

Bhaktivedanta Manor Primary School



WHISTLEBLOWING POLICY

| Version | Date | Author/Role | Ratified by | Review Date |
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| 1 | Jan 2019 | Ms Shelpa Patel: Interim Headteacher | Full GB | Jan 2020 |
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1. Introduction

1.1 Whistleblowing has been defined as:

'Whistleblowing' is defined as 'raising concerns about misconduct within an organisation or within an independent structure associated with it' (Nolan Committee on Standards in Public Life).

In the legislation it is called a protected disclosure. The Public Interest Disclosure Act 1998 (PIDA 1988) protects employees from suffering a detriment in their employment or being dismissed by their employer if they make disclosures in accordance with the legislation.

The School is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the School's policies and procedures. 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. Employees have a responsibility to ensure that they, their colleagues and others working in the school follow safe working practices so that pupils are kept safe at all times. Employees must also understand that they have a duty to report unsafe practices that could lead to a child being harmed or put at risk of harm. Failure to report such practices may lead to disciplinary action being taken against them if as a result of the failure to report, a child is harmed or put at risk of harm. This policy sets out the circumstances under which these disclosures may lawfully be made

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, Disciplinary Procedures for staff or the complaints procedure.

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 the 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

- 1.2 The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the school to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis but it is important that all disclosures must be made in the public interest.
- 1.3 This policy document makes it clear that an employee can do so without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns **within** the School rather than overlooking a problem or “blowing the whistle” outside.
- 1.4 Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 (“PIDA”)**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.
- 1.5 This policy applies to all school staff including full and part time, casual, temporary, agency staff, individuals undertaking work experience in the school, volunteers and all contractors working for the school on school premises , for example drivers and builders .
- 1.6 It is also in line with the Enterprise Regulatory Reform Act (2013)
- 1.7 These procedures are in addition to the School’s Complaints Procedures.

2. Aims and Scope of Policy

- 2.1 This policy aims to:
 - give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that they are encouraged to act on those concerns
 - provide members of staff with avenues to raise concerns
 - ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken

- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.
- 2.2 There are existing procedures in place to enable members of staff to lodge a grievance relating to their own employment. This policy does not enable them to raise a concern about a breach of their own contract of employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.
- 2.3 This policy covers whistleblowing relating to alleged:
- sexual, physical or emotional abuse of members of staff or pupils
 - health and safety issues including risks to the public as well as risks to pupils and members of staff
 - action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
 - unlawful conduct
 - miscarriages of justice in the conduct of statutory or other processes
 - failure to comply with a statutory or legal obligation
 - potential maladministration, misconduct or malpractice
 - action that has caused or is likely to cause danger to the environment
 - abuse of authority
 - unauthorised use of public or other funds
 - fraud or corruption
 - breaches of financial regulations or policies
 - mistreatment of any person
 - unfair discrimination or favouritism
 - racist incidents or acts, or racial harassment and
 - breach of the school's internal policies and procedures including its Code of Conduct;
 - conduct likely to damage the School's reputation;
 - unauthorised disclosure of confidential information;
 - Inappropriate use of social media and other technologies
 - any attempt to prevent disclosure of any of the issues listed.

A 'whistleblower' is a person who raises a genuine concern in good faith 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 whistleblowing concern) you should report it under this policy

- 2.4 The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistle blow.

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.

3. Safeguard Against Reprisal, Harassment and Victimisation

3.1 The governing body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the Governing Body's staff disciplinary procedures.

The Governing Body:

3.1.2 Is committed to good practice and high standards and wants to be supportive of employees.

3.1.3 Recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, 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.

3.1.4 Recognises that support will need to be provided to the employee, at the time the allegation is raised, during the investigation itself and following the outcome of the investigation. The nature and type of support offered will need to be discussed and agreed with the individual employee.

3.1.5 Will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern.

3.1.6 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. Confidentiality

- 4.1 The Governing Body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.
- 4.2 However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistle blower is likely to be called in to give evidence in court.

5. Anonymous Allegations

- 5.1 Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the governing body will take the following factors into account:
- the seriousness of the issue raised
 - the credibility of the concern
 - the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

6. Untrue and Malicious/Vexatious Allegations

- 6.1 If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the governing body will consider taking disciplinary action against the member of staff. In the most serious of cases. This may include dismissal.

