


# BLYTON CUM LAUGHTON CE PRIMARY SCHOOL

## WHISTLEBLOWING POLICY

Whistleblowing Champion:
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|---|---|
| Monitoring responsibility | K Duke (Headteacher) |
| Review date | September 2029 |
| Head teacher's signature | |
| Chair of Governor's signature | |
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# CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

## Introduction

The Governing Body is committed to maintaining a culture of openness, accountability and integrity. We seek to ensure that employees and workers at the school feel secure in raising concerns about any activity which may harm individuals or undermine the school. The school has adopted this Whistle Blowing policy to provide clear guidance to those who may need to raise concerns. This policy and procedure have been prepared in accordance with the Public Interest Disclosure Act 1998 and DfE guidance for schools.

The Public Interest Disclosure Act ("the Act") came into force on 2 July 1999. The Act encourages people to raise concerns about malpractice in the workplace by protecting whistleblowers from dismissal or victimisation where they raise genuine concerns about crime, civil offences, miscarriages of justice, dangers to health and safety or the environment or to cover up any of these.

Someone blows the whistle when they tell their employer, a regulator, customers, the police or the media about a dangerous or illegal activity that they are aware of through their work.

Whistleblowing can inform those who need to know about health and safety risks, potential environmental problems, fraud, corruption, deficiencies in the care of vulnerable people, cover-ups and many other problems.

Whistleblowing reports can be made in verbal, written or anonymous form. Often it is only through whistleblowing that this information comes to light and can be addressed before real damage is done.

This policy covers any disclosure of concerns which would be qualifying disclosures under the Act, namely:-

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged or
- 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.

**Purpose**

The Governing Body expects its employees, and others involved in the work of the school, who have serious concerns about any aspect of the school's work to come forward and raise those concerns.

An employee may be the first person to realise that there could be something seriously wrong within the school. However, they may feel that speaking up would be disloyal to colleagues or to the school. They may also fear harassment or victimisation.

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns;
- 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 a reasonable belief that you have raised any concern in good faith.

**Application of policy**

All employees and workers at the school have a responsibility for whistleblowing. The purpose of this policy and procedure is to make it clear that employees can raise concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. Employees are encouraged to raise serious concerns in the first instance within the school rather than overlooking a problem or 'blowing the whistle' outside, and it is preferred that the matter is raised when it is just a concern rather than waiting for proof.

This policy and procedure apply to all employees and those working for the school, for example, agency staff. It also covers those providing services under a contract with the school and organisations working in partnership with the school.

The school recognises that employees may wish to seek advice and be supported by their trade union representative when raising a concern and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the policy and procedure will not suffer detriment in their employment with the school.

**Scope**

This policy and procedure are intended to cover concerns that fall outside the scope of other procedures, including the school's complaints procedure and grievance policy. This policy should be used for concerns about:-

- any unlawful act, whether criminal or a breach of civil law;
- maladministration, as defined by the Local Government Ombudsman
- breach of any statutory code of practice
- breach of, or failure to implement or comply with, Financial Regulations or Standing Orders
- any failure to comply with appropriate professional standards
- fraud, corruption or dishonesty
- actions which are likely to cause physical/mental/psychological danger to any person, or to give rise to a risk of significant damage to property
- loss of income to the school
- abuse of power, or the use of the school's powers and authority for any unauthorised or ulterior purpose
- discrimination in the provision of education
- any other matter that staff consider they cannot raise by any other procedure

It should be emphasised that this policy and procedure is intended to assist employees or workers who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the policy. It is not designed to question financial or business decisions taken by the school nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the Act.

**Protection**

It can be difficult for an employee or worker to make the decision to report a concern. If a concern is raised in good faith and based on reasonable belief, there should be nothing to fear. The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an individual when they raise a concern even if they are genuinely mistaken in their concerns. Any harassment or victimisation of a whistleblower would result in disciplinary action against the person responsible. Under The Public Interest Disclosure Act 1998, workers are protected from dismissal or other detriment as long as they follow their employers whistle blowing procedure. Any investigations arising from whistleblowing will not influence or be influenced by any other procedures to which an employee may be subject.

If an employee's concern is not confirmed by the investigation, no action will be taken against them. If, however it is determined through an investigation that an

employee made an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

**How to raise a concern**

It is hoped that in most cases an employee/worker will feel able to raise any concerns internally with the Headteacher, 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.

Where the concern relates to the Head teacher the employee/worker should raise the concern with the Chair of Governors.

The Headteacher (or Chair of Governors) will meet with the employee/worker as soon as practicable to discuss their concern. Recording sufficient details to enable the matter to be thoroughly investigated. As a minimum, they will record the name of the employee/worker but also indicate whether the individual wishes his or her identity to remain confidential and the nature of the concern

It may not always be possible to maintain confidentiality and the Headteacher (or Chair of Governors) should explain this to the employee/worker. In such instances, the employee/worker will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

The employee may bring a colleague or trade union representative to any meetings under this policy. The confidentiality of the disclosure and any subsequent investigation must be respected.

The Headteacher (or Chair of Governors) will take notes and produce a written summary of the concern raised and provide the employee/worker with a copy as soon as practicable after the meeting, along with an indication of how they propose to deal with the matter, where possible.

**Concerns relating to 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. Such a concern would normally be raised with the Chair of Governors. Where the concern relates to the Chair of Governors, it should be taken via the Local Authority.

