.2. whether the school or Council considers it to be a protected disclosure;
  - 8.2.3. contact details for the officer handling the investigation;
  - 8.2.4. arrangements for confidentiality;
  - 8.2.5. an estimate of how long it will take to provide a response on the outcome;
  - 8.2.6. any initial enquiries which may have been made;
  - 8.2.7. If no action is planned, why not.
- 8.3. All allegations will be handled confidentially and discreetly by those who are directly involved in the investigating process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.
- 8.4. If necessary, further information will be sought from the whistleblower. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.
- 8.5. At any meeting arranged to discuss an employee's concerns the employee has the right, if they so wish, to be accompanied by their Trade Union representative or a friend who is not involved in the area to which the concern relates.
- 8.6. The School will do what it lawfully can to minimise any difficulties that an employee may experience as a result of raising a concern. For example, If an employee is required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedures in terms of what will happen and what will be expected of you.

## **9. Anonymous Allegations**

- 9.1. The School recognises that there may be circumstances where individuals are worried about being identified when they report concerns about their employer. If you have come to us anonymously and not provided your contact details we will treat your allegations just as seriously. However, this policy encourages individuals to put their name to an allegation wherever possible as we believe that open or confidential whistleblowing is the best means of addressing the concerns and protecting individuals.
- 9.2. Concerns expressed anonymously are more difficult to investigate, and harder to substantiate, and further liaison with the whistleblower is not possible. Nevertheless, anonymous allegations will always be individually considered and action taken at the discretion of the Headteacher / Chair of Governors / Head of Internal Audit depending

upon:

- 9.2.1. the seriousness of the issues raised;
- 9.2.2. the credibility of the concern; and
- 9.2.3. the likelihood of confirming the allegation from attributable sources.

## **10. Outcomes**

- 10.1. The school will, subject to legal constraints, seek to advise the whistleblower on the outcomes of the investigation in order to assure them that that the matter has been properly addressed. Some concerns raised may be resolved by agreed action, once the whistleblowers concerns have been explained, without the need for investigation.
- 10.2. Investigation reports / Case Records (example in Appendix A) will be compiled for all cases. A copy of the report will be held securely by the School and a copy will be sent to Manchester City Council's Head of Internal Audit will also require a copy of the report including the outcome and any system risk issues which arise from it. Internal Audit may carry out follow up work as a result of any identified areas of risk in conjunction with the school.

## **11. Role of the Person Receiving the Complaint**

- 11.1. The first thing that the person receiving a potential Whistleblowing concern must do is judge if the concern is a protected Disclosure and should be investigated under the Whistleblowing policy, in order to do so, the recipient should refer to section 3 with particular reference to section 3.4.
- 11.2. Internal Audit can offer advice and support to schools on making this decision and on the approach to be taken to investigate whistleblowing allegations to ensure concerns are properly addressed.
- 11.3. The recipient must ensure that they follow the timescales set out in section 8 of this document.
- 11.4.
- 11.5. The action taken by the school in response to allegations made will depend on the nature and seriousness of the concern. Where appropriate, the matters raised may be:
  - 11.5.1. investigated by school management, or Council's Internal Audit Service;
  - 11.5.2. referred to the Police;

- 11.5.3. referred to the External Auditor;
- 11.5.4. subject of an independent enquiry.

11.6. For monitoring purposes the Headteacher or Chair of Governors must log at the earliest opportunity the details of all whistleblowing allegations or suspicions of fraud, theft or corruption made within school. These must also be reported to the Council's Head of Internal Audit and Risk Management who will monitor the outcome of all cases, including action taken to reduce the risk of recurrence and can also provide support and guidance.

## **12. Safeguards**

12.1. In order to ensure that allegations are investigated in the right spirit with the right outcome, the following safeguards or principles should be applied in all cases.

## **13. Confidentiality and Anonymity**

13.1. The School's Whistleblowing Policy seeks to protect the identity of the individual making a disclosure, meaning that your name will not be revealed without your explicit consent, even if the disclosure is not considered to be a qualifying disclosure under the PIDA. Your name will initially be logged at the outset and will be visible at times when data monitoring is taking place.

13.2. However, in alleged cases of serious wrongdoing, it must be appreciated that the school cannot guarantee that this will be maintained particularly if external legal action results from the disclosure. In some cases an employee's concern may require further action and they may have to act as a witness and / or provide evidence, for example serious criminal offences which are referred to the Police.

13.3. If your disclosure relates to a child at risk or abuse of a vulnerable adult then the school and Council is required to investigate this under separate procedures and this takes priority over any request for anonymity. If you have provided your contact details, the Council will of course advise you of the action being taken.

## **14. Harassment and Victimisation**

14.1. The school acknowledges that the decision to report a concern can be a difficult decision for an employee to take, not least because of the fear of reprisal from those responsible for the malpractice. Any employee who makes a 'qualifying disclosure' which meets the requirements of the PIDA is legally protected against victimisation or harassment for whistleblowing.

