

Whistle Blowing Policy

Date	Review Date	Endorsed by	Approved by	Link Governor
Dec 2016	Dec 2017	Resources Committee	Governing Body	Steven Lock

We at The Devonshire Hill Nursery and Primary School believe whistle blowing is the reporting of suspected wrongdoing in the workplace which is regarded as making a disclosure in the public interest. We actively encourage all school personnel and visitors to school to report any serious concerns they may have about any aspect of the school such as:

- Health and safety concerns;
- Damage to the school environment;
- A criminal offence that has taken place or is about to take place;
- Disobeying the law;
- The covering up of a wrong doing;
- The conduct of its personnel or others acting on behalf of the school.

We believe school personnel, supply staff, and students on work experience and volunteers are protected by law if they make a disclosure on any of the above, that is if they think what they are reporting is true, that they think they are telling the right person and if they believe their disclosure is in the public interest. If the law is broken when a disclosure is made

We understand that those wishing to make a disclosure may do so to the Headteacher, to a member of the local authority, to a prescribed person such as Her Majesty's Chief Inspector of Education, to a legal adviser or to a Member of Parliament.

We believe that where the concern relates to an individual's own employment the school's Grievance Policy must be used. However, if the concern relates to something which is against the school's policies, falls below standards of practice or amounts to improper conduct then the procedures in this policy must be used.

We are committed to the highest possible standards of openness, integrity and accountability.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of any 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. This Policy reflects the School's current practices and applies to all individuals working at all levels of the School, including the Headteacher, members of the Senior Leadership Team, teachers, support staff, consultants, contractors, trainees, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

Aims

- To encourage all school personnel to report any serious concerns about any aspect of the school or the conduct of its personnel or others acting on behalf of the school;

- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear or reprisals, even if they turn out to be mistaken;
- To work with other schools and the Local Authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

The Governing Body:

- Has delegated powers and responsibilities to the Headteacher to ensure all school personnel and school volunteers are aware of and comply with this policy;
- Will provide support for a member of staff who has raised a concern;
- Will provide support for a member of staff against whom allegations have been made;
- Must keep both parties informed of all progress during any investigation;
- Will take no action against a member of staff if, after investigation, their concern has not been confirmed;
- Will take disciplinary action if a concern is raised frivolously, maliciously or for personal gain;
- Has responsibility for ensuring that the school complies with all equalities legislation;
- Has nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- Has responsibility for ensuring funding is in place to support this policy;
- Has responsibility for ensuring this policy and all policies are maintained and updated regularly;
- Has responsibility for ensuring all policies are made available to parents;
- Has nominated a link governor to visit the school regularly, to liaise with the Headteacher and to report back to the Governing Body;
- Has responsibility for the effective implementation, monitoring and evaluation of this policy

The Headteacher will:

- Ensure all school personnel and volunteers are aware of and comply with this policy;
- Encourage all school personnel to raise any concerns they have regarding actual or potential breaches of duty or a failure by the school;
- Provide support for a member of staff who has raised a concern;
- Provide support for a member of staff against whom allegations have been made;
- Keep both parties informed of all progress during any investigation;
- Work closely with the link governor;
- Provide leadership and vision in respect of equality;
- Provide guidance, support and training to all staff;
- Monitor the effectiveness of this policy;
- Annually report to the Governing Body on the success and development of this policy.

The Link Governor will:

- Work closely with the Headteacher;
- Ensure this policy and other linked policies are up to date;
- Ensure that everyone connected with the school is aware of this policy;
- Report to the Governing Body every term;
- Annually report to the Governing Body on the success and development of this policy

School personnel have a duty to speak out against and report any:

- Criminal offence that has been committed, is being committed or is about to be committed;
- Person who has failed, is failing or is about to fail compliance with any legal obligation that they are subject to;
- Miscarriage of justice that has occurred, is occurring or is likely to occur;

- Health and safety issue that has endangered, is endangering or is likely to endanger any person;
- Damage to the school environment that has been committed, is being committed or is about to be committed

School personnel, who speak out against and report any of the above, will receive support from the Governing Body. The Governing Body will give support to any member of the school personnel against whom allegations have been made.

School personnel have a duty to the school not to disclose confidential information. However, in accordance with the provisions of the Public Interest Disclosure Act 1998 this does not prevent an employee from seeking independent advice nor discussing their concern with the charity Public Concern at Work.

What is Whistle Blowing?

