Whistle-blowing policy

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1. Aims

This policy aims to:

- Encourage a culture where all individuals feel able to raise concerns about alleged wrongdoing and report them at the earliest opportunity, in the knowledge that concerns will be taken seriously and acted upon and that confidentiality will be respected wherever possible; however, anonymity shall not be an automatic right
- Let all staff in the school know how to raise concerns about potential wrongdoing in or by the school
- Set clear procedures for how the school will respond to such concerns, ensuring that staff know that concerns raised by whistle-blowers will be responded to properly and fairly
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue – see section 6 below)
- Ensure staff know that they are protected by law and that a non-disclosure agreement, confidentiality clause or 'gagging clause' in a settlement agreement or employment contract cannot stop them from making a protected disclosure in the public interest
- Ensure all staff understand their duty to raise concerns about safeguarding practices within the school, including concerns about the behaviour of adults working with children, in line with statutory safeguarding guidance

This policy does not form part of any employee's contract of employment and may be amended at any time.

This policy applies to all employees, volunteers, trainee teachers, officers and governors. Other workers, including consultants, contractors, casual workers, agency staff and those on work placements, are also encouraged to use it.

2. Legislation

Keeping Children Safe in Education (KCSIE) requires schools to have appropriate whistleblowing procedures in place and makes clear that staff should be able to raise concerns about poor or unsafe practice and potential failures in safeguarding.

This policy has been written in line with the Keeping Children Safe in Education (KCSIE), as well as government guidance on whistleblowing. We have also taken into account the Public Interest Disclosure Act 1998.

This policy applies to Meadow Farm Primary School as a maintained school within Derby City Council.

3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing or dangers at work that is "in the public interest". Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- Poor or unsafe safeguarding practice in the school or its schools, including potential failures in provision as well as the failure to act on concerns about a child or the behaviour of an adult
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures (such as a failure to follow internal rules or policies), including improper use of public funds
- Sexual harassment
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Risk or damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above. These genuine concerns relating to suspected wrongdoing or danger affecting any of the school activities should be reported under this policy.

Not all concerns about the school, count as whistle-blowing. For example, personal staff grievances, such as bullying or general harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

If a complaint involves personal circumstances alongside wider concerns regarding one of the areas set out above (e.g. pupil health and safety), the staff member must consult with the headteacher to decide the most appropriate reporting procedure.

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures. Advice can be sought from the headteacher.

Safeguarding concerns or allegations about the behaviour of staff that do not meet the harm threshold ('low-level concerns') should be reported in line with the school's low-level concerns policy. Where concerns indicate a pattern of behaviour or a culture of unsafe practice, they may be addressed under this whistle-blowing policy.

Protect, an independent whistle-blowing charity, has further guidance and a free and confidential advice line on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure.

4. Procedure for staff to raise a whistle-blowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or school procedures, put people in danger or was an attempt to cover any such activity up.

4.2 Who to report to

School-based staff should report their concern to the headteacher. If the concern is about the headteacher or it is believed they may be involved in the wrongdoing in some way, or where the matter is more serious or feel that the headteacher has not addressed their concern or prefer not to raise it with them for any reason, the staff member should report their concern to the chair of governors. Concerns regarding a governor should be reported to the Chair of Governors. Concerns regarding the Chair of Governors should be reported to the Vice Chair of Governors or Derby City Council Monitoring Officer.

Contacts:

Headteacher: Bethany Dickson

bdickson@meadowfarm.derby.sch.uk

Chair of governors: David Allan

Dallan@meadowfarm.derby.sch.uk

Derby City Council Monitoring Officer
Derby City Council, Corporation Street, Derby, DE1 2FS

Where staff do not feel able to raise concerns through school procedures, concerns may also be reported to Derby City Council's Monitoring Officer or Internal Audit Service.

4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include the names of those alleged to be committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

Staff are encouraged to give their name when reporting an allegation, to help the school take the investigation further. The school hopes that staff will feel able to voice whistle-blowing concerns openly under this policy. However, if the staff member wants to raise their concern confidentially, the school will make every effort to keep their identity secret. If it is necessary for anyone investigating their concern to know their identity, the school will discuss this with the staff member.

The school does not encourage staff to make disclosures anonymously, although will make every effort to investigate anonymous disclosures. The staff member should be aware that a proper investigation may be more difficult or impossible if further information cannot be obtained from the staff member. This will also make it more difficult to establish whether any allegations are credible.

Staff who are concerned about possible reprisals if their identity is revealed should consult with the headteacher or one of the contact points listed in section 4.2, and appropriate measures can be taken to protect confidentiality where possible. If the staff member is in any doubt, advice can be sought from Protect who offer a confidential helpline.