**Investigating a disclosure**

Once an employee/worker has raised a concern, the Headteacher (or Chair of Governors) will carry out, within 10 working days, an initial assessment to determine the scope of any investigation. The employee/worker will be informed of the

outcome of this assessment. The employee/worker raising the concern may be required to attend additional meetings in order to provide further information.

The Headteacher (or Chair of Governors) may consider it appropriate to refer the concern to an external agency for consideration in advance of any internal investigation. This may be appropriate where concerns about child safeguarding, potential criminal activity or unsafe working practices are raised. Where this is deemed appropriate, no further internal investigation should be undertaken until clearance is given.

Where necessary, the school may appoint an investigator or team of investigators, including those 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 Headteacher (or Chair of Governors) will aim to keep the employee/worker informed of the progress of the investigation and likely timescale. Sometimes the need for confidentiality may mean that the employee/worker cannot be given specific details of the investigation or any disciplinary action taken as a result. The employee/worker is required to treat any information about the investigation as strictly confidential.

If it is concluded that an employee/worker has made false allegations maliciously, in bad faith or with a view to personal gain, they will be subject to disciplinary action under the school's disciplinary policy and procedure.

Whilst it cannot always be guaranteed that the outcome will be in line with the employee's/worker's expectation, concerns will be dealt with fairly and in an appropriate way.

There is no right of appeal against any decisions taken under this policy and procedure.

**External disclosure**

Employees or workers who believe that the matter has not been taken seriously or is being covered up may choose to report the concern externally to an appropriate body, details of which are shown below:

- the Local Authority
- a Prescribed Person or Body (eg. Ofsted, Education Funding Agency, Children Commissioner or NSPCC - https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

**Confidentiality**

The Governing Body view confidentiality as a two-way process and will endeavour to maintain this approach, though they recognise this cannot always be guaranteed. In return we would expect concerns the employee/worker has raised through this policy will remain equally confidential until there has been an opportunity for their assessment.

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the employee/worker raising the concern if that is their wish. If the school are not able to resolve the employee's/worker's concern without revealing their identity, it will be discussed with them beforehand.

The Governing Body also wishes to state that although a concern may also be raised anonymously, it may impede the designated managers ability to undertake a thorough assessment if the employee/worker chooses to do so. The Governing Body would hope that the protection provided by this policy would negate the need for such actions. Concerns expressed anonymously are much less powerful but may be considered by the school taking into account:

· the seriousness of the issues raised;
· the credibility of the concern; and
· the likelihood of confirming the allegation from attributable sources.

The Headteacher or Chair of Governors will decide in each case whether a complaint made anonymously should be investigated

**Support and Advice**

If the employee/worker is unsure and wishes to seek support they may wish to speak to their trade union. If the employee/worker wishes to access advice then they may wish to speak to the Public Concern at Work charity via e-mail whistle@pcaw.org.uk or telephone (020 7404 6609).

**Report to Governing Body**

The Headteacher will report to governors the outcome of whistle blowing investigations, anonymising the detail but confirming the outcome and any sanctions arising from the investigation.

**Responsible Officer**

The Chair of Governors, who is also Monitoring Officer for the school, has an overall responsibility for the maintenance and operation of this policy. The Headteacher or when appropriate the LA will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality).

**CONFIDENTIAL REPORTING (WHISTLEBLOWING) PROCEDURE**

**PLEASE READ THE FOLLOWING IN CONJUNCTION WITH THE WHISTLEBLOWING POLICY**

1. Contact the Headteacher or Chair of Governors stating:

    - The background and history of the concern giving relevant dates and
    - The reason why you are particularly concerned about the situation

2. The school will respond to your concerns and the matter may, following initial enquiries, need further investigation, or it may need referring to other agencies, depending on the circumstances. If any urgent action is required, this will, wherever possible, with the agreement of the Chair of Governors be taken by the Headteacher before any investigation is undertaken.
3. You may be asked to attend meetings with school representatives, aimed at seeking further information and clarification. During any meetings, you have the right to be accompanied by a trade union representative or work colleague.
4. Employees may also wish to contact the Occupational Health Unit if welfare and counselling support is required
5. You will be informed of the outcome of any investigations, as soon as possible by the Chair of Governors.

**CONFIDENTIAL REPORTING (WHISTLEBLOWERS) PROCEEDURE**
**ACTION BY HEADTEACHER / CHAIR OF GOVERNORS**

**WHISTLEBLOWER'S REPORT RECEIVED**

Is it Verbal, Written or Anonymous?

| **VERBAL** | **WRITTEN** | **ANONYMOUS** |
|---|---|---|
| Ask whistleblower to Give details of the Concern and reasons Why they are particularly concerned | Acknowledge receipt in writing within 5 working days | Record details of concerns |

**Inform Relevant Officers – as follows:**

*Relevant Head of Service
*The Chief Financial Officer (in case of financial concerns)
*The Director of Adult Social Services (in case of concerns related to statutory duties e.g. abuse of vulnerable adults)
*The Director of Children and Young People's Services (in case of concerns relating to children and young people)
*The Monitoring Officer

**Make Initial Enquiries**

*Liaise with relevant Head of Services to determine appropriate course of action.

**Investigate Further**

*Where appropriate and consider referral to others e.g. internal audit, police, etc.

**Inform Whistleblower of Outcome (in writing)**

Send copy of all paperwork to Scrutiny Co-ordinator for monitoring purposes.