

ALDERMAN RICHARD HALLAM PRIMARY SCHOOL

Whistleblowing Policy



Whistleblowing Policy

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Introduction

This policy (in line with the Public Interest Disclosure Act 1998) applies to all employees and governors. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, should have a copy of this also or have least read a copy; to this end, a copy is made available on the school website.

It is important to Alderman Richard Hallam Primary School that any fraud, misconduct or wrongdoing by employees or governors of the school is reported and properly dealt with.

The Governing Body will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the school, **which are in the public interest**. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Although Alderman Richard Hallam Primary School prides itself on acting with high standards of conduct and providing quality services to the community, sometimes there may be a lapse, or the suspicion of a lapse, in these standards. The simple fact is that an employee may suspect something is going wrong long before anyone else finds out about it: in the worst case, this may not be until an accident has happened or serious damage has been caused.

Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Headteacher, Ann-Marie Kedzior (or the Chair of Governors - Veronica Bolsover - if the concern relates to the Headteacher), any serious impropriety or breach of procedure. If an individual feels troubled by something at work, they should report it straight away. Although it is natural that people may feel unable to express their concerns out of a feeling of disloyalty, such feelings must never result in a potentially illegal or dangerous situation going unreported. This particularly applies where the welfare of children may be at risk: all staff have a duty to report any child protection concerns to the school's Designated Safeguarding Leads (Carla Lawes - DSL, Ann-Marie Kedzior, Emma Colley, Krupa Nanda, Holli Elverstone, Samuel Gregory and Wayne Holder). It is often the most vulnerable children or young people who are targeted: safeguarding is everyone's responsibility.

Employees who do not follow the steps identified in this procedure or other agreed internal procedures and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.

Employees who feel no action has been taken after following their school's whistleblowing procedure or feel that following the school's whistleblowing procedure could increase the risk of harm to a child/adult can contact the following organisations for information and support:

Leicester City Safeguarding Children's unit or LADO	0116 454 2440
Children's Advice, Support and Prevention team (CASP)	0116 454 1004
NSPCC Whistleblowing Help Line	0800 028 0285
Public Concern at Work (Protect)	020 3117 2520

Purpose

'Whistleblowing' has been described as "providing a safe alternative to silence" (Public Concern at Work). It is the mechanism for people to voice their concerns without fear of

repercussion, even if the concern later proves to be unfounded. When a concern is raised via this route, this is known as making a disclosure. The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed; a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the school's responsibility to ensure that an investigation takes place.

Whistleblowing generally involves a concern about a danger or illegality that affects others, such as members of the public or the employer. This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken they should use the school's grievance procedures. Where the concerns are about **safeguarding children or young people**, the school's Designated Safeguarding Lead for Child Protection should be notified. Concerns about a colleague's professional capability should **not** be dealt with using this procedure.

It is a procedure in which the Headteacher or Chair of Governors will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.

The Policy covers and protects employees, agency workers, trainees and contractors' staff. The existence of this Policy is highlighted on a poster in Alderman Richard Hallam Primary School's staff room (see Appendix 4).

When should it be used?

Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it **cannot** amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation. Workers making qualifying disclosures must believe that doing so is in the public interest, and that belief must be reasonable in all the circumstances.

An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised because they have made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns. Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure, the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence. An instruction to cover up wrongdoing is, in itself, a disciplinary offence. Such allegations can cause serious difficulties for innocent individuals. The Public Interest Disclosure Act 1998 does not exclude the possibility of workers being sued by individuals for defamation in connection with any disclosures they make.

If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

An employee who is not sure whether the conduct they are concerned about does constitute illegal or improper conduct, or is unsure about how to proceed, may contact the Leicester City Council HR Department – 0116 454 4310 or email: hrpolicy@leicester.gov.uk or their Professional Association/Trade Union.

Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to Internal Audit for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Headteacher, Ann-Marie Kedzior, or Chair of Governors, Veronica Bolsover, who will in turn report it to Internal Audit.

What Kind of Disclosures are covered?