Whistleblowing is the disclosure of information, which relates to suspected wrongdoing or dangers at work.

This may include:

- Criminal activity;
- Child protection and/or safeguarding concerns;
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Financial fraud or mismanagement;
- Negligence;
- Breach of our internal policies and procedures including our Code of Conduct;
- Conduct likely to damage the School's reputation;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above matters.

A whistle-blower is a person who raises a genuine concern that he/she believes is in the public interest relating to any of the above. If you have, any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistle blowing concern) you should report it under this policy.

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Schools Grievance Policy and Procedure.

If Staff are uncertain whether something is within the scope of this policy, you should seek advice from a member of Senior Leadership Team.

Raising a Concern

The School hopes that in many cases Staff will be able to raise any concerns with either their Line Manager or a member Senior Leadership Team speaking to them in person or putting the matter in writing if preferred. They may be able to agree a way of resolving your concern quickly and effectively.

However, where the matter is more serious, you prefer not to raise it with your Line Manager /Senior leadership Team for any reason, you should contact the Link Governor with responsibility for Whistleblowing matters.

What school staff should do if they have concerns about another staff member:

If staff members have concerns about another staff member, then this should be referred to the headteacher. Where there are concerns about the headteacher, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school as appropriate. In the event of allegations of abuse being made against the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations should be reported directly to the designated officer(s) at the local authority. Staff may consider discussing any concerns with the school's designated safeguarding lead and make any referral via them. Full details can be found in Part four of the 'Keeping Children Safe in Education' Department for Education guidance (September 2016).

What school staff should do if they have concerns about safeguarding practices within the school:

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.

Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, should be in place for such concerns to be raised with the school's senior leadership team.

Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance can be found at- Advice on whistleblowing
- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

When there are concerns about a child:

When there are concerns about a child, you should follow the flow chart (**Appendix A**).

When a concern has been raised, the following procedure will be followed:

Stage 1

- All concerns should be made in person or in writing;
- The person raising the concern may wish to receive help from the local authority or from their trade union representative;
- At any future meeting the employee may be accompanied by a colleague or their trade union representative.

Stage 2

- Within 10 working days the person with whom the concern has been registered acknowledges receipt in writing;
- The letter will state the following:
 - How the concern will be dealt with;
 - How long it will take to provide a final response;
 - Information on employee support services.

Stage 3

Once a member of Staff has raised a concern, the School will carry out an initial assessment to determine the scope of any investigation. The School will inform you of the outcome of its assessment.

The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In some cases, the School may appoint an investigator or team of investigators including Staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

The School will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the School concludes that a whistle-blower has made false allegations maliciously or with a view to personal gain, the whistle-blower will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the School will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

After initial enquiries have been conducted, a decision will be made if an investigation should take place.

The investigation will be either:

- An internal investigation;
- A referral to the police;
- A referral to the Council Auditor;
- An external independent enquiry.

Stage 4

- The employee will be informed in writing of the outcome of the investigation by the Governing Body;
- The employee has the right to take their concern to an independent body if they feel it has not been addressed adequately.

Protection and Support for Whistle-Blowers

It is understandable that whistle-blowers are sometimes worried about possible repercussions. The School aims to encourage openness and will support Staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment because of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against whistle-blowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

Confidentiality

The School hope that Staff will feel able to voice whistle blowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret as far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know your identity, the School will discuss this with the member of staff first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistle-blowers who are concerned about possible reprisals if their identity is revealed, should come forward and appropriate measures can then be taken to preserve confidentiality.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline.

Their contact details are:

Public Concern at Work:

Helpline: (020) 7404 6609

E-mail: whistle@pcaw.co.uk

www.pcaw.co.uk

Raising Awareness of this Policy

We will raise awareness of this policy via:

- The school website;
- The Staff Handbook;
- Reports such as the Headteacher reports to the Governing Body.

Training

All school personnel:

- Have equal chances of training, career development and promotion;
- Receive training on this policy on induction which specifically covers:
 - The school's whistle blowing procedures;
 - Confidentiality;
 - Safeguarding and Child Protection;
 - Keeping Children Safe in Education (DfE – Sept 2016)
- Receive periodic training so that they are kept up to date with new information;
- Receive equal opportunities training on induction.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the link governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

This policy was reviewed and endorsed by the Full Governing Body of The Devonshire Hill Nursery and Primary School on Tuesday 20th December 2016.