

Greenvale Primary School



WHISTLEBLOWING POLICY

Policy Date	September 2020
Signed by Head Teacher	Mrs A Allnutt
Review Date	September 2021

Approved by Governing Body		
	J. Reid	
Chair of Governors	Print Name	Date



WHISTLEBLOWING POLICY

Greenvale Primary School

Medway's HR Schools team undertakes to check and review this model policy annually, and where necessary, update it to comply with current legislation and good HR practices.

All trade unions and professional associations formally recognised by Medway Council have been consulted in the development of this policy.

Latest revision – August 2018

1.0 Introduction

- 1.1 This school/academy is committed to tackling unlawful acts including fraud, bribery, corruption, unethical conduct and malpractice regardless of who commits them, or where in the school they are committed. In this way the school ensures that its services are used in the best interests of the pupils and the local community.
- 1.2 The school/academy aims to ensure that anyone wishing to raise a concern feels confident in the process under this Policy. This policy is designed to allow you to raise a concern without fear of reprisals or victimisation, if your disclosure is made in good faith.
- 1.3 To encourage and enable you to do this the school/academy will ensure that anyone who uses this policy to raise a concern will be protected from any form of detriment, harassment or victimisation regardless of:
 - The content of the concern you raise
 - With whom you raise the concern and
 - Whatever the outcome of raising the concern.
- 1.4 The Whistleblowing Policy provides an opportunity for your concern to be dealt with internally, after all that is where the solutions will be found, or through an agreed external body.
- 1.5 There is always a temptation to take a concern directly to the media, but this does not necessarily mean that the issues raised are appropriately addressed and often fails to protect innocent parties. You should remember that you have a duty of confidence to your employer and that unauthorised disclosure of information may be a disciplinary offence. Please refer to paragraph 15 below.
- 1.6 Employees who wish to raise a Whistleblowing complaint should in the first instance raise the complaint with the Headteacher or, if the complaint is regarding the Headteacher or a governor, with the Chair of Governors. If the employee works in a maintained/community school and does not consider that their complaint has been dealt with appropriately by the Headteacher/Chair of Governors they may elect to address their whistleblowing complaint to the LA's Director of Children and Adults Services.
- 1.7 Further advice on whistleblowing is available from www.gov.uk with contact details for the Secretary of State or your local MP should the matters be most appropriately raised at this level. In most instances matters would be referred back to the school to be dealt with locally (see also 10.4 below).
- 1.8 This policy is in line with KCSIE 2020, Part 4 – Allegations of Abuse Made Against Teachers and other staff, including supply teachers and volunteers (page 56)

2.0 Scope

2.1 This policy applies to all staff and volunteers working at this school.

3.0 What is covered by Whistleblowing?

3.1 A concern can relate to any unethical or unprofessional conduct within the school/academy, including malpractice, and abuse. The policy not only covers acts that have actually occurred but also potentially unethical or unprofessional conduct.

3.2 The person making the disclosure must do so in the reasonable belief that it shows one or more of the following:

- A criminal offence has been committed, is being committed, or is likely to be committed;
- A person has failed, is failing, or is likely to fail to comply with any legal obligation to which she/he is subject;
- A miscarriage of justice has occurred, is occurring, or is likely to occur;
- Acts or potential acts of fraud and corruption or the misuse of public funds
- Failure to prevent acts of fraud and corruption or bribery
- The health & safety of any individual (employee or member of the public) has been, is being, or is likely to be endangered;
- The environment has been, is being or is likely to be damaged
- Actual or potential acts of all forms of discrimination;
- the actual or possible abuse (including sexual or physical) of pupils or vulnerable adults
- Actual or potential acts of harassment or bullying of, or by, someone working for the school,
- Any unethical conduct that causes concern or brings the reputation of the school into disrepute or,
- The deliberate concealment of information that would indicate any of the above.

3.3 If you are in any doubt as to whether or not to raise a concern then confidential advice can be sought from your School's HR contact, or from your trade union representative, or the whistleblowing charity 'Public concern at work' www.pcaw.org.uk which is a confidential helpline.

3.4 Note: - If, when disclosing a concern you commit a criminal offence, for example accepting a bribe and or acts of corruption, you may lose your rights to protection from detriment.