- 14.2. The school will not tolerate harassment or victimisation against an employee who has raised a genuine concern under the whistleblowing policy. Any employee who victimises a whistleblower will be subject to disciplinary action which may lead to dismissal.
- 14.3. The Headteacher should monitor how whistleblowers are subsequently treated after raising a matter of concern. They should ensure that any harassment or victimisation is dealt with under disciplinary arrangements.
- 14.4. Any employee who believes they have been victimised as a result of making a disclosure or blowing the whistle should report their concerns to the Headteacher / Chair of Governors or the Council via Internal Audit.

## **15. False and Malicious Allegations**

- 15.1. While encouraging employees to bring forward matters of concern, the school must guard against claims which are untrue. This is because of the risk of claims made to deliberately damage the reputation of other employees or the school as a whole and not least because the cost of investigation is high
- 15.2. If an employee makes an allegation but it is not confirmed by the investigation, no action will be considered or taken against them. However, if an employee makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action will be taken. The PIDA only offers protection from dismissal or detriment if the worker reasonably believes their disclosure was made in the public interest.

## **16. Misuse of this Policy**

- 16.1. The Whistleblowing Policy is designed to promote and encourage reporting genuine concerns. The policy is not designed to allow:
  - 16.1.1. individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
  - 16.1.2. employment protection in relation to a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing;
  - 16.1.3. an individual to raise a concern for some private motive and not to prevent or correct the wrongdoing.

## **17. Data Protection and FOI**

- 17.1. The Freedom of Information Act 2000 gives a general right of access

to all types of recorded information held by public authorities. As such the School and/or Council often receives requests for information under the Freedom of Information Act.

- 17.2. The School and Council has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.
- 17.3. The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying the whistleblower, including:
  - 17.3.1. Section 40 Personal Data;
  - 17.3.2. Section 41 Information which, if disclosed, would give rise to an actionable breach of confidence.
- 17.4. Many people making a disclosure to the School will wish to protect their identity and the School will always seek to protect the identity of individuals during the course of progressing an investigation. If the School or Council receives a request for information identifying a whistleblower, the School or Council will contact the whistleblower to seek their views beforehand and will, wherever possible, seek to comply with those views.
- 17.5. The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.
- 17.6. When processing personal data as part of a whistleblowing allegation, the School and Council will take all necessary precautions to protect such data and not to share it more widely than is necessary as part of the investigation. The Council will apply the General Data Protection Regulations and Data Protection Act 2018 in all aspects of any whistleblowing investigation.

## **18. Monitoring of Whistleblowing Complaints**

- 18.1. Internal Audit will maintain a central record of all whistleblowing referrals made under this policy and monitor the outcome of these cases. The collection, monitoring, review and storage of these records will at all times be carried out within the safeguarding principles set out at part 7 of this policy.
- 18.2. As such, details of any allegation should be reported to Internal Audit by the receiving Head on receipt. Internal Audit will log and allocate each case a reference number whether or not Internal Audit are involved in the investigation work. The outcome of the investigation should be notified to Internal Audit by the Investigating officer.
- 18.3. The records held by Internal Audit will be used to analyse the impact

and effectiveness of the arrangements in place in statistical terms and records held in HR sections may be subject to review. The detailed case records form part of the process of reporting back to Members on the effectiveness and outcomes of the Policy and form the record of actions taken in the case of any matters raised under the Public Interest Disclosure Act. This information will be referred to for monitoring purposes and periodic assurance reports provided to the Audit Committee by the Head of Internal Audit as part of this process.

- 18.4. A Whistleblowing record sheet (Appendix A) should be used to record a summary for each case. A copy should be sent to Internal Audit and one retained with the investigation paperwork on completion, the School should also maintain a central log of cases.

## **19. Training and Awareness**

- 19.1. Headteachers are responsible for ensuring that their employees are aware of the whistleblowing policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of the School's Whistleblowing Policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.
- 19.2. Employees have a responsibility to ensure that they are aware of and understand the School's policy in relation to Whistleblowing.

## **20. Frequently Asked Questions**

### **What is the difference between whistleblowing and making a complaint or a grievance?**

In general terms, whistleblowing occurs when an employee raises a concern about danger or illegality that affects others and which has a public interest dimension to it. The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concerns. As a result, the whistleblower should not be expected to prove their case; rather he or she raises the concern so others can address it.

A grievance or private complaint is, by contrast, a dispute about the employee's own employment position and has no additional public interest dimension. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint, and, for this reason, is expected to be able to prove their case. For example – bullying and discrimination issues should be dealt with under the

respective policy or under grievance procedure.