Where a concern relates to the immediate safety or welfare of a child, staff should follow the school's child protection policy and speak to the relevant designated safeguarding lead (DSL) without delay, in addition to using this whistle-blowing procedure.

Any member of staff who believes safeguarding concerns have not been acted upon appropriately has a duty to escalate concerns through whistleblowing procedures. Concerns may be referred directly to Children's Social Care, the Local Authority Designated Officer (LADO), Derby Safeguarding Children Partnership, Ofsted or the NSPCC Whistleblowing Helpline.

5. Responding to a whistle-blowing concern

5.1 Investigating the concern

When a concern is received by the headteacher – referred to from here as the 'recipient' – they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation
- Get as much detail as possible about the concern at this meeting and record the information. The staff member will be provided with a copy of the written summary of the concern after the meeting
- If it becomes apparent that the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy and/or procedure and inform the staff member accordingly
- Reiterate, at this meeting, that they are protected, by law, from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
    - The recipient should then arrange a further investigation into the matter, involving the governing body, if appropriate. In some cases, they may need to bring in an external, independent body to investigate whom have relevant experience of investigations or specialist knowledge of the subject matter. The investigator (or investigators) may make recommendations for change to enable the school to minimise the risk of future wrongdoing. In others, they may need to report the matter to the police
    - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps. The person who raised the concern may also be required to attend additional meetings in order to provide further information
- Within 5 working days – excluding periods of school closure – of a concern being referred to the governing body, they will write to the complainant to:
    - Acknowledge that the concern has been received
    - Indicate how the matter is to be dealt with
    - Give an estimate of how long it will take to provide a final response, informing the complainant as to whether any initial enquiries have been made
    - Tell the staff member whether further investigations will take place and if not, why not where able. Sometimes, there may be a need for confidentiality that may prevent the school giving the staff member specific details of the investigation, an outcome or any disciplinary action taken as a result. In any event, any information about the investigation must be treated as confidential

Throughout any investigation, the school will provide wellbeing check-ins for both the complainant and the subject(s) of a concern. Where appropriate, support and signposting to manage expectations, protect emotional wellbeing and maintain professional confidence will be offered.

Where a concern relates to safeguarding, the relevant DSL will be informed and involved in decision-making where suitable, and appropriate referrals to external agencies (such as children's social care or the police) will be considered.

5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority (LA) or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

While we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

If a staff member is not satisfied with the way in which their concern has been handled, they can raise their concerns with one of the contact points listed in section 4.2.

6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made with the reasonable belief that the disclosure is in the public interest and meets the definition of whistle-blowing as listed in section 3, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Escalating concerns beyond the school

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the staff member should not find it necessary to alert anyone externally. As such, the school encourages staff to raise their concerns internally, in line with section 4 of this policy, but the school and the law recognise that in some circumstances staff may feel the need to report concerns to an external body such as a regulator. A list of prescribed bodies to whom staff can raise concerns with is included here.

It will very rarely, if ever, be appropriate to alert the media. It is strongly advised that staff seek advice before reporting a concern to an external body. The Protect advice line, linked to in section 3 of this policy, can help staff when deciding whether to raise the concern to an external party. They operate a confidential helpline and they also have a list of prescribed regulators for reporting certain types of concern.

Whistle-blowing concerns usually relate to the conduct of school staff but they may sometimes relate to the action of a third party. In some circumstances the law will protect the staff member raising the concern if they raise the matter with the third party directly. However, the school encourages staff members to report such concerns internally first, in line with this policy.

Where concerns relate to safeguarding practice in the school, staff may also consider contacting the Local Authority Designated Officer (LADO), Children's Social Care directly, or the NSPCC Whistleblowing Advice Line on 0800 028 0285 or via email help@nspcc.org.uk.

8. 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.

Whistle-blowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a staff member believes that they have suffered any such treatment, they should inform the headteacher immediately. If the matter is not remedied, they should raise it formally using the school grievance policy and procedure.

The staff member must not threaten or retaliate against whistle-blowers in any way. If the staff member is involved in such conduct, they may be subject to disciplinary action.

The Headteacher (or Chair of Governors where appropriate) will maintain a confidential record of whistleblowing concerns, investigations, actions taken and outcomes. Records will be retained in accordance with the school's records retention schedule.

9. Approval

This policy will be reviewed every three years.

These procedures have been agreed by the Governing Board and will be reviewed every three years or sooner if legislation or local authority guidance changes.

10. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Child protection policy
- Allegations against staff (including low-level concerns) policy
- Disciplinary policy