

Whistle Blowing Policy

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Reviewed on (date): October 2020, July 2021, November 2022

Review due: November 2023

Responsible person: Daisy Cockburn

Policy Statement

In this policy 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the School.

The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the school's work and environment to come forward and voice those concerns.

We are committed to the highest possible standards of openness, integrity and accountability.

We as a school community have a commitment to promote equality and we believe this policy is in line with the Equality Act 2010.

We all have a responsibility to ensure equality permeates into all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are connected with this policy.

Employees are often the first to realise that there may be something seriously wrong within the School. 'Whistleblowing' is viewed by the School as a positive act that can make a valuable contribution to the school's efficiency and long-term success. It is not disloyal to colleagues or the School to speak up. The School is committed to achieving the highest possible standards of education provision and the highest possible ethical standards in all of its practices. To help achieve these standards it encourages freedom of speech.

If you are considering raising a concern you should read this Policy first. It explains:

- the type of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern, and
- what the School will do.

2. What is the aim of the Policy and when does it apply?

2.1. Aims of the Policy

The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the School without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns **within** the School rather than ignoring a problem or 'blowing the whistle' outside.

This Policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

2.2. Scope of this Policy

This Policy is intended to enable those who become aware of wrongdoing in the School affecting a child or children, member of staff, to report their concerns at the earliest opportunity so that they can be properly investigated.

The Whistle Blowing Policy is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures
- If a student or family has a concern about the education or environment provided to him/her, it should be raised as a complaint to the School.
- Complaints of misconduct by Staff are dealt with under separate procedures (Safeguarding & Child Protection Policy & Procedures, Personnel Code of conduct)

2.3. Who can raise a concern under this Policy?

The Policy applies to all:

- Employees, volunteers, teaching students and supply staff of the School
- Employees of contractors working for the Schools, for example, agency staff and builders.

2.4. What should be reported?

Any serious concerns that you have about the education provision, staff /volunteer conduct:

- make you feel uncomfortable in terms of known standards;
- are not in keeping with the School's policies;
- are improper behaviour.

These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- child protection issues should be escalated immediately to DSL/Deputy DSL via MyConcern
- safeguarding contacts available on the notice boards
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of children, employees and visitors
- damage to the environment
- unauthorised use of the environment and/or premises
- neglect or abuse of clients (Parents/Carers of children)
- other unethical conduct.

This list is not exhaustive.

3. Protecting the Whistleblower

3.1. Your legal rights

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for the School to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The School cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

3.2. Harassment or Victimisation

The School is committed to good practice and high standards and to being supportive of you as an employee.

The School recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and the school population.

The School will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

3.3. Support to you

Throughout this process:

- you will be given full support from senior management and the board of governors
- your concerns will be taken seriously, and
- the School will do all it can to help you throughout the investigation

If appropriate, the School will consider temporarily re-deploying you for the period of the investigation.

3.4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

3.5. Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the School. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

3.6. Untrue Allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the School will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

4. Raising a Concern

4.1. Who should you raise your concern with?

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with:

- Your Lead Teacher/ Headteacher/Board of Governors
- Designated Safeguarding Lead/ or Deputy DSL via MyConcern
- The LADO team (contact details displayed on safeguarding information around the school)

If you are unsure who to contact,

- Child Protection advice line NSPCC Whistleblowing – Helpline 0808 800 5000 or www.nspcc.org.uk for children under 18 years old ChildLine Helpline 0800 1111
- Any other issues such as staff bullying, unfair treatment, etc., independent charity **Protect** can advise you. They offer a free and confidential helpline on **020 3117 2520** or contact them via their website www.Protect-advice.org.uk also available on their website is a guide to the Public Interest Disclosure Act 1998 (PIDA).

4.2. How to raise a concern

You may raise your concern by telephone, in person or email MyConcern (each member of staff has been provided with the necessary information). The earlier you express your concern, the easier it is to take action.

You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates and times)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the School and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns you have raised.

5. What the School will do

The School will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for the School will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary/grievance process
- be referred to the police
- be referred and put through established child protection/abuse procedures
- form the subject of an independent inquiry

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how the School proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a friend may accompany you in support.

The School will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the School will arrange for you to receive appropriate advice and support.

You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

6. The Head Teacher and Board of Governors

Have overall responsibility for the maintenance and operation of this Policy.

7. How the Matter can be Taken Further

This Policy is intended to provide you with an avenue within the School to raise concerns. The School hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the School, the following are the School's prescribed contacts:

The School's Insurance Company, Marsh. You are able to access the following services providing them with the Policy Number 202604

- DAS Legal Advice Helpline on 0117 9330687 or online at www.dasbusinesslaw.co.uk
- DAS Counselling Helpline Service on 0117 9330687
- The Police

If you raise concerns **outside** the School you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this Policy you can find the PIDA on the Protect

You should not disclose information that is confidential to the School or to anyone else, such as a client or contractor of the school, except to those included in the list of prescribed contacts.

This Policy **does not** prevent you from taking your own legal advice.

However, school personnel must be aware that if they are treated unfairly after blowing the whistle they should consider taking their case to an employment tribunal

8. Review of the Policy

The Head Teacher, Board of Governors and Management Team will review this document annually.

9. School Recording and Monitoring

The Head Teacher, and Board of Governors, where appropriate, will maintain a School register containing all concerns that are brought to her attention. All individuals allocated to look into a concern must ensure the Head Teacher/Board of Governors, is provided with sufficient details for the school register.

The Whistleblowing register and reports will be reviewed together with this Policy and Procedure annually. The report will include a summary of the concerns raised, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:

- the School and/or the relevant department learns from mistakes and does not repeat them, and
- consistency of approach across the school

The school whistleblowing register/My Concern together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.

Documents

Safeguarding issues to be raised via MyConcern and the Designated Safeguarding Leads details available on the notice boards throughout the school and office under Important Safeguarding Contacts. Which also contains NSPCC Whistle-blowing and Ofsted Complaints.

Linked Documents

- Confidentiality Agreement
 - Safeguarding and Child Protection P&P
 - Equality Policy
 - Staff Handbook
 - Staff Contracts
 - Staff Behaviour Policy (Code of Conduct)
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- Frequency of Policy Monitoring –reviewed annually