

# SHIREMOOR PRIMARY SCHOOL WHISTLEBLOWING POLICY



## Whistleblowing Policy Framework – Advice Note

## Introduction to this document

<b>Subject Area:</b>	<b>Whistleblowing Policy Framework</b>
<b>Overview:</b>	<p>Legislation surrounding Whistleblowing is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). All employers therefore need to have a policy framework in place to ensure that they fulfil the requirements within this legislation that applies to all workers (not just employees).</p> <p>This document provides a basic framework to support schools to have a whistleblowing policy in place (there is also a separate guidance note providing more information).</p>
<b>Documents Classification:</b>	<p>The document provided is a <u>Category A</u> [GT(1)] (please see comments). <b>There is a requirement to have such a policy and procedure in place and therefore limited scope for amendment.</b></p>
<b>What schools need to do with this document:</b>	<p>Consider the document and compare it to what school has in place currently and whether the school feels there is a need to review its existing policy and practice. Insert your own school information in the relevant places. Follow your school consultation and adoption process.</p>
<b>Next review date:</b>	March 2027

If you have any queries or wish to discuss this topic area, the document or next steps for school please contact us at:

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**Introduction**

- 1.1. We are committed to maintaining a culture of openness, accountability and integrity, seeking to ensure that employees and workers feel secure in disclosing concerns about any activity which may harm individuals or undermine school. We have therefore adopted this Whistleblowing policy to provide clear guidance to those who may need to raise concerns in accordance with the [Public Interest Disclosure Act 1998](#) (PIDA) and [DfE guidance](#) for schools.
  
- 1.2. We recognise that those working on behalf of school may be in the best position to realise that something could be seriously wrong that requires the attention of school leadership and the Governing Board. However, in some cases they may not express these concerns because they feel that speaking up would be disloyal or perhaps also fear harassment, sexual harassment or victimisation.
  
- 1.3. We therefore feel it is crucial that we, as the Governing Board, promote a culture that expects the highest possible standards of openness, integrity and accountability. In line with that commitment, we openly encourage staff and workers within the scope of this policy, who have serious concerns about any aspect of the school’s work, to come forward and disclose those concerns.

We recognise that they may wish to seek advice and be supported by a trade union representative when raising a concern and we would acknowledge and encourage such actions, recognising the significant role trade union representatives can play.

1.5. Employees and Trade Union representatives acting in accordance with this policy and procedure will not suffer detriment in their employment within school.

## **2. Who is covered by the Policy ?**

2.1. This policy applies to all those working on behalf of the school including:

- Workers including those on casual assignments
- Volunteers
- Student placements
  
- Agency workers
- Contractors
- Consultants
- Partnership organisation employees
- Apprentices

2.2. The policy refers to staff for ease of reference but for the avoidance of doubt the policy applies to all of the above.

## **3. Purpose and Aim**

3.1. The purpose of this policy and procedure is to make it clear that staff can raise concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. We will expect staff, who have serious concerns about any aspect of school's work, to come forward and raise those concerns.

3.2. This policy therefore aims to:

- encourage staff to feel confident in raising serious concerns and for school to question and act upon these concerns.
- provide avenues to raise those concerns and receive feedback on any action taken, where appropriate and relevant.

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- ensure that a response is provided after concerns have been raised and how to pursue them if still not satisfied.
- provide staff with a reassurance that they will be protected from possible reprisals or victimisation so long as such concerns have been raised in good faith.

## 4. Scope

4.1. This Policy and Procedure is intended to cover concerns that fall outside the scope of other school policies and procedures and assist those who have discovered malpractice or serious wrongdoing such as:

- 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 school.
- abuse of power, or the use of school's powers and authority for any unauthorised or ulterior purpose
- any act of harassment, sexual harassment or victimisation
- discrimination in the provision of education.
- any other matter that staff consider they cannot raise by any other procedure

4.2 It should be emphasised that this policy and procedure is not designed to question financial, or business decisions taken by school, nor may it be used to reconsider any matters that have already been addressed, or could be addressed, under other procedures.[1] Members of staff who make disclosures outside the arrangements set out here will not be protected under this policy.

## 5. Legal protection for Whistleblowers

5.1. We recognise that it can be difficult to make the decision to report a concern. However, if a concern is raised in good faith and based on reasonable belief, there should be nothing to fear.

- 5.2. We would therefore remind staff considering raising concerns that when covered by the Public Interest Disclosure Act 1998, they will be protected from dismissal or other detriment as long as they follow this policy and procedure.
  