### **Can concerns be raised confidentially or anonymously?**

The School encourages whistleblowers to identify themselves and raise concerns openly. Openness makes it easier for the School to assess the issue, work out how to investigate the matter, understand any motive and get more information. The effectiveness of any whistleblowing investigation may be limited where an individual chooses not to be identified.

An individual raises a concern confidentially if he or she gives his or her name on the condition that it is not revealed without their consent. An individual raises a concern anonymously if he or she does not give his or her name at all. Clearly, if the School does not know who provided the information, it is not possible to reassure or protect them.

### **Does the Public Interest Disclosure Act (PIDA) require an employer to keep a whistleblower's identity secret?**

The simple answer is no - PIDA contains no specific provision on confidentiality. The protections within the Act can be deemed to encourage employees to raise issues openly. A good whistleblowing policy will provide a confidential port of call for a worried employee and employers should respect any promise of confidentiality they make. However in some cases it will be impossible to take action on the concern without the open testimony of a whistleblower. Further it may later become necessary to waive anonymity because of the course of the investigation for example if the matter has had to be referred to the police.

### **Am I protected from dismissal if I blow the whistle?**

A worker cannot be dismissed because they blow the whistle. If they are, they can claim unfair dismissal - they'll be protected by PIDA law as long as certain criteria are met.

Types of whistleblowing eligible for protection. These are called 'qualifying disclosures'. They include when someone reports:

- that someone's health and safety is in danger
- damage to the environment
- a criminal offence
- that the company is not obeying the law (like not having the right insurance)
- that someone's covering up wrongdoing
- there has been or is likely to be a miscarriage of justice.

### **Who is protected?**

The following people are protected:

- Employees

- agency worker
- people that are training with an employer, but not employed
- self-employed workers, if supervised or working off-site

A worker will be eligible for protection if:

- they honestly think what they're reporting is true
- they are telling the right person
- they believe that their disclosure is in the public interest

### **Who is not protected?**

- individuals who break the law when they report something, for example because they signed the Official Secrets Act
- they were part of the wrongdoing
- they found out about the wrongdoing when someone wanted legal advice ('legal professional privilege'), for example if they are a solicitor
- Workers who are not employees cannot claim unfair dismissal because of whistleblowing but they are protected and can claim 'detrimental treatment'.

### **What information should a whistleblower provide?**

Supporting evidence for the allegations, if available, is clearly helpful. However, PIDA does not require individuals to have evidence before reporting the matter, but it does say that the individual must reasonably believe the information is substantially true. Individuals should report concerns to Line Management or other at the earliest opportunity rather than wait to collate any evidence.

Whistleblowers are encouraged to provide their contact details to allow the School to seek further information, where necessary and advise on outcomes.

Where can I get independent advice?

Individuals can contact the independent charity Protect (formally Public Concern at Work) for free, independent and confidential advice, for example to find out what is protected by PIDA and how best to raise concerns. The charity runs a UK helpline on their advice line tel: 0800 1124408 or visit their website [www.pcaw.org.uk](http://www.pcaw.org.uk)

### **What records should be retained?**

A clear audit trail should be maintained to evidence the actions taken to both investigate the allegations received including decisions taken as part of the investigation and the final outcome. A timeline of events should be used to record the date the referral is received and all communications / correspondence with the whistleblower and any other party regarding the referral and the steps taken to investigate the allegations made along with outcomes. Records should be held

confidentially in line with the School's retention policy.



**Confidential - Whistleblowing Case Record**

<p><b>The date the concern / allegation / disclosure was received.</b></p> <p><b>How the report was received (verbal or written)</b></p>	
<p><b>Details of who the concerns were raised with?</b></p> <p><b>Name and Job role.</b></p>	
<p><b>Name and job role of employee making allegation (unless anonymity was requested).</b></p>	
<p><b>Was confidentially requested / explained or promised?</b></p>	

<p><b>A summary of the concern/allegation raised:</b></p>	
<p><b>Details of any feedback given and any response from the employee</b></p>	
<p><b>Matter reported to internal audit Y/N</b></p>	
<p><b>Date referred:</b></p>	
<p><b>Has formal acknowledgment been provided to the employee in line with the policy?</b></p> <p><b>(Acknowledgment of receipt within 2 working days)</b></p> <p><b>(Further acknowledgment sent within 10 working days)</b></p>	

<b>Names of people handling the investigation</b>	
<b>Summary outcome of investigation:  (Proved/not proved, action plans and recommendations)</b>	
<b>Date notification of outcome given to employee:</b>	
<b>Papers retained (location), responsible officer and review date:</b>	

## SEVEN NOLAN PRINCIPLES

The following are the Seven Nolan Principles underpinning standards for Public Life.

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public services. The principles also have application to all those in other sectors delivering public services.

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must admit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Source: The Committees website is at

<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

## Appendix 3 - Whistleblowing Flowchart

