

Stillness Infant School



Whistleblowing Policy

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STILLNESS INFANT SCHOOL

WHISTLEBLOWING POLICY

1 Introduction

- 1.1 Stillness Infant School (the School) and Local Authority (LA) operate within legal requirements and regulations and expect all employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of another employee acting inappropriately is obliged and encouraged to report this activity.
- 1.2 The School and LA are committed to the values of accountability, but the determined perpetrator may find a way round systems and procedures. It is therefore necessary for all managers and staff to be aware of what is required in the event of suspicions. This document sets out the procedure for employees who wish to notify any suspicions and how the School should respond.

2 Purpose

- To encourage employees to feel confident in raising serious concerns, to question and act upon their concerns about practice.
- To provide them with a method of raising concerns and receive feedback on how this is being followed up.
- To ensure employees receive a response to their concerns and they are aware of how to pursue them if they are not satisfied.
- To reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith.

3 Definitions

- 3.1 Throughout this policy, the term *whistleblower* denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the Second Report of the Committee on Standards in Public Life: Local Spending Bodies published in May 1996.

4 Scope

- 4.1 This policy applies to all employees and applies equally to those designated as casual, temporary, agency authorised volunteers or work experience, governors, and those contractors working for the school on school premises, for example agency staff, builders, drivers.
- 4.2 It also covers suppliers and those providing services under a contract with the School in their own premises.
- 4.3 The Whistle Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
 - financial malpractice or fraud
 - inappropriate use of school assets or funds

- decision-making for personal gain
- any criminal activity
- disclosures related to miscarriages of justice
- failure to comply with a legal obligation
- abuse of position
- academic malpractice
- improper conduct or unethical behaviour
- dangerous procedures or practice risking Health and Safety, including risks to the public as well as other employees
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- other unethical conduct
- attempts to conceal any of the above.

5 Maintaining Good Practice

- 5.1 The School and LA are committed to the highest standards of openness, honesty and accountability. In line with that commitment, we encourage employees, and others that we deal with, who have serious concerns about any aspect of the School's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 5.2 Expected standards of conduct and practice derive from a variety of sources including:
- Job descriptions
 - Policies, Procedures and Guidelines
 - Professional standards
 - Legal requirements and guidelines
 - Inspection standards and reports
 - Codes of Conduct
- 5.3 The above list is not exhaustive, but indicates the framework within which the School operates. Employees should ensure that they are aware of the standards expected of them. If they are in any doubt they should discuss this with the Head Teacher.
- 5.4 The system for maintaining good standards is founded on proper induction, supervision and appraisal, team meetings and briefing sessions, training and development and, where necessary, the positive use of the Capability and Disciplinary Procedures
- 5.5 The School recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those who are providing a service.
- 5.6 The School will not tolerate any form of harassment or victimisation and will take appropriate action to protect employees when they raise a concern in good faith.
- 5.7 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect them.

6 How to Raise a Concern

- 6.1 When an employee considers that they have encountered a possible case of malpractice they will need to identify the issues carefully. An employee must be clear about the standards against which they are judging practice:
- Is it illegal?
 - Does it contravene professional codes of practice?
 - Is it against government guidelines?
 - Is it against LA guidelines?
 - Is it about one individual's behaviour or is it about general working practices?
 - Does it contradict what the employee has been taught?
 - Has the employee witnessed the incident?
 - Did anyone else witness the incident at the same time?
- 6.2 With whom an employee should raise concerns, depends upon on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. Once an employee is certain that malpractice exists the following action should be considered:
- Concerns may be raised verbally or in writing. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed, the easier it is to take action.
 - If the employee wishes he or she may ask for a private confidential meeting with the person to whom he or she wishes to make the complaint.
 - An employee may take another person with them as a witness or for support.
 - The employee should take to the meeting – if possible - dated and signed written supporting statements from anyone who can confirm the allegations.
 - When making the complaint verbally, the employee should write down any relevant information and date it. Keep copies of all correspondence and relevant information.
 - The employee should ask the person to whom he or she is making the complaint what the next steps will be and if anything more is expected of them.
 - Ask to be informed of the outcome of the investigation into the complaint.
- 6.3 Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.
- 6.4 An employee may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two people who have had the same experience or concerns.
- 6.5 Employees may ask their trade union or professional association representative to advise them, or be present during any meetings or interviews in connection with the concerns they have raised.
- 6.6 Employees will not be victimised, disciplined or disadvantaged in any way for raising genuine concerns. All employees have legal protection under the Public Interest Disclosure Act 1998. This Act protects employees from victimisation by their employer as a result of raising genuine

concerns, both inside and outside their organisation. However, this does not apply where allegations are found to be malicious or deliberately false. Such behaviour will be dealt with under the Disciplinary Procedure.

