

Duty to Act (Whistleblowing) Policy and Procedure

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Duty to Act (Whistleblowing) Policy and Procedure

1 Policy Statement

- 1.1 Overton CE Primary School has a commitment to the highest standards of quality, honesty, openness and accountability. Staff have an important role in helping to achieve these standards by voicing concerns when someone in the organisation appears to be doing something illegal or improper. This policy covers the reporting of any genuine concerns about suspected misconduct within the organisation. This policy applies to all permanent and short term staff, and is also extended to agency staff, external consultants, contractors and their staff whilst they are working on School business.
- 1.2 This policy exists exclusively for circumstances of concern about a risk, malpractice or wrongdoing that may affect others or the School as an organisation. Personal complaints or grievances which affect an individual are covered by the school's Feedback Policy or Grievance Procedures. The Duty to Act (Whistleblowing) Policy and Procedure should not be used for personal complaints or grievances.
- 1.3 This policy conforms to guidance on the Public Interest Disclosure Act (PIDA), which encourages staff to raise concerns internally within their employing organisation in the first instance. The PIDA protects employees and encourages disclosures in the public interest.
- 1.4 It is impossible to give an exhaustive list of the activities covered by this policy but, broadly speaking, it is expected that the following would be reported:
- a) Criminal offences;
 - b) Failure to comply with legal or regulatory obligations, including the duty to act (eg in connection with reporting extremism and PREVENT);
 - c) Fraud and/or bribery;
 - d) Actions which endanger the health or safety of staff, or safeguarding of learners or the public;
 - e) Actions which cause damage to the environment;
 - f) Actions which are intended to conceal any of the above.
- 1.5 This policy is designed to ensure that anyone who raises a concern will not suffer any form of retribution, victimisation or harassment from anyone in the workplace as a result. Providing the concern is raised in good faith, it does not matter if it later proves to be false. Concerns may be raised in confidence under this policy and the individual's identity will not be disclosed without their consent. Concerns raised anonymously are discouraged as this makes investigation difficult.
- 1.6 It is hoped that School staff will be reassured enough to be able to raise concerns with their manager or with a member of the Leadership Team and that

anyone raising a concern from outside the School will first approach their employer. However, the Chair of Governors, who is independent of School management, may be contacted where the person wishing to raise a concern feels unable to speak to School management, or believes that a concern has not been handled properly.

- 1.7 The School will treat as a serious disciplinary matter any example of a School manager or a member of staff attempting to prevent a legitimate concern being raised.
- 1.8 In the very unlikely circumstances that anyone maliciously raises a concern that they know is untrue, the individual identity protection and confidentiality afforded by this policy will not be extended to them and, as with any false claim, the School will be obliged to deal with this as a potentially very serious offence.

2 Monitoring the Policy

- 2.1 Confidential records will be kept by the Leadership Team of all matters raised through this policy. The Audit Committee will be informed annually whether any disclosures have been made during the year.

Appendix 1

3 Duty to Act (Whistleblowing) Procedure for Members of School Staff

3.1 How to raise a concern

3.2 The School hopes that, in the first instance, you will feel able to raise a concern with your manager. You may choose to contact a member of the Leadership Team (LT) instead if you prefer. Contact may be in person or in writing.

3.3 If, for whatever reason, you feel you cannot speak with your manager or a member of LT about your concern, or if you think your concern has not been handled properly, then you should contact the Chair of Governors by telephone (07768 865983) or email john@drjohnmitchell.co.uk or by writing to Chair of Governors, c/o Overton CE Primary School. The Chair is independent of the School Management Team. Consequently, the School believes that, unless your concern also involves the Board of Governors, then the Chair is well placed to listen to any concerns and to be highly confidential and trustworthy in dealing with these.

3.4 If you would like to raise the matter in confidence, please say so at the beginning so that the School can make appropriate arrangements. If the School is dealing with the matter confidentially, your identity will not be disclosed without your permission. The School prefers not to receive concerns anonymously because carrying out the investigation is much easier if you tell us who you are and the School is unable to give you feedback if you don't.

3.5 In the context of concerns regarding Safeguarding practices, School staff should use the same procedures. However, if you believe that a child or young person has been harmed by a person in a position of trust (i.e. a member of staff) and you feel unable to raise this issue with the School or you feel that your genuine concerns are not being addressed, other whistleblowing channels are available. The Local Authority Designated Officer (LADO) can be contacted direct on 01962 876364, with general guidance found at <https://www.gov.uk/whistleblowing>.

3.6 The NSPCC whistleblowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – the line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk

3.7 How the School will handle the matter

3.8 Once you have told us of your concern, the School will look into it carefully and thoroughly to assess what action, if any, should be taken. Depending on the nature of your concern, this may mean an internal inquiry or a more formal investigation. The School will tell you who your point of contact will be and whether further assistance will be needed from you. The School may ask you how you think your concern should be dealt with. If you have a personal interest in the matter the School would ask that you tell us at the outset. Whilst the School will try to give

you as much feedback as possible, the School may not be able to give you specific details as this could infringe upon the privacy of another individual.

3.9 The School cannot guarantee to respond to all concerns in the way that you might wish, but will try to handle the matter fairly and properly.

3.10 External contacts

3.11 If you are thinking about taking a concern outside the School you should consider whether reporting the concern externally, without first giving the School the opportunity to look into the matter, is a reasonable course of action. The School hopes this policy gives you the reassurances you need to raise concerns internally but, if you still feel uneasy, the School would rather you raised a concern with an external contact than not at all.

3.12 See 3.5 and 3.6 above for information about raising safeguarding concerns externally.

3.13 Free, confidential advice is available from Public Concern at Work. Telephone 020 7404 6609, email helpline@pcaw.co.uk or visit www.pcaw.co.uk for further information. You may also contact your local Trade Union representative for advice.