- 5.3. We will take a zero tolerance approach to any form of harassment, sexual harassment or victimisation (including informal pressures) arising from raising a concern under this policy. Where, after investigation, this has been found to have taken place, it will result in disciplinary action against those responsible. The school will ensure that any staff member affected by such behaviour is supported and lessons are drawn to prevent recurrence<sup>[PS1]</sup>.
  
- 5.4. Any investigations arising from whistleblowing will not influence or be influenced by any other procedures to which a member of staff may be subject.
  
- 5.5. Where a concern is not confirmed by a subsequent investigation no action will be taken against those reporting the matter. If, however, it is determined through an investigation that a member of staff made an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

## **6. Confidentiality**

- 6.1. We view confidentiality as a two-way process and will endeavour to maintain this approach, though recognise this cannot always be guaranteed. In return we would expect concerns raised through this policy will remain equally confidential until there has been an opportunity for their assessment.
  
- 6.2. All concerns will be treated in confidence, and every effort will be made not to reveal the identity of the member of staff raising the concern if that is their wish. If we are not able to resolve the concern without revealing their identity, it will be discussed with them beforehand to determine next steps.

## **7. Concerns raised Anonymously**

- 7.1. Although a concern may also be raised anonymously this is not encouraged as doing so may impede the ability to undertake a thorough assessment. We therefore hope that the protection provided by this policy would negate the need for such actions. Concerns expressed anonymously are much less powerful but may still be considered, having taken into account:

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

7.2 The Headteacher in conjunction with the Chair of Governors will decide in each case whether a complaint made anonymously should be investigated.

## 8. How to raise a disclosure

8.1. As a first step, concerns should initially be disclosed to the Headteacher . Wherever possible these concerns should be made in writing using the template at Appendix 2. However, the Headteacher may meet with the member of staff as soon as practicable to discuss their concern, recording sufficient details as outlined in Appendix 2 to enable the matter to be thoroughly investigated.

8.2. We recognise that in some cases disclosing a concern to the Headteacher may not be appropriate and in these circumstances the role of the headteacher will be conducted as follows:

Where the concern relates to the Headteacher or member(s) of the Governing Board then it should be raised directly with the Chair of Governors.

Where the concern relates to the Chair of Governors or full Governing Board then concerns should be raised with the Clerk to Governors who will consider the most appropriate course of action.

8.3 Where disclosing a concern, the member of staff will need to provide the following information:

- The nature of the concern and why they believe it to be true;
- The background and history of the concern (giving relevant dates where appropriate);
- That they are exercising their right to raise this concern under the whistleblowing policy;

8.4 Although they are not expected to prove beyond doubt the truth of the suspicion, they will need to demonstrate to the person contacted that they have a genuine concern and there are reasonable grounds for the concern relating to suspected wrongdoing or malpractice within the school.

- 8.5 The member of staff may bring a colleague or trade union representative to any meetings under this policy.
- 8.6 The Headteacher (or Chair of Governors) will arrange for notes to be taken at any initial meeting and produce a written summary of the concern raised, providing a copy as soon as practicable after the meeting, along with an indication of how they propose to deal with the matter concerned.

## 9. Investigating a disclosure

- 9.1. Once a member of staff has raised a concern as outlined above, the Headteacher (or Chair of Governors) within **10 working days** will conduct an initial assessment and inform the member of staff of the scope of any investigation and timescale (if known) for completion. This may include the member of staff being required to attend additional meetings to provide further information as part of any investigation.
- 9.2. The Headteacher (or Chair of Governors) may consider it appropriate<sup>[PS2]</sup> 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 by the relevant agency concerned and the matter is referred back to school.
- 9.3. Where necessary, 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 school to minimise the risk of future wrongdoing.
- 9.4. The school accepts that staff concerned will need to be assured that the matter has been properly addressed, therefore the Headteacher (or Chair of Governors) will aim to keep them appropriately informed of the progress of the investigation and likely timescale.
- 9.5. However, sometimes the need for confidentiality may mean that they cannot be given specific details of the investigation, or any outcomes or disciplinary action taken as a result.

9.6. All persons involved in this process should treat any information about the investigation as confidential.

## 10. Outcome of disclosure

10.1. Whilst it cannot always be guaranteed that the outcome will be in line with the member of staff's expectation, concerns will always be dealt with fairly and in an appropriate way.

