CUBITT TOWN PRIMARY SCHOOL

Whistleblowing Policy

Every child grows • Every voice matters • Every day counts

This policy applies to staff, governors, volunteers and contractors

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Review	Annually

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1. POLICY STATEMENT

1.1 The staff and governors of Cubitt Town Primary School seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2 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 and Disciplinary Procedures for staff, or the Complaints Procedure.

1.3 This procedure should only 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 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, which may arise from weak management rather than malpractice.

1.4 This policy and procedure has been agreed with the relevant trade unions.

1.5 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.

2. SCOPE

2.1 This policy applies to all staff, including permanent and temporary employees, agency workers, employees seconded to the school, volunteers and contractors, paid and unpaid, working in the school including governors.

2.2 This procedure is separate from the school's adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise concern relating to their own personal circumstances, such as the way they have been treated at work. In those cases, the School's Dignity at Work (Grievance) Policy and Procedure should be used, as appropriate. If staff are uncertain whether something is within the scope of this procedure they should first seek advice from the headteacher or their union representatives.

2.3 This procedure is to enable members of staff to express a legitimate concern regarding suspected wrong doing within the school.

2.4 Staff have an individual responsibility to bring matters of concern, including low-level concerns, to the attention of senior management and/or relevant agencies. Although this can be difficult, this is particularly important where the welfare of children may be at risk.

2.5 This Whistleblowing Policy should be read in conjunction with the following:

- Safeguarding and Child Protection Policy
- Health and Safety Policy
- Cubitt Town Staff Code of Conduct
- Keeping Children Safe in Education: Statutory guidance for schools and colleges.

3. EQUAL OPPORTUNITIES CONSIDERATIONS

To ensure that the school is meeting its public sector equality duty it will monitor annually the impact of this policy by reference to the protected characteristics of staff (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation).

4. AIMS AND OBJECTIVES

4.1 This policy is intended to encourage and enable staff to report suspected wrongdoing, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.

4.2 This policy provides staff with guidance as to how to raise those concerns.

4.3 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.

4.4 The policy is intended to demonstrate that the school will:

- Not tolerate wrong doing or malpractice;
- Encourage a culture of safety and of raising concerns;
- Encourage a culture of valuing staff and of reflective practice;
- Respect the confidentiality of staff raising concerns and provide procedures to maintain confidentiality, so far as is consistent with progressing the issues effectively;
- Provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;
- Only invoke the school's disciplinary procedure in the case of false, malicious, vexatious or frivolous allegations. The policy seeks to reassure staff that they can raise genuine concerns without fear of reprisal, even if they turn out to be mistaken; and
- Provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

4.5 This policy does not override workers' legal rights to make a protected disclosure to certain third parties under the Public Interest Disclosure Act 1998 (PIDA), as incorporated into the Employment Rights Act 1996.

5. WHAT IS WHISTLEBLOWING

5.1 Whistleblowing is the term used when a worker passes on information concerning wrongdoing, making a disclosure or blowing the whistle. The wrongdoing will be typically, although not necessarily, something they have witnessed or believe to be happening at work. This means that personal grievances and complaints (e.g. a concern about their own contractual terms, treatment of their child) are not usually covered by this policy and should be dealt with:

- By employees through the Grievance Procedure
- By other parties through the Complaints Procedure.

5.2 A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the issues set out in 5.3. If staff have any genuine concerns related to suspected wrongdoing or danger affecting any of the school's activities (a whistleblowing concern) they should report it under this policy. It is not necessary for the employee or worker to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

5.3 The law provides protection for employees or workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that there has been or is likely to be:

- a breach of any legal obligation;
- a miscarriage of justice;
- a criminal offence;
- a danger to the Health and Safety of any individual;
- damage to the environment; or
- deliberate concealment of information about any of the above.

Some examples of qualifying disclosures in a school context may include:

- Fraudulent acts (e.g. manipulation of accounting records/finances, inappropriate use of funds, decision making for personal gain, abuse of position to influence decisions);
- Breaches of acceptable professional and ethical standards;
- Concerns over safeguarding;
- Breaches of the Health and Safety policy entailing danger to staff or pupils; and/or
- Breaches of any of the school's policies or the Code of Conduct.