- 6.7 The School has designated a number of individuals to specifically deal with such matters and the whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter.

| Position | Name | Contact Details |
|-----------------------------------|------------------|--|
| Head Teacher | Mrs A Grimes | 020 8690 1208 Address all correspondence to the school |
| Chair of Governors | Mr David Snowdon | XXXXXXXXXX Address all correspondence to the school |
| Head of LA Audit & Risk | David Austin | 020 8314 9114 5 th Floor, Laurence House |
| LA Special Investigations Officer | | 020 8314 7909 2 nd Floor, Town Hall Chambers SE6 4RU |

- 6.8 The whistleblower may prefer to raise the matter in person, by telephone or in writing marked private and confidential and addressed to one of the above named individuals. All matters will be treated in strict confidence and anonymity will be respected wherever possible. Alternatively, if the whistleblower considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed in the first instance to the Local Authority's Head of Audit.
- 6.9 The LA has its own procedures for dealing with such matters and will ensure every effort is made to respect the confidentiality of the whistleblower. The LA will ensure relevant bodies are informed as appropriate.

7 Anonymous Allegations

- 7.1 This policy encourages employees to put their name to any allegation whenever possible.
- 7.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the School.
- 7.3 In exercising its discretion the factors to be taken into account would include:
- The seriousness of the issues raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources.

8 How the School will Respond

8.1 Where appropriate, the matters raised may:

- be investigated by management, the school governors, LA internal audit, or through the disciplinary procedure
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry.

8.2 Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take. The overriding principle the School will have in mind is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.5 Within ten working days of a concern being raised, the person hearing the concern will write to the employee, and:

- Acknowledge the concern has been received
- Indicate how the matter will be dealt with and who will be involved
- Where possible, give an estimate of how long it will take to provide a response
- Tell the employee whether any initial enquiries have been made
- Check whether he or she needs any personal support
- Tell the employee whether further investigations will take place and if not why not.

8.6 The amount of contact between the person(s) considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the School will seek further information from the employee, as part of the investigation process.

8.7 The School will take steps to minimise any difficulties which employees may experience as a result of raising any concerns. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the School will arrange for them to receive support.

8.8 The School accepts that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, the school/LA will inform them of the outcome of any investigation, and the action that is to be taken against those whose action caused the concern. Also, if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

9 Respecting Confidentiality

9.1 Wherever possible the School seeks to respect the confidentiality and anonymity of the whistleblower and will as far as possible protect him/her from reprisals. The School will not tolerate any attempt to victimise the whistleblower or attempts to prevent concerns being raised, and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

10 Raising Unfounded Malicious Concerns

10.1 Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

15 How Matters can be Taken Further

15.1 If the employee is not satisfied with the outcome, they may take the matter to the Chair of Governors if they have not already been involved. Within ten days the Chair of Governors will write to the employee to acknowledge the concern has been received and indicate the steps that will be taken. The Chair of Governors may choose to set up a small group of governors to investigate. The Chair of Governors will then inform the employee of the outcome on the same basis as above.

15.2 This policy is intended to provide employees with a way to raise concerns within the School. If they are not satisfied and they feel it is right to take the matter outside the School, the employee may also raise the matter with the LA's Chief Executive.

15.3 If the employee is dissatisfied with the response from the School and LA and subject to the concern being a matter covered by the Act he/she can raise the matter, as appropriate with one of the following:

- An individual's local councillor (if he or she lives within the Council's boundary)
- The external auditor
- The Audit Commission
- The individual's trade union
- The local citizens advice bureau
- Relevant professional bodies or regulatory organisations
- A voluntary organisation
- Your solicitor
- The police
- Your local union branch
- *Public Concern at Work*, is a voluntary organisation who offers confidential legal advice to employees of any organisation. The service is offered free and they can assist in helping individuals to decide if and how to take a concern forward. Contact details for the charity are as follows:

Public Concern at Work
Suite 306
16 Baldwins Gardens
London

EC1N 7RJ

Telephone number 020 7404 6609

www.pcaw.co.uk

- 15.4 If employees take their concerns outside of the School, this policy does not apply. They should take advice about their rights and responsibilities. Employees should also make sure that as far as possible the matter is raised without personal information relating to other employees being disclosed.
- 15.5 Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure, may be liable to disciplinary action.