10.2. Where the Headteacher (or Chair of Governors) has investigated the matter, they will produce a written report into the concerns raised, outlining conclusions and any necessary actions to be taken. The member of staff raising the concerns may be notified of any outcomes and these, together with a copy of the report (anonymised), will be made available to all Governors.

10.3. Where an external investigator has been appointed their written report will be submitted to the Headteacher (or Chair of Governors) who must act on any recommendations made within the report. The member of staff raising the concerns will be notified of any outcomes and these, together with a copy of the report (anonymised), will be made available to all Governors.

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

## 11. External disclosure

11.1. Staff who are not satisfied with how concerns disclosed to school have been dealt with may choose to report them externally to an appropriate Board, details of which are shown below:

- North Tyneside Council Head of Service for Education and Inclusion<sup>[PS3]</sup> (Maintained schools)
- Local Authority Designated Officer (LADO)
- The Department for Education (Academies/MAT's)
- A diocesan authority (Church schools).
- The Police – for concerns of criminal behaviour.
- Any Prescribed Person or Body (e.g., Ofsted, Ofqual, Children Commissioner or NSPCC) – a full list can be found via the hyperlink below:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

## 12. Support and Advice

- 12.1. If the member of staff is unsure and wishes to seek support, they may wish to speak to their trade union. In addition, information and advice for employees/workers is also available from the Charity Protect at: <https://protect-advice.org.uk> who can be contacted by telephone on (020 3117 2520) or via their online email service.

## 13. Report to Governing Board

- 13.1. The Headteacher will report to governors a summary and the outcomes of whistleblowing investigations, anonymising the detail but confirming any actions and learning points for school and (where applicable) other agencies involved.

# Appendix 1: Differences between whistleblowing and grievances<sup>[PS4]</sup>

Issues which could have a wider impact on the public interest are likely to be considered as whistleblowing.

This may be alleged wrongful conduct by the employer, a fellow employee, a customer or a third party collaborating with the school.

Issues that are not related to public interest, however, may be dealt with through informal discussions or failing that, by raising a grievance. The examples below highlight the differences between whistleblowing issues and grievances.

Whistleblowing Issues	Grievance Issues
An employee discloses they have been asked to conduct tasks with pupils that they believe are discriminatory and against the law, therefore the school may be committing a criminal offence	An employee wants to complain about the kind of work they have been asked to do. They do not believe it forms part of their role

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<p>A disclosure is made stating that the school has been asking employees to take short cuts to get tasks finished quicker, which endangers pupil safety</p>	<p>An employee complains that they have not received correct/enough health and safety training.</p>
<p>An employee discloses they believe the school disposes of its waste in an inappropriate way which breaches environmental health laws</p>	<p>An employee feels concerned about the amount of paper colleagues in school use and complains about it to their manager</p>

## Appendix 2: Raising A Concern Form

PRIVATE AND CONFIDENTIAL

RAISING A CONCERN

<p><b>Section 1: To be completed by the person initially raising the concern and/or the manager to whom the concern was raised.</b> (where anonymity is required, please leave section 1 blank)</p>	
<p>Name of person raising concern:</p>	
<p>Job title</p>	

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Contact address

Telephone

Email

Relationship with subject of allegations (for example manager, colleague, none, etc.)

### Section 2: Brief outline of nature of concern and dates.

(Please outline nature of concern providing details of suspected wrongdoing including name(s), job title(s), date(s), timescale(s), place and other relevant information).

**Please use additional sheets if necessary**

### Section 3: Declaration (leave signature blank if anonymous)

Signature:

(of person raising initial concern)

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Please print name:

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Date:

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### Section 4: To be completed by the manager to whom the concern was raised

Name

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Job title

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Telephone

Place of work

Email

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Relationship with subject of allegations (for example manager, colleague, none, etc.)

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Additional information obtained from the person raising the concern to help clarify the nature of the concern, if applicable.

Signature:

(of person to whom complaint is raised)

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## SHIREMOOR PRIMARY SCHOOL WHISTLEBLOWING POLICY

Please print name:

Date:

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[1] For example, staff should consider whether their concern is best dealt with under the school grievance procedure rather than this whistleblowing policy (see appendix 1)

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[PS1]**Stage 2 review:** added stronger language regarding victimisation under the policy

[PS2]**Stage 2 review:** added (or chair of governors) throughout for consistency.

[PS3]Stage 1 review - added further clarity as to the who should receive any whistleblowing concerns as per DfE guidance.

[PS4]Stage 1 review - added examples to differentiate between what might be a grievance and a genuine whistleblowing concern