

## Whistleblowing Policy

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<b>Governing Committee Responsible</b>	FGB	Governor Approval (date)	
<b>Website</b>	Yes		
<b>Staff Responsible</b>	Amy Hyde	Next review	November 25

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### 1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff know how to raise concerns about potential wrongdoing
- Set clear procedures for how the school will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This procedure does not form part of any employee's contract of employment and may be amended at any time. The procedure applies to all employees or other workers who provide services to the school in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out by the [Department for Education](#) and [Keeping Children Safe in Education](#) says that all schools **should** have appropriate whistle-blowing procedures (paragraph 76). We also take into account the [Public Interest Disclosure Act 1998](#).

## 3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils’ or staffs’ health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the school count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

The procedures for allegations of abuse made against school staff in relation to their work with children is set out in appendix 3 of the schools Child Protection and Safeguarding Policy.

## 4. Procedure for staff to raise a whistle-blowing concern

### 4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

Concerns may be raised in order to:

- Protect or reduce risk to others.
- Prevent the problem worsening or widening.
- Prevent becoming implicated yourself.

## 4.2 Who to report to

As a first step, staff should raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if staff believe that their immediate manager or their manager's superior is involved, they should approach the Head Teacher or Chair of Governors.

Staff can by-pass the direct management line and the Governing Body if they feel that the overall management and Governing Body of a school is engaged in an improper course of action. In this case please refer to part 7.

In some instances, it may be appropriate for staff to ask their trade union to raise a matter on their behalf.

For any safeguarding concerns, concerns can be reported directly to the Local Authority Designated Officer (LADO) in Children's Social Care, who will liaise with the Chair of Governors and they will decide on any action required.

LADO: Stephen Lagan on [lado@centralbedfordshire.gov.uk](mailto:lado@centralbedfordshire.gov.uk) or call 0300 300 8142.

## 4.3 How to raise the concern

All types of concerns, at all levels should be made through **confide**, an online safeguarding reporting tool. Concerns raised through confide will alert the Headteacher and Deputy Head. If this is not appropriate, concerns should be made in writing to the persons outlined above in section 4.2. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter. If staff do not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, staff make it clear that they are raising the issue via the whistle-blowing procedure.



## 4.4 Safeguards

The school is committed to good practice and high standards and wants to be supportive of employees and others covered by this policy. School recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true and you have reasonable belief that the disclosure is being made in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

School will not tolerate any bullying, harassment or victimisation (including informal pressure) by managers and colleagues and will take appropriate action to protect you when you raise a concern in the public interest. Victimisation of a worker for raising a qualifying disclosure will be a disciplinary offence.

If you report your concerns via a disclosure you have the right not to be dismissed or subjected to any other detriment because of it.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, sickness, capability or redundancy procedures that already affect you or may affect you in the future.

## 4.5 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the whistle-blower may be required as part of the evidence. This may mean that witness statements or correspondence is also disclosed. In these situations the school will contact you and any additional witnesses to advise of this and to offer any guidance where necessary.

School may need to reveal your identity and disclose information where there are legal proceedings following on from the whistleblowing disclosure and as above will inform you prior to this information being released.

If it is felt that allegations relate to serious criminal offences which the Police should investigate the school may also be required to disclose your identity to third parties.

#### **4.6 Anonymous allegations**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the school. You should remember that wherever possible, confidentiality will be preserved.

In exercising this discretion, the factors to be taken into account would include:

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

Anonymous whistle-blowers should also bear in mind that, if they do not make their name known, the school will not know whose identity to keep confidential. It will also not be possible to provide direct feedback to them on the progress and outcome of any investigations.

## **5. Responding to a whistle-blowing concern**

### **5.1 Investigating the concern**

When a concern is received by a manager or leader- referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information in writing, including:
  - the background and history of the concerns;
  - names, dates and places (where possible);
  - the reasons why the employee is particularly concerned about the situation.
- Ensure that the concern is of a whistle-blowing nature, otherwise the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)

Establish whether there is sufficient cause for concern to warrant further investigation. If there is, the recipient will explain to person raising the concern:

- what steps they intend to take to address the concern;
- how they will communicate with them during and at the end of the process; and that a written response will be sent out within ten working days.
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.
- that the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and they will be expected not to raise the concern again, unless new evidence becomes available.