5.4 If staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher or their union representatives. If the matter is in relation to alleged wrongdoing by the Headteacher, then staff should seek the advice of the Chair of Governors.

6. CONFIDENTIALITY

6.1 Staff should feel able to voice whistleblowing concerns openly under this procedure. However, if a member of staff wishes to raise a concern confidentially, the school will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know their identity, this will be discussed with the individual.

6.2 If there is evidence of criminal activity then the Police will be informed in all cases.

6.3 Staff are encouraged not to make disclosures anonymously. Proper investigation may be more difficult or impossible if the school cannot obtain further information from a whistleblower. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed, should discuss this with the Headteacher and appropriate measures can then be taken to preserve confidentiality. Staff can obtain advice from 'Protect', the independent whistleblowing charity, who offer a confidential helpline. Their contact details can be found at https://protect-advice.org.uk/.

7. COLLUSION

It is absolutely vital that staff do not collude with each other to cover up or hide any suspected wrongdoing. It is understood that disclosing a concern can be difficult, particularly if there is pressure to keep things quiet. This policy is there to enable a culture of openness and honesty, to ensure staff feel confident and comfortable about raising such concerns and that they will be dealt with appropriately.

8. SAFEGUARDING

8.1 If a member of staff suspects that there is a serious safeguarding issue that they feel that the Headteacher is not taking seriously, or that they believe there is a serious safeguarding issue involving

the Headteacher, they should in the first instance contact the designated governor for safeguarding. At our school this is Margaret Davies – her email address can be requested from the front office.

8.2 If a member of staff is not satisfied by the school response to a safeguarding issue they may choose to contact the Local Authority children's social care team or speak to the NSPCC helpline (NSPCC whistleblowing helpline 0800 028 0285).

9. PROTECTING WHISTLE-BLOWERS

9.1 Any whistleblowers who make protected disclosures in line with this procedure have the right not to be dismissed, subjected to any other detriment, or victimised because they have made a disclosure. This means continued employment and opportunities for promotion or training will not be affected because the whistleblower has raised a legitimate concern.

9.2 Whistleblowers should report any harassment or victimisation to an appropriate manager as soon as practicable. The school will take all reasonable steps to prevent/address such harassment or victimisation. Victimisation of a whistleblower for making a protected disclosure will be considered a disciplinary matter and will be dealt with under the Disciplinary Procedure.

9.3 Whistleblowers may find the process of reporting an issue/wrongdoing difficult and uncomfortable. The school will take all reasonable steps to support the whistleblower, which may include access to an external counselling service. The whistleblower may also be referred to the charity Protect https://protect-advice.org.uk/ for information and advice.

10. MALICIOUS ALLEGATIONS/DISCLOSURES

10.1 If, following appropriate investigation, it is considered that an employee has made a malicious allegation without real substance and/or which could not be reasonably considered to be in the public interest; this will be taken as a serious matter and may potentially lead to disciplinary action in line with the Disciplinary Procedure.

10.2 Where other individuals engaged by the school make a malicious allegation, the school will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract/arrangements with the individual.

10.3 If disciplinary action is required, the person who carried out the investigation will report the matter to a relevant manager to start the disciplinary procedure.

10.4 If a third party has made a malicious allegation, the school may take legal advice about what steps are open to it, where appropriate.

11. RAISING A CONCERN/MAKING A DISCLOSURE

11.1 It is expected that in most cases, staff will be able to raise any concerns with their line manager. This may be in person or in writing. They may be able to agree a way of resolving the concern quickly and effectively.

11.2 Where the matter is more serious, or staff feel that their concern has not been addressed, or they prefer not to raise it with their line manager for any reason, staff may raise a whistleblowing concern directly to the Headteacher. 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. As a minimum, 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. In some cases, it will not be possible to maintain confidentiality and the Headteacher should

explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to their identity becoming known to enable the concern to be effectively dealt with.

11.3 Where staff feel unable to approach the Headteacher, or the concern is about the Headteacher, then the first point of contact should be the Chair of Governors, Margaret Davies, who can be emailed at:

11.4 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.

11.5 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, in consultation with the local authority, decide how it should be dealt with. In normal circumstances such a concern would be referred to the Department for Education for action.

