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# WHISTLEBLOWING POLICY AND PROCEDURE FOR ALL CATEGORIES OF SCHOOL

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**Policy adopted by Leominster Primary School**

**Ratified by the Governing Body on 14<sup>th</sup> July 2017**

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## **1. POLICY**

Whistleblowing is the term used when a worker passes on information concerning wrongdoing, often termed “making a disclosure” or “blowing the whistle”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

The purpose of this policy is to set out the framework and principles for the management of concerns which fall outside of the scope of other existing policies. The policy and procedure highlights how whistleblowing or confidential reporting should be managed within schools.

It is important that any fraud, misconduct or wrongdoing is reported and properly dealt with. We therefore encourage all individuals to raise concerns that they may have about the conduct of other or the way in which the school is run. This policy and procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with. The types of concerns which are covered by this procedure are:

- A criminal offence, eg fraud
- Someone’s health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The company is breaking the law, eg doesn’t have the right insurance
- You believe someone is covering up wrongdoing

This policy and procedure is in addition to the complaints procedure and other statutory reporting procedures where applicable.

Where you have a concern which is more personal and relates only to yourself rather than wrongdoing of a more general nature this will be treated as a grievance and the Grievance Policy will apply.

## **2. SCOPE**

This policy should also be used to cover any Safeguarding Concerns in relation to poor or unsafe practice and potential failures in a school’s safeguarding regime.

This policy applies to all employees (including temporary employees, trainees and independent contractors) who work in a maintained school, but can also be applied to Voluntary Aided, Trust Schools and Academy Schools. All Community and Voluntary Controlled schools where the Local Authority is the legal employer must follow this policy and procedure. The governance arrangements for Voluntary Aided, Trust Schools and Academies are different in that the governing body is the legal employer as opposed to the Local Authority. Therefore, the procedure may be varied in accordance with the arrangements at the school.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

## **3. PROCEDURE**

### **3.1. HOW TO RAISE A CONCERN**

In the first instance unless an individual reasonably believes his/her line manager to be involved in the wrongdoing, or if for any reason the individual does not wish to approach his/her line manager, any concerns should be raised with the individual’s line manager. If he/she believes the line manager to be involved, or for any reason does not wish to approach their line manager, the individual should approach:

- Headteacher
- Chair of Governors or for LA schools the Assistant Director Law and Governance – Tel No. 01432 260200

Concerns may be made orally or in writing, the earlier the concern is raised the easier it is to take action. Advice and guidance may be sought from:

- Monitoring Officer; or
- A Trade Union; or
- Public Concern at Work – an independent charity <http://www.pcaw.org.uk/advice> Tel No. 020 7404 6609
- NSPCC - Safeguarding whistleblowing helpline for staff who feel unable to raise concerns regarding child protection failures internally [help@nspcc.org.uk](mailto:help@nspcc.org.uk) or by telephone 0800 0280285 (8am to 8pm Monday to Friday)

It is not the role of the individual to attempt to investigate any suspected wrongdoing and you are not expected to prove beyond doubt the truth of an allegation although you will need to demonstrate that there are reasonable grounds for your concern.

You may invite a Trade Union Representative or colleague to accompany you during any meetings or interviews in connection with the concerns you have raised.

### **3.2. HOW WE WILL RESPOND**

Within 10 working days of a concern being raised, the responsible person you have contacted will write to you to:

- Acknowledge that the concern has been received;
- Indicate how it is proposed that the matter will be dealt with;
- Give an estimate of anticipated timescales;
- Advise of any initial actions or enquiries thus far;
- Explain if further investigations will take place, including any possible interviewing of the whistle blowers as a witness, and if not, why not;
- Reassure of support and safeguards in place to protect you;
- Supply you with information on staff support mechanisms.

It may be possible to resolve some of the concerns without the need for investigation.

Concerns and allegations which fall within the scope of specific procedures (eg child protection or discrimination issues) will normally be referred for consideration under those procedures.

If an investigation is required, it may be investigated through the following channels, as appropriate:

- By management, internal audit or through the disciplinary process;
- Be referred to the police;
- Be referred to the external auditor;
- For the subject or an independent inquiry
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If urgent action is required this will be taken before any investigation is conducted.

The responsible person will inform the Monitoring Officer (for LA schools) that the complaint has been received.

### **3.3. DETERMINE OUTCOME**

The outcome of any investigation will be unique to each case and subject to determination by the requirements of any specific procedure followed. Outcomes may include, but are not limited to:

- Review of policy and practice;
- Formal disciplinary action;

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

If it is found that the concern was unfounded and/or raised with malicious or mischievous intent, then formal action will be taken against the person raising that concern.

### **3.4. NOTIFY THE INDIVIDUAL RAISING THE CONCERN**

Once the outcome has been determined, the responsible person will write to the individual who raised the allegation to let them know the outcome. Depending on the nature of the matter, there may be limitations to what may be disclosed. They will also advise the individual of any further action they could take if they are not satisfied with the outcome.

## **4. HOW THE MATTER CAN BE TAKEN FURTHER**

If the outcome is not considered satisfactory, the matter may be raised with the appropriate/relevant statutory or regulatory bodies, including:

- The Ombudsman
- The District Auditor
- Your Trade Union
- The Relevant professional bodies or regulatory organisations
- A Relevant Voluntary Organisation
- The Police

## **5. THE RESPONSIBLE OFFICER**

The Assistant Director Law and Governance (for LA schools) has overall responsibility for the maintenance and operation of this policy. The officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Local Authority.

## **6. NOTES**

All concerns will be treated in confidence and every effort will be made not to reveal their identity if an individual wishes and unless required by law. At the appropriate time, however, the individual may need to come forward as a witness. This should be discussed with the individual early on to establish if this is possible, but should not be regarded as a barrier to investigating the matter.

Concerns expressed anonymously will be considered but action taken to look at the disclosure may be limited and may not be regarded as “protected” under the Public Interest Disclosure Act 1998. Those seeking to raise concerns anonymously will not normally be able to receive feedback.

All reasonable steps will be taken to ensure that no employees will be victimised or suffer any detriment for raising a matter under this procedure. This means that continued employment and opportunities for future promotion or training will not be prejudiced because he/she has raised a legitimate concern.

In exceptional circumstances, and in order to protect someone who has raised a qualifying disclosure, or to facilitate thorough investigation, a whistle blower may be redeployed. This may be on a permanent or a temporary basis and will always be subject to mutual agreement with clear terms, under which there is no detriment to the individual.

Harassment or victimisation of an individual for raising a qualifying disclosure will be a disciplinary offence. Colleagues who victimise whistle blowers can be made personally liable for their own conduct, and the local authority (for LA schools) could be held vicariously liable if it has not taken all reasonable steps to prevent victimisation.

If misconduct is discovered as a result of any investigation under this procedure the school's disciplinary procedure will be used, in addition to any appropriate external measures.

No action will be taken if an allegation is made but is not confirmed by the investigation.

Maliciously making a false allegation is a disciplinary offence.

Any instruction to cover up wrongdoing is itself a disciplinary offence. If told not to pursue a concern, even by a person in authority, individuals should not agree to remain silent and should contact the Headteacher, Chair of Governors or the Monitoring Officer.

## Version log

Version	Status	Date	Description of change	Reason for change	Pages affected
0.01	DRAFT	1 September 16	New policy		