If there is, the recipient will arrange a further investigation into the matter, involving the Head Teacher and Chair of Governors. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police. The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

## **5.2 Outcome of the investigation**

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the head teacher, governors and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

## **6. Malicious or vexatious allegations**

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the person making the allegation.

## 7. Escalating concerns beyond the school

The school encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with are:

- CBC Monitoring Officer: [monitoringofficer@centralbedfordshire.gov.uk](mailto:monitoringofficer@centralbedfordshire.gov.uk)
- NSPCC National Whistleblowing Helpline for employees: [help@nspcc.org.uk](mailto:help@nspcc.org.uk), 0808 800 5000, [NSPCC Whistleblowing Advice Line](#)
- 'Public Concern at Work\*' <http://www.pcaw.co.uk>
- recognised trade union;
- LADO 03003008142
- a further list of prescribed bodies to whom staff can raise concerns with is included [here](#).

Staff must be aware that if they choose to take a concern outside the school, it is their responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

*\*Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

## 8. Links with policies

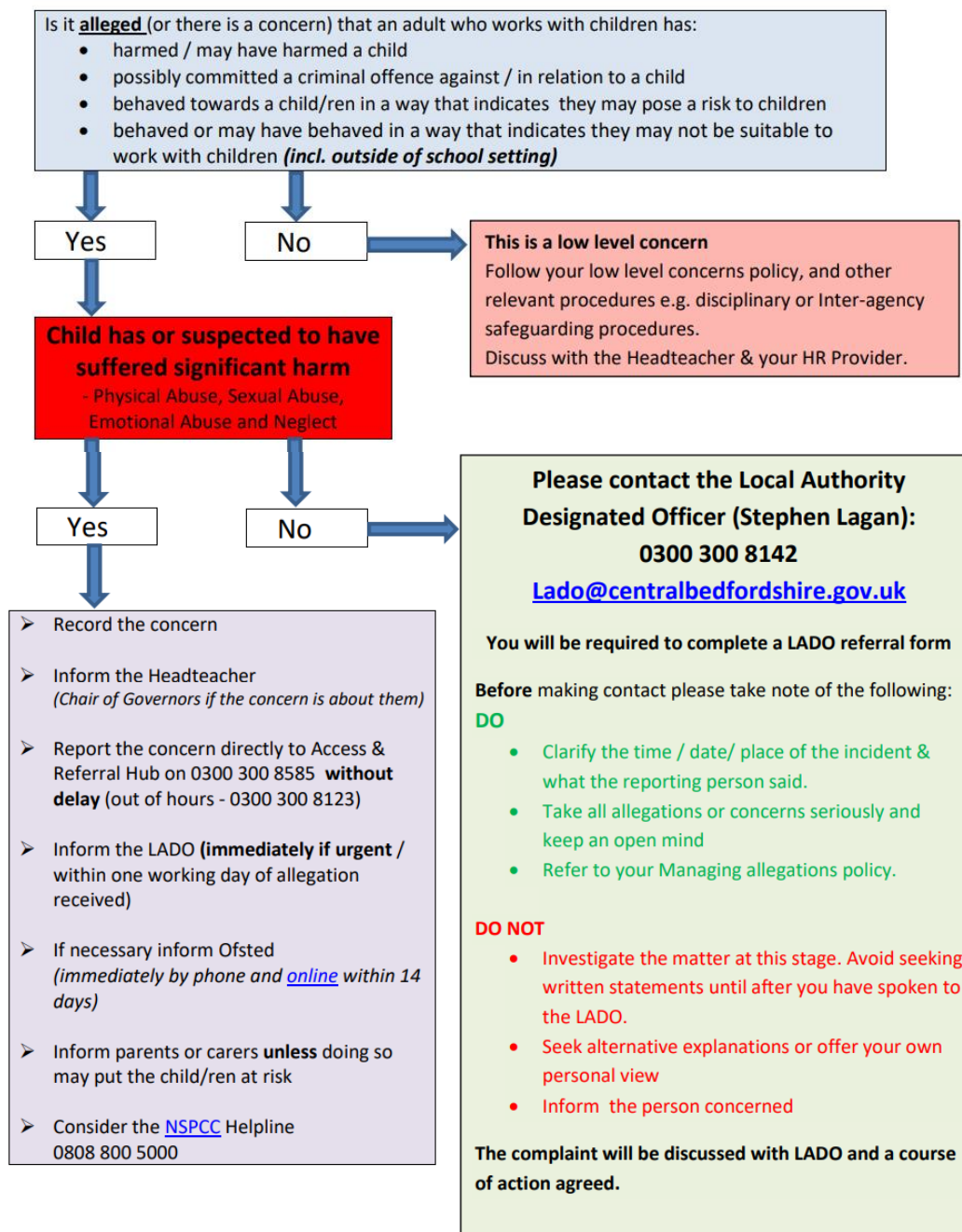
This procedure links with our policies on:

- Central Bedfordshire's ['Confidential Reporting Policy'](#)
- Child protection and safeguarding policy
- Staff grievance policy
- Complaints procedure

## 8. Appendices

### Appendix 1 – CBC Allegations Flowchart

## Managing Allegations or Concerns about Adults who work or volunteer with Children



The LADO <b>does</b> need to know about the following (use flow chart)
<b>Physical</b> : Allegation of physical mistreatment or abuse against an adult in a position of trust. <i>Includes</i> - hitting, shaking, pushing, aggressive or intimidating behaviour.
<b>Sexual</b> : Disclosure of sexual abuse perpetrated by an adult in a position of trust . <i>Includes</i> - sexual assault, sexual touching, sexual relationship, grooming behaviour, other behaviour which causes concern about a sexual motivation towards a child.
<b>Emotional</b> : An adult in a position of trust emotionally mistreating children. <i>Includes</i> – excessive shouting, belittling, humiliating, making fun of a child, persistently choosing to ignore a child’s needs.
<b>Neglect</b> : An adult in a position of trust neglecting their duty to keep children safe. <i>Includes</i> – serious or persistent failure to adequately supervise a child. Failure to take action to protect a child from harm or abuse.
<b>Note</b> : If concern is about significant harm (an injury for example) please contact the Hub first and the LADO second
<b>May pose a risk to children</b> : Information about an adult in a position of trust, perhaps unrelated to their work with children, which raises a concern that they may pose a risk to children. <i>Includes</i> - abuse or mistreatment of their own child/ren or another child outside of their role, a pattern of concern relating to poor practice error or accident (impacting on children), behaviour in their private life which may present a transferable risk to their role with children. This might include drug and alcohol misuse or involvement in crime including perpetrating domestic abuse, accessing indecent images of children, information that indicates a sexual interest in children, allegation of non –recent sexual abuse.
<b>Organisations or Individuals using school premises</b> : If an allegation is made relating to an incident that happened when an individual or organisation was using the school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities) schools should follow their safeguarding policies and procedures, including informing the LADO.

The LADO <b>does not</b> need to know about the following	
Situation	Advice
Concerns about the welfare of a child which are <b>NOT</b> connected to an adult in a position of trust	Contact the Access & Referral Hub on <b>0300 300 8585</b> . (Out of hours - <b>0300 300 8123</b> ). If you are concerned about immediate risk of harm call the police on <b>999</b>
Allegations or concerns about adults working exclusively with vulnerable adults	Please contact the <a href="#">Safeguarding Vulnerable Adults</a> team on <b>0300 300 8122</b>
Parental complaints regarding child on child bullying.	Follow your organisations Anti-bullying policy; Child on Child Abuse Policy; Behaviour Policy; Complaints Policy
Staff issues that do not relate to child safety or welfare	Contact your Human Resources provider
Physical intervention that sits within the scope of the Governments <i>Use of Force guidance (2013)</i>	See <a href="#">DfE website</a>
<u>Most</u> circumstances where the presenting issue relates to poor practice, error or accident.	Contact your Human Resources provider.

***We acknowledge that each circumstance has a unique context and therefore if after reading this guidance you remain unsure, please contact the LADO for further advice.***

***Please also refer to [The Pan Bedfordshire Allegations and Concerns regarding Staff, Carers and Volunteers Working with Children and Young People](#)***