11.6 If it is a matter related to child protection you may choose to contact the LADO (Local Authority Designated Officer) who for Tower Hamlets is Melanie Benzie and her contact details are: Melanie Benzie, Local Authority Designated Officer (LADO) (telephone number on posters in school) Email: LADO@towerhamlets.gov.uk or secure email: LADO@towerhamlets.gcsx.gov.uk.

12. INVESTIGATION

12.1 The person reported to will arrange an investigation into the matter either by investigating the matter themselves or immediately passing the issue to an appropriate person (except where they are the subject of the disclosure where an alternative suitable person will be appointed). The investigation may involve the whistleblower and other individuals involved giving a written statement. Any investigation will be carried out promptly and confidentially.

12.2 If a whistleblower wishes to remain anonymous, this should be raised with the person to whom the initial disclosure is made. In some cases, this may be possible, but in more serious cases where disciplinary action may have to be taken against others, this may be more difficult. The school is committed to protecting the well-being of the whistleblower whilst this policy is followed.

12.3 The whistleblower's statement (where available) will be taken into account, and they will be asked to comment on any additional evidence obtained. The person responsible for the investigation may ask the whistleblower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation.

12.4 Where a meeting is held, the whistleblower may be accompanied by a trade union representative or work colleague if they wish, and where possible, the dates/times will be agreed to facilitate this, or in the case of a third party, by an appropriate person (e.g. friend, family, colleague). Legal professionals will not normally be allowed to attend such meetings.

13. OUTCOME OF THE INVESTIGATION

13.1 The person who carried out the investigation will take any necessary action, which may include reporting the matter to the Headteacher/appropriate manager/Chair of Governing Body or an appropriate prescribed body (if this has not already taken place).

13.2 On the conclusion of any investigation, the whistleblower will be told the outcome of the investigation (in as much detail as is deemed appropriate in the circumstances) and what action is to be taken or is proposed. If no action is to be taken, the reason for this will be explained.

Where a concern is raised anonymously, the school will not ordinarily be able to provide feedback to the whistleblower, and any action taken as a result of an anonymous disclosure may be limited. The school will take all appropriate steps to investigate such disclosure in line with the level of information provided. If an

anonymous whistleblower wishes to seek feedback from the school, an appropriate anonymised email address should be provided.

14. FURTHER ACTION

14.1 Where having raised an initial concern and the whistleblower has a genuine belief that the school has failed to take appropriate action, or investigate the issue properly, and they wish to pursue the matter further, they may report their concern to the Headteacher/Chair of the Governing Body or to an appropriate prescribed body (if this has not already been reported).

14.2 The person reported to may arrange for further investigation to be carried out, make any necessary further enquiries and/or make their own report. On the conclusion of any further investigation they will take appropriate action, which may include reporting the matter to a prescribed body, if this has not taken place at an earlier stage in the process. Alternatively, they may follow the external procedure below.

14.3 There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher will have the right to refer any particular case to the designated governor for review.

14.4 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.

14.5 If staff and volunteers feel unable to raise an issue with the school or feel that their genuine concerns are not being addressed, they may report their concerns to Prescribed Persons/Bodies to ensure they are protected by whistleblowing legislation.

- The Department for Education is the Prescribed person/body for schools no matter what the concern is - Secretary of State for Education (Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe)
- The NSPCC can also be a Prescribed body for safeguarding related concerns - The NSPCC Whistleblowing helpline (Tel: 0800 028 0285 or email: help@nspcc.org.uk).

Please see the link below for the list of prescribed persons/bodies regarding whistleblowing. The relevant website is: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies.

15. EXTERNAL PROCEDURES

15.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in school. In most cases staff should not find it necessary to alert anyone externally. However, where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (LADO) where the disclosure relates to a child protection issue.

15.2 It will very rarely, if ever, be appropriate for you to alert the media.

15.3 It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the individual reasonably believes:

- That exceptionally serious circumstances justify it;
- That the school would conceal or destroy the relevant evidence;
- Where they believe they would be victimised by the school; or
- Where the Secretary of State has ordered it.

15.4 Staff are strongly encouraged to seek advice before reporting a concern to anyone external. The independent whistleblowing charity 'Protect' operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

16. THIRD PARTIES

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.

17. FURTHER INFORMATION

For further information please contact your HR provider, Sandra Conningham whose email address can be requested from the front office.