



Overleigh St Mary's CE Primary School

Whistleblowing Policy

Signed by:

2023

Head teacher

Date:

23 September 2023

Chair of governors

Date:

Confidential Reporting Procedure

“Whistle Blowing”

Introduction

This procedure has been developed for the use of CW&C employees.

However, it can also be used by agency staff, other people acting in a similar capacity to an employee, by Contractors and their staff and other individuals providing services/support to the Council (e.g. volunteers). The same principles in terms of protection from harassment and victimisation, confidentiality, support and information on the Council's response will apply.

As a public service organisation, CW&C will use public funds prudently and apply the highest standards of conduct throughout the organisation. This procedure encourages you to help maintain these standards, by enabling you to draw attention to any concerns which you may have about the operation of the school and the Council. Initially we will seek to deal with your concerns through internal procedures. Public disclosure may well be justified at some point but you are encouraged not to pursue this angle until the School has had the opportunity to investigate the concern. Premature or unnecessary publicity may impede proper investigations, hurt individuals or damage the School's reputation.

Examples of concerns that may be raised under the procedure are:

- Law breaking.
- Miscarriages of justice.
- Health and safety risks (to anyone).
- Damage to the environment.
- Unauthorised use of money.
- Dishonesty, fraud and corruption.
- Sexual, physical or financial abuse of clients.
- Other unethical conduct.

Overleigh St Mary's wants normal operational or managerial channels to be sufficiently open and effective for most concerns to be raised that way. But this will not always be appropriate or possible and that is why we have a Confidential Reporting Procedure. It offers the means to raise concerns you may have about any aspect of service provision or the conduct of staff or elected members or other people acting on behalf of the School. A concern may arise, for example, from worries about failure to observe standards or policies being circumvented or improper conduct.

The procedure does not cover concerns that are covered by other procedures. For example, an employment problem may well be covered by the Grievance Procedure or Personal Harassment & Bullying Procedure.

Harassment or Victimisation

You may be put off raising a concern because you are worried about reprisals. If you raise a concern in good faith and genuinely believed it to be well founded, you should have nothing to fear. You will be doing your duty to the Council and the public. The school will not tolerate any harassment or victimisation (including covert pressure) and will do all it can to protect you. If you are involved in other procedures, such as disciplinary or redundancy, these will be kept quite separate from the investigation of your complaint.

You will not be penalised in any way, where you make an allegation in good faith but it is not confirmed after it has been investigated. A concern that is raised frivolously, maliciously or for personal gain may result in action being taken against you.

Confidentiality, Data Protection and Record Keeping

Your concern will be treated in strict confidence, within this Procedure, and everything done to keep your identity secret (if this is what you want). But note that you may have to be a witness at some point. It might then not be possible to keep your identity fully secret.

We aim to deal with allegations raised under this policy sensitively and with due respect for the privacy of the

individuals involved. All employees must treat as confidential any information communicated to them in connection with an allegation made under this Policy.

Conducting investigations and hearings under this policy involves us processing the personal data of the employees concerned. We use this personal data in order to investigate and deal with whistleblowing allegations. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations and for the performance of the employment contract (i.e. to investigate and deal with allegations of wrongdoing in accordance with our duty of trust and confidence to our employees)
- in our legitimate interest to deal effectively with whistleblowing allegations, whether you are the subject of them or are otherwise connected to the issues raised

Special category data and data relating to criminal offences or convictions may occasionally need to be processed under this policy – for example, where an employee raises an allegation of wrongdoing in the company which involves treating individuals badly because of their race or sexual orientation, or where an employee requires a reasonable adjustment to the operation of this policy to accommodate a disability. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; and to establish, exercise or defend legal claims.

Where we take witness statements from employees with information about the allegations being investigated under this policy, such statements will be treated confidentially and will only be shared with individuals who need to be involved in the investigation and any follow-up action. This will ordinarily be HR and the person/people conducting investigations. In addition, if in the course of investigations under this policy it becomes apparent that misconduct has taken place which requires investigation under our disciplinary policy, witness statements taken under this policy may be used in any subsequent disciplinary procedure and may therefore be shared with the person/people conducting investigations and hearings, as well as the employee whose conduct is the subject of disciplinary proceedings, to enable them to prepare for the hearing and respond to the allegations against them.

We will ordinarily keep records of allegations raised under this procedure for 6 months from the date of completion of investigations and any follow-up action. However, there may also be circumstances in which it is appropriate for us to keep particular records under this policy for a longer period. In such circumstances, we will decide how long records should be retained in accordance with the criteria set out in our main employee privacy notice.

More general information, including details of who your personal data is shared with, your rights under data protection law and who you should contact if you have any concerns is contained in our privacy notices, which can be accessed via the school website or from Amanda Beaumont via the school office.

Anonymous Allegations

An anonymous concern is likely to carry much less weight than one which is signed; the investigating manager would have to decide whether or not to accept it. This decision would depend on the seriousness of the issue, the credibility of the concern and the likelihood of being able to confirm the allegation in other ways. Signed concerns are always better.