4.0 Who Is Covered By the Whistleblowing Procedure?

4.1 The Public Interest Disclosure Act 1998 (as amended by The Enterprise and Regulatory Reform Act 2013 (ERRA)) will protect "Workers" who disclose information in the correct manner from dismissal or penalisation. "Workers" include individuals who are:

- Employees employed under a contract of employment;
- Employed under any other contract, under which they perform personally any work or services;
- Agency workers; or

- Individuals undertaking work experience as part of a training course.

5.0 How am I Protected?

5.1 Under the ERRA , to qualify for protection for disclosure, the worker must:

- Be acting in good faith;
- Have reasonable grounds for believing that the information disclosed indicates the existence of one of the problems itemised in section 3 above

6.0 Confidentiality

6.1 The school/academy accepts that wherever possible the confidentiality of anyone wishing to raise a concern will be protected. There might however be occasions where your confidentiality cannot be protected, for example, where there is the involvement of the police.

6.2 If there is any possibility that your confidentiality cannot be protected you will be told of the reasons and offered appropriate advice and support.

7.0 Raising a concern

7.1 You are encouraged to raise a concern provided that you believe that you satisfy the requirements detailed at 5.1:

Under no circumstances should you investigate your concern yourself. This avoids any risk of prejudicing any investigation (including a criminal investigation) if it is warranted. Further, this will protect you from any repercussions.

8.0 Anonymously raised concerns

8.1 Concerns expressed anonymously will be investigated on the basis of their merits. However, an investigation may be hampered by the inability to gain further information and the school would encourage you to provide some method of contacting you to assist in the investigation.

9.0 Misuse of the whistleblowing policy

9.1 Raising a concern with malicious intent or for personal gain or the gain of others is not acceptable and may lead to disciplinary action under the School's Disciplinary Policy. If in any doubt employees should contact the relevant whistleblowing officer.

10.0 Who can concerns be raised about?

10.1 You can raise a concern about the practice of anyone who undertakes work for, or on behalf of, the school or Local Authority, including:

- Employees of the school
- School Governors
- Employees of the Local Authority;

- Contractors;
- Volunteers;

10.2 The Local Authority has a legal responsibility to deal with any issues raised under the Whistleblowing Policy, regardless of the type of School you work in, be it controlled, aided or foundation.

10.3 If it is not appropriate for a School based Whistleblower to raise a concern with the Headteacher or Chair of Governors then they should, in the first instance, contact the LADO directly on 01634 331065

Allegations should be referred immediately to the headteacher or the DSLs in their absence who will first contact Local Authority Designated Office (LADO) to agree further action to be taken in respect of the child and staff member. Please refer to the Medway LADO Leaflet if you need further information

10.4 Whistleblowing complaints relating to Academy schools, should be raised in accordance with the school's whistleblowing policy; The Education Funding Agreement (EFA) has procedures for dealing with complaints against academies, including whistleblowing complaints (see www.gov.uk).

11.0 How to raise a concern

11.1 No matter with whom you raise your concern it will be dealt with under this Policy.

11.2 If the person with whom you raise the concern feels it necessary they may refer your concern on to a more appropriate person within the school or to an external organisation if appropriate. If this is the case you will normally be contacted first and have the opportunity to discuss any issues this may raise.

11.3 It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation. Where it is not possible to resolve the matter informally the action taken by the school may include:

- Undertaking a management investigation
- Referral to the school's auditors
- Referral to another regulatory authority
- Referral to the Police
- Referral to the Local Authority

12.0 What to consider when expressing a concern

12.1 To enable your concerns to be dealt with in a proper and effective manner:-

- Be as clear as possible about what the concern is and to whom and what it relates. You may also want to discuss the concern with others to see if it is shared.
- Be as clear as possible about who may be involved, when and where actions may have taken place. Please ensure the facts are recorded i.e. record the dates and times in a

diary. This way you can be clear about what has actually been heard or seen and when, rather than rely on memory or hearsay.

- Ensure you ask for your concerns to be dealt with under this procedure.

13.0 The procedure to be followed

13.1 To ensure that all concerns raised are taken seriously and are fully investigated the school/academy has agreed a procedure to be followed in all cases.

13.2 Staff should be aware that raising a concern by email might result in third parties identifying a Whistleblower. Staff should therefore consider arranging a meeting with the relevant Whistleblowing Officer if they are concerned about third parties accessing emails.

13.3 If, at any stage of the procedure, you are asked or wish to meet with someone addressing the concerns you have raised you have the option to be accompanied by a work place colleague, trade union representative or representative from a professional body.