Although this is not an exhaustive list, whistleblowing disclosures tend to involve one or more of the following:

- Deficiencies in the care, or abuse, of children or young people;
- A criminal act that has been, is being, or is likely to be committed, including damage to the environment, unauthorised use of public funds and possible fraud and/or corruption;
- Someone has failed, is failing, or is likely to fail, to comply with legal obligations;
- Health and safety risks, including risks to the public, children/young people and other employees;
- Inappropriate or improper conduct;
- Serious failure to comply with appropriate professional standards;
- Breach of local procedures or statutory codes of practice;
- Other unethical conduct.

Reasons for Whistleblowing:

- Everyone has an individual responsibility for raising concerns about unacceptable practice or behaviour;

- It could prevent the problem worsening or widening;
- It may help to protect or reduce risks to others;
- To prevent an individual from becoming implicated themselves.

What stops people from Whistleblowing?

- Starting a chain of events which spirals;
- Disrupting the work or project;
- Fear of getting it wrong;
- Fear of repercussions or damaging careers;
- Fear of not being believed.

At Alderman Richard Hallam Primary School, we will ensure that no employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern.

Procedure (see Appendix 1)

How to raise a concern:

When first raising a concern, it is recommended an individual approaches their Trade Union/Professional Association for advice and support, which may include inviting them to raise the concern on their behalf. In the first instance, unless the employee reasonably believes their Headteacher to be involved in the wrongdoing, any concerns should be raised with the employee's Headteacher (see Appendix 2). This can take place away from the School premises if requested. The Headteacher or Chair of Governors (if the allegation is against the Headteacher) will consider whether the issue can be resolved informally.

At Alderman Richard Hallam Primary School, we encourage our staff to raise concerns, suspicions or uneasiness as soon as possible; the earlier a concern is expressed the easier and sooner action can be taken. Ideally, concerns will be put in writing (see Appendix 3) outlining the background and history, giving names, dates and places where possible.

If an employee's concern is about their immediate manager/Headteacher, or they feel they need to formally raise it with someone outside the school, they should contact the Local Authority Corporate Investigations Team on 0116 454 6490 or via email at investigations@leicester.gov.uk.

If an employee feels they need to take their concern to a Regulatory body (for example, Ofsted), or to a relevant external organisation/individual (including an elected member/Member of Parliament), please see the contact details at Appendix 5. The conditions for making a disclosure to a Regulatory Body/External Organisation are:

- They reasonably believe they would suffer detriment if they made the disclosure to their Headteacher, the Local Authority, or to a regulator; or

- They reasonably believe the evidence is likely to be concealed or destroyed; or
- They have already made the disclosure to their Headteacher or the Local Authority and they are dissatisfied with the response.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the individual raising the concern.

If a member of staff, other than the Headteacher, is approached by a colleague on a matter of concern as defined in this document, they are advised to take the matter to the Headteacher.

This process is summarised as a Flowchart at Appendix 1.

What happens next?

The Headteacher/Chair of Governors will arrange an investigation into the matter (either by investigating the matter herself or immediately passing the issue to someone in a senior position). The investigation may involve the employee and others involved giving written statements. The employee's statement will be taken into account and they will be asked to comment on any additional evidence obtained. An individual will not be expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

Preliminary inquiries may be made to help decide how best to respond in the public interest. Depending on the nature of the issue raised, the response may be one or more of the following:

- management investigation;
- internal audit investigation;
- disciplinary investigation;
- referral for consideration under another Council procedure;
- referral to the police;
- referral to the District Auditor;
- an independent investigation;
- amend procedures;
- no action due to lack of sufficient evidence.

The employee raising the concern should be given information on how the matter is likely to be dealt with within **10 working days** of making the disclosure (so far as legally possible and subject to rights of confidentiality).

Employees who want to use the procedure but feel uneasy about it may wish to consult their Professional Association/Trade Union initially and bring a colleague or Professional Association/Trade Union Representative along to any discussions, so long as the third party

is not involved in the issue. If a Trade Union/Professional Association representative raises the concern on someone else's behalf, they will be automatically afforded the same protection from detriment. In addition, the independent charity Protect provides advice to individuals on whistleblowing in the public interest on a strictly confidential basis (<https://protect-advice.org.uk/> / 0203 117 2520).

Where anonymity is requested, efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action. Anonymous disclosures will be considered to the extent that it is reasonable and practicable to do so, although the need to confirm or follow up evidence may make this difficult.