7. Allegations Concerning Child Protection Issues

- 7.1 If an employee raises a concern relating to a child protection issue, the Head Teacher (or Chair of Governors if the concern is about the Head Teacher) or the School's Designated Safeguarding Officer must deal with the matter in accordance with the School's Safeguarding Procedure.
- 7.2 If after raising concerns related to child protection issues a member of staff still has concerns, and the issue has not been referred to Social

Services by the school, the member of staff can make a direct referral to the Social Services or the NSPCC

8. Procedure for Making a Whistleblowing Allegation

The School hopes that in many cases Staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. **In some cases they may refer the matter to the Governing Body.**

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should follow the procedure below,

- 8.1 Concerns should be expressed to the Head Teacher. If the concerns involve the Head Teacher then the Chair of Governors should be the first point of contact.
- 8.2 If the member of staff feel they cannot express their concerns within the school, it is open to them to raise their concerns with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further'.
- 8.3 Where the concern relates to a child protection matter the School's Safeguarding Procedure must be followed. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.
- 8.4 **If the concern relates to a Governor 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. 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 decide in consultation with the Governor with responsibility for Whistleblowing matters how it should be dealt with. In normal circumstances such a concern would be referred to the Department for Education for action.**
- 8.5 The member of staff should put their concern in writing for the avoidance of doubt. They should set out the background and history of the concern;

- giving names, dates and places where possible, and explaining the reason for their concerns. If they feel unable to put the matter in writing they can still raise their concern verbally and should telephone or arrange to meet the appropriate person. They can also ask their trade union or professional association to raise the matter on their behalf or to support them in raising the concern.
- 8.6 If an employee or volunteer feels the matter cannot be discussed with the school leader, he or she should contact the Governing Body of the school or Ofsted's "whistleblowing hotline" is 0300 123 3155 (Monday to Friday 8am-6pm) or can be emailed at: whistleblowing@ofsted.gov.uk Employees can also seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work (Independent whistle blowing charity)

Helpline: 08000 724 725

E-mail: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

9. Response to Whistleblowing

- 9.1 The matter raised may:
- need consultation with the local authority's designated social services manager for child protection/ safeguarding if there is a concern relating to child protection.
 - need to be passed to the Police if it relates to alleged criminal activity
 - need to be passed to Bhaktivedanta Manor Trustees if there are concerns about financial management or financial propriety in schools.
 - need inquiry internally in the school
- 9.2 At this stage concerns/allegations are neither accepted nor rejected.

10. Timescale for Response

- 10.1 The member of staff will normally receive a written response within 5 school days (except in the case of anonymous allegations):
- acknowledging that the concern has been received
 - indicating how it is proposed to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - advising whether any enquiries have been made
 - advising whether further enquiries will take place
 - informing them of support available whilst matters are looked into and

- following the outcome of the investigation
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that they can remain anonymous.

11. The Inquiry Process

- 11.1 The person receiving the allegation will be the Head Teacher unless the concern involves the Head Teacher in which case the Chair of Governors will be the first point of contact. Where there is a concern about a child protection matter the School's Designated Safeguarding officer may also be the first point of contact. There will be a duty on the first point of contact to deal promptly with the matter, to become the contact point for the employee raising the concern and write to the employee within 5 school days to advise them how their concern will be addressed. (see 10.1 above) If required the first point of contact can obtain advice, on procedure from Human Resources or the Head of Safeguarding and Support.
- 11.2 If an investigating officer needs to talk to the member of staff, they are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.
- 11.3 The first point of contact will seek to keep the employee informed of progress with their concern in a timely manner. However the timescales to be followed will vary depending on the nature of the issue raised and the procedure that is being followed to address the matter

12. The Report

- 12.1 A report will be produced following an investigation into the concern in accordance with the appropriate process The matter and action to be taken, if any, will be determined by the person (s) who are identified in the procedure as having the delegated authority to deal with the matter.
- 12.2 The School accepts that the employee needs to be assured that the matter has been properly addressed. Thus, the member of staff will be informed when an investigation .has been concluded.
- 12.3 Note: The Head Teacher or Chair of Governors may, at any point, seek advice on the whistleblowing process **from the Local Authority**
- 12.4 The Head Teacher must report, in a general way, all whistleblowing cases on a termly basis to the Governing Body .