3.14 If you feel the matter has not been resolved once this procedure has been exhausted, you may make a complaint to the Education and Skills Funding Agency. Write to ESFA (South East), Senior Account Director, Pacific House, Imperial Way, Reading, Berkshire, RG2 0TF.

Appendix 2

4 Duty to Act (Whistleblowing) Procedure for Agency Staff, External Consultants, Contractors and their Staff whilst Working on School Business

4.1 How to raise a concern

4.2 The School hopes that, in the first instance, you will feel able to raise a concern with your employer. If you feel unable to do so, you are advised to seek independent advice (see external contacts below).

4.3 You may also choose to contact a member of the Leadership Team (LT). Contact may be in person or in writing.

4.4 If, for whatever reason, you feel you cannot speak with your employer or a member of LT about your concern, or if you think your concern has not been handled properly, then you should contact the Chair of Governors by telephone or by email (details are available from School Reception, telephone 01256 770249) or by writing to Chair of Governors, Overton CE Primary School. The Chair of Governors is independent of the School Management Team. Consequently, the School believes that unless your concern also involves the Board of Governors then the Clerk is well placed to listen to any concerns and to be highly confidential and trustworthy in dealing with these.

4.5 See 3.5 above for safeguarding concerns relating to a member of staff.

4.6 If you would like to raise the matter in confidence, please say so at the beginning so that the School can make appropriate arrangements. If the School is dealing with the matter confidentially your identity will not be disclosed without your permission. The School prefers not to receive concerns anonymously because carrying out the investigation is much easier if you tell us who you are and the School is unable to give you feedback if you don't.

4.6 How the School will handle the matter

4.7 Once you have told the School of your concern, the School will look into it carefully and thoroughly to assess what action, if any, should be taken. Depending on the nature of your concern, this may mean an inquiry or a more formal investigation. The School will tell you who your point of contact will be and whether further assistance will be needed from you. The School may ask you how you think your concern should be dealt with. If you have a personal interest in the matter the School would ask that you tell us at the outset. Whilst the School will try to give you as much feedback as possible, the School may not be able to give you specific details as this could infringe upon the privacy of another individual.

4.8 The School cannot guarantee to respond to all concerns in the way that you might wish, but will try to handle the matter fairly and properly.

4.9 External contacts

- 4.10** Free, confidential advice is available from Public Concern at Work. Telephone 020 7404 6609, email helpline@pcaw.co.uk or visit www.pcaw.co.uk for further information. You may also contact your local Trade Union representative for advice.
- 4.11** If you feel the matter has not been resolved once this procedure has been exhausted, you may make a complaint to the Skills Funding Agency. Write to Skills Funding Agency (South East), Senior Account Director, Pacific House, Imperial Way, Reading, Berkshire, RG2 0TF.
- 4.12** The NSPCC whistleblowing helpline is also available for anyone who does not feel able to raise concerns regarding child protection failures with the College. Anyone can call 0800 028 0285 – the line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.
- 4.13** See 3.5 above for safeguarding concerns relating to a member of staff.

Appendix 3

5 Duty to Act (Whistleblowing) Procedure for Managers and LT Members

5.1 How to handle concerns raised under the Duty to Act (Whistleblowing) Policy

5.2 As a leader you lead by example. Be clear to your staff what sort of behaviour is unacceptable and practise what you preach. Encourage staff to ask you what is appropriate if they are unsure before – not after – the event. If you find wrongdoing or a potential risk, take it seriously and deal with it immediately.

5.3 Responding to a concern

1. Thank the individual for telling you, even if they may appear to be mistaken
2. Allay any fears raised about potential impact on the member of staff own position or career
3. Manage expectations and respect promises of confidentiality
4. Discuss reasonable timeframes for feedback with the member of staff
5. Remember there are different perspectives to every story
6. Keep a written record of the disclosure as it is made to you
7. Determine whether there are grounds for concern and investigate if necessary as soon as possible.

NB. In the context of concerns regarding Safeguarding practices, refer the matter immediately to the Designated Safeguarding Lead (DSL) or Principal, who will advise the Local Authority Designated Officer (LADO) of all cases where it is alleged that a child has been harmed by a person in a position of trust (i.e. a member of staff) **before** any investigation starts. If the allegation is against a senior member of staff and you feel unable to follow this procedure, the LADO can be contacted direct on 01962 876364

8. Consider who should handle the investigation and know when to ask for help. If the concern is potentially very serious or wide-reaching, refer the matter to the Principal for advice before proceeding to investigate
9. Always remember that you may have to explain how you have handled the concern. Keep written records as the investigation progresses
10. Feed back any outcome and/or remedial action you propose to take to the member of staff who has raised the concern but be careful if this could infringe any rights or duties you may owe to other parties
11. Put your response in writing even if you have also given verbal feedback
12. Report to the Strategic Leadership Team the outcome of any genuine concern where malpractice or a safety risk was identified and addressed.

Appendix 4

6 Duty to Act (Whistleblowing) Procedure for the Chair of Governors

6.1 How to handle concerns raised under the Duty to Act (Whistleblowing) Policy

6.2 Concerns may be raised under the policy where a member of staff feels unable to raise the matter with their manager or a member of the Leadership Team, or where a member of staff believes that a concern raised with School has not been handled properly.

6.3 Responding to a concern

1. Gather all the evidence available. This may involve interviewing the member of staff and any persons previously involved in dealing with the matter
2. Review the evidence and decide whether further investigation or action is required or by informing the Police should criminal activity be suspected
3. Advise the member of staff, in writing to their home address, of the outcome of the review and any further action taken to resolve the issue.