Raising A Concern

Who to approach

In the first instance you would approach the Headteacher, Emma Drew or in her absence the Deputy Head teacher, Colin Longworth

There is a list of the managers within the Council with whom you can raise a concern if they feel the above are not appropriate. (see the last page for contact addresses and phone numbers). When deciding who it would be best to approach, take into account the type of matter, its seriousness and its sensitivity – and who may be involved.

How to raise your concern

You can raise your concern orally (i.e., face to face or over the phone) or in writing. If you write, mark the envelope 'personal and confidential'. Whichever way you choose, please give as much information as you can. Remember also to give your name, say if you do not want to be contacted at work. If you are not employed by the Council please let us know your relationship with the Council (for example, contractor, partner organisation,

council tax payer.)

The following headings should help you organise your thoughts but you do not have to follow them exactly:

- Why you are concerned and the background information.
- Any other procedures which you have already used - and what happened.
- The people who are involved and where they work.
- Dates or periods of time.
- The names and jobs of any other people who will (or may) support your concern.

The earlier a concern is raised the better. Whilst you will not be expected to prove that allegations are true, you will need to show that you have a reasonable basis for your concern.

You may want to discuss the matter with one or two colleagues first. Their support could be helpful. There is nothing to stop two or more of you putting your names to a concern.

Involvement of your trade union or professional association, or other support such as a friend

You may ask your trade union or professional association or other support, to raise a matter on your behalf. In this case - if you wish - you can remain anonymous when the concern is first raised. But you may have to be involved personally if the matter goes further.

You may also have your trade union, professional association or a friend at any meeting or interview.

Help with the procedure

Any of the following will help you to understand the procedure:

- The manager for your team.
- The Personnel Manager for your service (names are available from the CW&C Personnel Corporate Personnel Unit).
- Head of Service Improvement and Audit.
- County Solicitor (who is also the CW&C Council Monitoring Officer).

How Your Concern Will Be Dealt With

As a start, discreet enquiries will be made by the head teacher to decide whether an investigation is needed and if so, how it should be carried out. This will help protect everyone concerned. The overriding principle will be the public interest.

If this first, testing, stage shows that the concern should be followed up, there will either be a special examination or another procedure will be used, if appropriate. Examples of special procedures are the Disciplinary Procedure, the Personal Harassment and Bullying Procedure or child protection procedures. It may be necessary to involve other agencies, for example the police or the Council's external auditors. Any urgent action will be taken before the investigation starts. It may be possible of course, to sort out the concern without a detailed investigation.

What You Will Be Told

Within 10 working days of your concern being received, the manager who carries out the initial enquiries will write to you confirming:

- What initial enquiries have been made.
- How your concern has been or will be dealt with.
- How long any further action may take (as far as this can be known).
- What further work is planned and how you may be involved.

The amount of contact you have with the people considering the matter will depend on many things. These include the type of concern, the potential difficulties of investigating it and the availability of information. You may need to provide more help. Wherever possible, you will be told the final outcome of an investigation.

Personal Support

The school will do all it can to minimise any difficulties which you may have because you have mentioned your concern. As far as we can, you will be offered personal support, which the manager leading the investigation will arrange. For example, if you had to give evidence in disciplinary or criminal proceedings, full advice about the

procedure would be given to you.

If You Are Not Satisfied With The Council's Response

This procedure is meant to give everyone an effective way to raise a concern within the school (and if possible, to resolve it internally). You should not feel that you have to take an issue outside the school to get satisfaction. But if you are still unhappy after using the procedure (and getting a final response), you are entitled to consider taking your concern elsewhere. If you do this, these are some contacts which are available:

- The Council's external auditors (see the last page for contact details).
- Your trade union.
- A Citizens Advice Bureau.
- A relevant professional or regulatory body.
- A relevant voluntary organisation.
- The police.

If you raise the matter outside the school or County Council, you must take into account the rules about disclosing confidential information (for employees, see Section 12 of the Code of Conduct).

Monitoring The Procedure

The Council's Monitoring Officer, working with the County Personnel Officer, will monitor how the procedure works. They will report at least annually to an appropriate Committee of the Council (the Performance and Overview Committee).

Other Contact Details

[Cheshire West and Chester Council](#)
[Solutions Team](#)
[HQ](#)
[58 Nicholas Street](#)
[Chester](#)
[CH1 2NP](#)
[Telephone 0300 123 8 123](#)

mailto: whistleblowing@cheshirewestandchester.gov.uk

How will my whistleblowing complaint be dealt with by CW&C?

All complaints are confidential and will be treated sensitively. We will channel complaints to the most appropriate officer and will keep you informed of who is dealing with the complaint and how.

You will not be given any copies of investigative reports or audits, but we may advise you informally of the conclusions of the investigation.

Not all complaints will warrant a full investigation as it may be that the matter can be resolved informally because the information has been misinterpreted.

Signed

Sarah Maoudis (Chair of Governors)

Last reviewed 26.09.23