- 12.5 All information relating to the disclosure of information will be securely held. Accurate information relating to any subsequent investigation will be retained securely and where allegations have been proven to be unfounded this will be clearly recorded

13. TAKING THE MATTER FURTHER / EXTERNAL DISCLOSURE

- 13.1 If an employee or volunteer feels the matter cannot be discussed with the school leader, he or she should contact the Governing Body of the school or Ofsted's "whistleblowing hotline" is 0300 123 3155 (Monday to Friday 8am-6pm) or can be emailed at: whistleblowing@ofsted.gov.uk

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body. It will very rarely, if ever, be appropriate to alert the media. You should seek advice before reporting a concern to anyone external. Public Concern at Work operate a confidential helpline. Your trade union may also be able to advise you in these matters

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| Public Concern at Work (Independent whistleblowing charity) | Helpline: (020) 7404 6609 Email: whistle@pcaw.co.uk Website: www.pcaw.co.uk |
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The NSPCC whistleblowing helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. 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

Monitoring and Review

The Headteacher in conjunction with the Governors will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed every year unless new information and guidance arise.

APPENDIX A

Letter confirming receipt of a protected disclosure (whistleblowing)-School based staff

Template letter to respond to an employee who has made a protected disclosure.

Letter wording

[name]
[address]
[town]
[postcode]
[Date]

[Employee's name]
[Employee's address]
[Employee's town]
[Employee's postcode]

Dear [name]

I confirm that on [date] I received your [form/letter/email] dated [date] raising concerns about [state issues].

In accordance with the School's whistleblowing policy, the first step is for you to provide me with more details of your concerns. Please find enclosed a form to set out your concerns. You should use this form to provide dates, times, locations and the identities of those involved in the wrongdoing, and details of any witnesses who can corroborate the allegations. Once your concerns have been sufficiently clarified, I (if Head teacher is implicated in the wrongdoing, the Chair of Governors) will provide you with a written response as to how the matter will be investigated.

OR

In accordance with the School's whistleblowing policy, the first step is for you to provide me as Chair of Governors with more details of your concerns. Normally, the Head Teacher would investigate your concerns. However, as you have implicated him/her in the wrongdoing, I will be your initial point of contact and will provide you with a written response as to how the matter will be investigated. Please find enclosed a form to set out your concerns. You should use this form to

provide dates, times, locations and the identities of those involved in the wrongdoing, and details of any witnesses who can corroborate the allegations. Once your concerns have been sufficiently clarified, I will provide you with a written response as to how the matter will be investigated.

Please be assured that the fact that you are the source of the disclosure will be kept confidential as far as possible. However, it is possible that individuals you work with may find out. If you are subjected to any detriment, or are bullied or harassed, for making a disclosure, you should inform me immediately .and an investigation into the matter will follow to deal with perpetrators.

If you have any queries or concerns in the meantime, please do not hesitate to contact me on (telephone number)

Yours sincerely

Head Teacher

Or

Chair of Governors (if Head Teacher is implicated)

WHISTLE BLOWING DISCLOSURE FORM –SCHOOL BASED STAFF

When to use this model whistleblowing form

For the employee to make a formal disclosure.

Form wording

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| Making a public interest disclosure (whistleblowing) | |
| <p>This form is intended for use by any individual working in a school (including contractors, agency workers and volunteers) who wish to raise an issue about wrongdoing.</p> <p>This form should be used to report wrongdoing within the School (for example, misconduct of a child protection nature, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).</p> <p>If you are unsure about whether your concerns are best dealt with under the School's whistle blowing policy or grievance procedure, please read the School's' whistleblowing policy, which provides an example of the issues that should be reported using this form. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult your Head Teacher for further advice. If you are implicating your Head teacher then you should contact your Chair of Governors .</p> <p>Once you have submitted this form, the School's whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone you may have implicated below.</p> <p>In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the School will respect a request for anonymity, but cannot guarantee that it will be able to do so.</p> <p>This form should be completed and delivered to (name of Head Teacher and address of school or to the Chair of Governors if you are implicating the Head teacher) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p> | |
| Formal public interest disclosure (whistleblowing) | |
| Employee's name: | |
| Employee's job title: | |

| | |
|--|--------|
| Date: | |
| Does your public interest disclosure relate to your Head Teacher? | Yes/No |
| Summary of disclosure: | |
| Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required. | |
| Individuals involved: | |
| Please provide the names and contact details of any people involved in your concerns, including witnesses. | |
| Outcome requested: | |
| Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue. | |
| Declaration: | |
| I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me. | |
| Form completed by: | |
| Name(please print) | |
| Signature: | |
| For completion by the Head Teacher or Chair of Governors if Head Teacher is implicated) | |
| Date form received by the Head Teacher Or Chair of Governors if Head Teacher is implicated : | |
| Name of recipient and job role: | |
| Signature: | |