



Wootton Primary School

Whistleblowing Policy and Procedure

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Person responsible – Sharon Onley (SBM)

Date ratified by Governors-

Review date-

WHISTLEBLOWING – QUICK GUIDE CHILD PROTECTION ISSUES

If a member of staff believes a **colleague** has

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children;

Please speak to the Headteacher /Designated safeguarding lead immediately – Mr Jamie Nairn

The Headteacher will report to the designated officer (formerly LADO) on the same working day.

If a member of staff is worried about the conduct of the Headteacher, or they believe that a reported allegation or concern is not being dealt with properly they should report the matter, on the same working day, to the Northamptonshire Designated Officer (Formerly LADO) and if not available the multi-agency safeguarding hub (M.A.S.H) **and** to the Chair of Governors – Mr Stephen Breen. For contact details please see **appendix 2**

Staff should make a written record of the concern.

Please also see the academy's Child protection and Safeguarding Policy and the statement of procedures for dealing with allegations – appendix 3 in the above CP and SG policy

INTRODUCTION

The School is committed to conducting its business with honesty and integrity. The school expects all staff to maintain high standards of openness, probity and accountability in accordance with their contractual obligations and the School's policies and procedures.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement rather than malpractice.

AIMS OF POLICY

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Governors, Headteacher, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

ROLES AND RESPONSIBILITIES

Headteacher/Chair of Governors

The Headteacher, or where the complaint is about the Headteacher, the Chair of Governors, is expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.

Where concerns are raised with outside agencies the Headteacher/Chair of governors must fully cooperate with any resulting investigation

The Headteacher/Chair of Governors will make every effort to meet any request of anonymity where possible.

The Headteacher/Chair of Governors, where possible, should inform the complainant of the outcome of the investigation.

Employees

All employees are expected to bring to the attention of the Headteacher/Chair of Governors any serious impropriety or breach of procedure.

All employees who report concerns under the whistle blowing procedure must be prepared to justify and support their claim in writing.

If another member of staff (other than the Headteacher/Chair of Governors) is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Headteacher/Chair of Governors.

Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

LEGAL

Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. If they are, they can claim unfair dismissal when the reason for the 'whistleblowing' meets any of the 'qualifying disclosures' criteria. They include when someone reports:

- Child protection issues
- That someone's health and safety is in danger
- Damage to the environment
- A criminal offence
- That the company/school isn't obeying the law i.e. not have the right insurance etc.
- That someone's covering up a wrongdoing

The Headteacher/Chair of Governors should ensure that, where this procedure has been used in the public interest, employees are not subjected to harassment and/or victimisation for doing so.

- The key piece of 'whistleblowing' legislation is the Public Interest Disclosure Act 1998. Other Acts and Statutory Instruments which govern the topic are:
 - Police Reform Act 2002 Section 37
 - Employment Rights Act 1996 Section 103A
 - Employment Rights Act 1996 Sections 43A to 43L
 - Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) Regulation 14
 - Public Interest Disclosure Act 1998
 - Public Interest Disclosure (Compensation) Order 1999 (SI 1999/1548)
 - Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)
 - Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 (SI 2003/1993)
 - Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2004 (SI 2004/3265)
 - Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2005 (SI 2005/2464)

- The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010 (SI 2010/131)
- Enterprise and Regulatory Reform Act 2013

WHAT IS WHISTLEBLOWING?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters
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- Illegal and/or Improper Conduct such as
 - Fraudulent or improper use of the school's money or assets
 - Dangerous practices at work
 - Corruptly receiving any gift or advantage
 - Allowing private interests to override the interests of the school

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

If Staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher and if the matter is in relation to an alleged wrongdoing by the Headteacher or Headteacher then Staff should seek the advice of the Chair of Governors.

RAISING A WHISTLEBLOWING CONCERN

The School hopes that in many cases Staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

The Headteacher

The Chair of Governors where the concern relates to the Headteacher

The Headteacher or Chair of Governors (if the concern is relating to the Headteacher) will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. The Headteacher will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The School will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The School will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

CONFIDENTIALITY

The School hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's' identity, the School will discuss this with the member of staff first. Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible.

Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made, anonymously, the concern will 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 issues raised

The credibility of the concern; and

The likelihood of confirming the allegation from attributable sources

'Whistleblower's who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Headteacher knows or has a suspicion that an employee comes into this category then s/he will take advice from the HR advisors who will offer guidance to equip the Headteacher with the appropriate knowledge to determine what action should be taken.

If employees are in any doubt about raising a concern, they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work (Independent whistle blowing charity)

Helpline: 020 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk

CONCERNS AGAINST GOVERNORS

If a concern against a Governor is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Headteacher with the Chair of Governors who will decide how it should be dealt with.

If the concern is against the Chair of Governors then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Headteacher who will decide in consultation with the trustees how it should be dealt with. It may be appropriate to make an external disclosure in these circumstances.

EXTERNAL DISCLOSURES

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. We would encourage employees to raise concerns within rather than overlooking the problem or whistle blowing outside, in line with the Public Interest Disclosure Act 1998.

However, the law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. It will very rarely if ever, be appropriate to alert the media.

Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows Staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, Staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

INVESTIGATION AND OUTCOME

Once a member of Staff has raised a concern, the School will carry out an initial assessment to determine the scope of any investigation. The School will inform the 'whistleblower' of the outcome

of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In most cases a panel of three Governors will investigate any issue. In rare cases the School may appoint an investigator or team of investigators including Staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

The School will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the School concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the School will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

It is understandable that 'whistleblowers are sometimes worried about possible repercussions. The School aims to encourage openness and will support Staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied, the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against 'whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher in the first instance.

Appendix 1

Don't think what if I'm wrong – think what if I'm right

Reasons for whistle blowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Head Teacher, or the Designated Safeguarding lead or deputy DSL. The chair of Governors should be approached if the concern is about the Headteacher.
- Contact PCAW the independent charity for advice if needed, particularly if you feel you cannot raise the concern with the headteacher and / or the Chair of Governors
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain may result in disciplinary action.

Self reporting

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, HR department and/or your professional trade union.

Appendix 2 Useful contacts

M.A.S.H (Multi agency safeguarding hub) – Tel: 0300 1261000

Designated officer for safeguarding (Northamptonshire) 01604 362633/ 01604 367862

Chair of Governors contact details- On staff noticeboard

HR advice EPM (Education personnel Management) 01480 431993

Health & Safety (School subscribed advice)

Plumsun – 0845 8622684

Or other agencies:

Health & Safety Executive – Tel: 0300 003 1647

The Environment Investigation Agency – Tel: 020 7490 7040

Financial Services Authority – Tel: 020 7066 9200

HM Treasury – Tel: 020 7270 5000

Director General – Serious Fraud Office – Tel: 020 7239 7272

Inland Revenue – Tel: 020 7605 9800 / 020 8370 7300 / 020 8522 5700 / 020 8509 4700

Customs and Excise – Tel: 0300 200 3700

National Audit Office – Tel: 020 7798 7264.

Data Protection Commissioner – Tel: 0303 123 1113.

For confidential advice on how to raise a concern about malpractice at work; visit 'Public Concern at Work' www.pcaaw.co.uk

Related Documents

The School's Disciplinary Procedure policy

The School's Grievance Procedure policy

The Child Protection and Safeguarding Policy