14.4 Upon raising a concern:

14.5 However you wish to express your concern, by telephone or in person, you will:

- Receive an acknowledgement of your concerns normally within five working days of notifying the investigating person whom you have expressed the concern (this can be sent to your home address);
- The investigating person will then decide how to progress your concern. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue, but will help to assess the gravity of the complaint and establish the facts. It could be possible that concerns raised may be the result of a misunderstanding or an authorised change in practice.

14.6 Within ten working days of making your concerns known you will either:

- Have a confidential meeting with the investigating person to further discuss your concerns or
- Have received, in writing, an outline of how the investigating person intends to deal with the concerns raised.

14.7 Dependent on the nature of the concerns you may have subsequent meetings with the relevant investigating person. These can be held “off-site” if preferred.

15.0 The outcome of your concern

15.1 Having raised the concern, the school/academy recognises that you will need to be assured that the issues have been dealt with correctly. You will be kept informed on a regular basis of what actions are being taken and the final results of any

investigations.

- 15.2 In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) to supply you with the full information discovered. However the reasons for this will be explained at that time.

16.0 Taking your concern further

- 16.1 If you have exhausted all these channels and you still have concerns, or feel that the issues have not been fully or appropriately addressed, if your issue relates to a maintained school you can contact the Director of Children and Adults Services at the Local Authority or have him/her contacted on your behalf, to discuss your concern in confidence.
- 16.2 Whistleblowing complaints relating to Academy schools should be directed to the DfE/or Secretary of State or EFA (see www.gov.uk).
- 16.2 However you should not refer the matter outside the organisation without first ensuring that all other possible avenues have been exhausted.
- 16.3 Additional information and details of regulatory bodies can be found in Appendix One.

17.0 Contacting the media

- 16.1 If a whistleblower is considering contacting the media, they are strongly advised to seek guidance from other representative bodies and to discuss the matter where possible with the Headteacher/Chair of Governors . Please be aware that contacting the media before allowing the Whistleblowing team to investigate could result in prejudicing any investigation.
- 16.2 Disclosures to the media can be made under the law, and will be protected if the following circumstances are met:
- The disclosure is made in good faith and is made in the belief that it is in the public interest
 - The employee reasonably believes the information and any allegations are substantially true
 - The employee does not act for personal gain
- 16.3 Additionally, one or more of the following conditions must be met:
- The Worker reasonably believes they would be subjected to a detriment if disclosure were made to the employer or prescribed person
 - In the absence of an appropriate prescribed person, the Worker reasonably believes a disclosure to their employer would result in the destruction or concealment of information about the wrongdoing
 - The Worker has previously disclosed substantially the same information to their employer or prescribed person; and
 - It must be reasonable to make the disclosure

16.4 Please be aware that contact with the media, where these conditions have not been met, may result in disciplinary action under the school's Disciplinary Policy.

Appendix 1

The current list of Whistleblowing Officers can be found via the link below

<http://just4you.medway.gov.uk/hr/hra-zofinformation/whistleblowingofficers.aspx>

Additional Information

Trade Unions

Contact details for the trade unions are available on the Just4you intranet at:

<http://just4you.medway.gov.uk/hr/a-zofhrinformation/tradeunions.aspx>

Employee Forums - (Black Workers Forum (BWF), Disabled Workers Forum (DWF) and Lesbian, Gay, Bisexual, Trans and Questioning (LGBTQ) Forum).

Contact details for the forums are available on the Just4you intranet at the following link:

<http://just4you.medway.gov.uk/support/staffforums.aspx>

Regulatory and professional bodies

Ofsted www.ofsted.gov.uk

Tel. 0300 123 4666

Institution of Civil Engineers <http://www.ice.org.uk/homepage/index.asp>

Tel. 020 7222 7722

Health & Safety Executive www.hse.gov.uk

Tel. 0845 345 0055

Care Quality Commission www.cqc.org.uk

Tel. 03000 616161

Health Professions Council (HPC) www.hpc-uk.org

Tel 0800 328 4218

General Social Care Council www.gsc.org.uk/

Tel 01788 532405

Nursing and Midwifery Council (NMC) www.nmc-uk.org

Tel 0207 333 9333 General Medical Council (GMC) www.gmc-uk.org

Tel 0161 923 6602

Audit Commission www.audit-commission.gov.uk

Tel. 0844 7983131

Local Government Ombudsman www.lgo.org.uk

Tel. 0300 061 0614

Information Commissioner's Office www.ico.gov.uk

Tel. 0303 123 1113

Equality and Human Rights Commission www.equalityhumanrights.com

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