The Headteacher (or the person who carried out the investigation) will then report to the Chair of Governors/Governing Body who will take the necessary action, including reporting the matter to any appropriate department or regulatory agency. If disciplinary action is required, this will be taken forward by the Headteacher/Chair of Governors/Governing Body in consultation with the school's HR Advisory Team. On conclusion of any investigation, the employee will be told the outcome of the investigation and what the next steps will be. If no action is to be taken, the reason for this will be explained.

If the employee is concerned that their Headteacher is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, they should inform the Leicester City Council, HR Department. The Local Authority Designated Officer (LADO) can be contacted on 0116 454 2440 or by email at lado-allegations-referrals@leicester.gov.uk. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:

- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education Funding Agency
- The Department for Education
- The National College for Teaching and Leadership

The decision to whistleblow can be difficult and stressful; advice and support is available from an employee's line manager/Headteacher and/or their Trade Union/Professional Association. In addition, support is available from the Local Authority's Counselling Service Provider. It is the employee's right to remain in their current post. Their employer (Leicester

City Council) will work with school management to make every possible effort to ensure that this takes place. If the employee raising the concern feels unable to remain in role during the investigation, every effort will be made to transfer them to an appropriate alternative.

Safeguarding Children and Young People

All employees have a duty to report concerns about the safety and welfare of pupils/students. Concerns about any of the following should be reported to the school's

Designated Safeguarding Leads:

- Physical abuse of a pupil/student
- Sexual abuse of a pupil/student
- Emotional abuse of a pupil/student
- Neglect of a pupil/student
- Issues relating to Female Genital Mutilation, Child Missing Education, Child Sexual Exploitation & Radicalisation
- An intimate or improper relationship between an adult and a pupil/student
- Improper behaviour or conduct of staff towards children

The reason for the concern may be the actions of a colleague (including a more senior colleague), a Governor, another pupil/student or someone outside the school. Whatever the reason, concerns must be reported. Where a concern is about a member of staff, this must be made directly to the Headteacher or, if the concern is about the Headteacher, to the Chair of Governors. Failure to report a child protection related allegation will be, in itself, a disciplinary matter.

Law Relating To This Document

Employment Rights Act 1996

Public Interest Disclosures Act 1998 (Whistleblowing)

Human Rights Act 1998 (Duty of care)

The legislation protecting individuals who make a protected disclosure applies not only to employees, but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

A qualifying disclosure means any disclosure of information that in the reasonable belief of the worker is made in the public interest. The requirement that a whistleblower make a qualifying disclosure 'in good faith' has been removed. Therefore, while the employer can seek a declaration from the whistleblower that he or she is not knowingly making a false allegations, disciplinary action is likely to be appropriate only where there is clear evidence that the employee has misused the whistleblowing procedure. A consequence of the requirement that a disclosure be made in the public interest is that an employee will

generally be precluded from being able to 'blow the whistle' about breaches of their employment contract.

Section 43J of the Employment Rights Act 1996 provides that a Settlement Agreement made between an employee and employer cannot prevent future protected disclosures.

Any confidentiality obligations in contracts of employment that would prevent an employee making a protected disclosure will be void.

APPENDIX 1 - The Whistleblowing Process

Stage 1- Making a disclosure

Approach your Headteacher, Chair of Governors, or the Local Authority Investigations Team and share your concerns. You can do this verbally or in writing.

You may be asked to consider making a written or verbal statement. In such cases, a brief summary of the interview will be made and agreed by both parties.

Please see the Whistleblowing Policy for details of further contacts should you feel unable to discuss your concerns with the above parties (or feel that the response from these parties is insufficient)



Stage 2 – Initial Response to the Disclosure

Consideration will be given as to what action will be taken as a result of the disclosure. You will be notified of the intended response and the reasons for it.



Stage 3 – Launch a Management Investigation

Where a Management Investigation is deemed necessary, a senior leader will be appointed as an investigating officer.



Stage 4 – Deciding whether further action is necessary

On the strength of the information provided by the investigation, further action may be necessary:

- If there is a case to be answered by any individual, the recognised procedure will be followed;
- Where there is no case to answer, but the concern was raised in accordance with the Whistleblowing policy, the school will ensure as far as is reasonably practicable that you suffer no reprisals or victimisation;
- Where it is established that the allegations intentionally misused the Whistleblowing policy, disciplinary action may be taken.



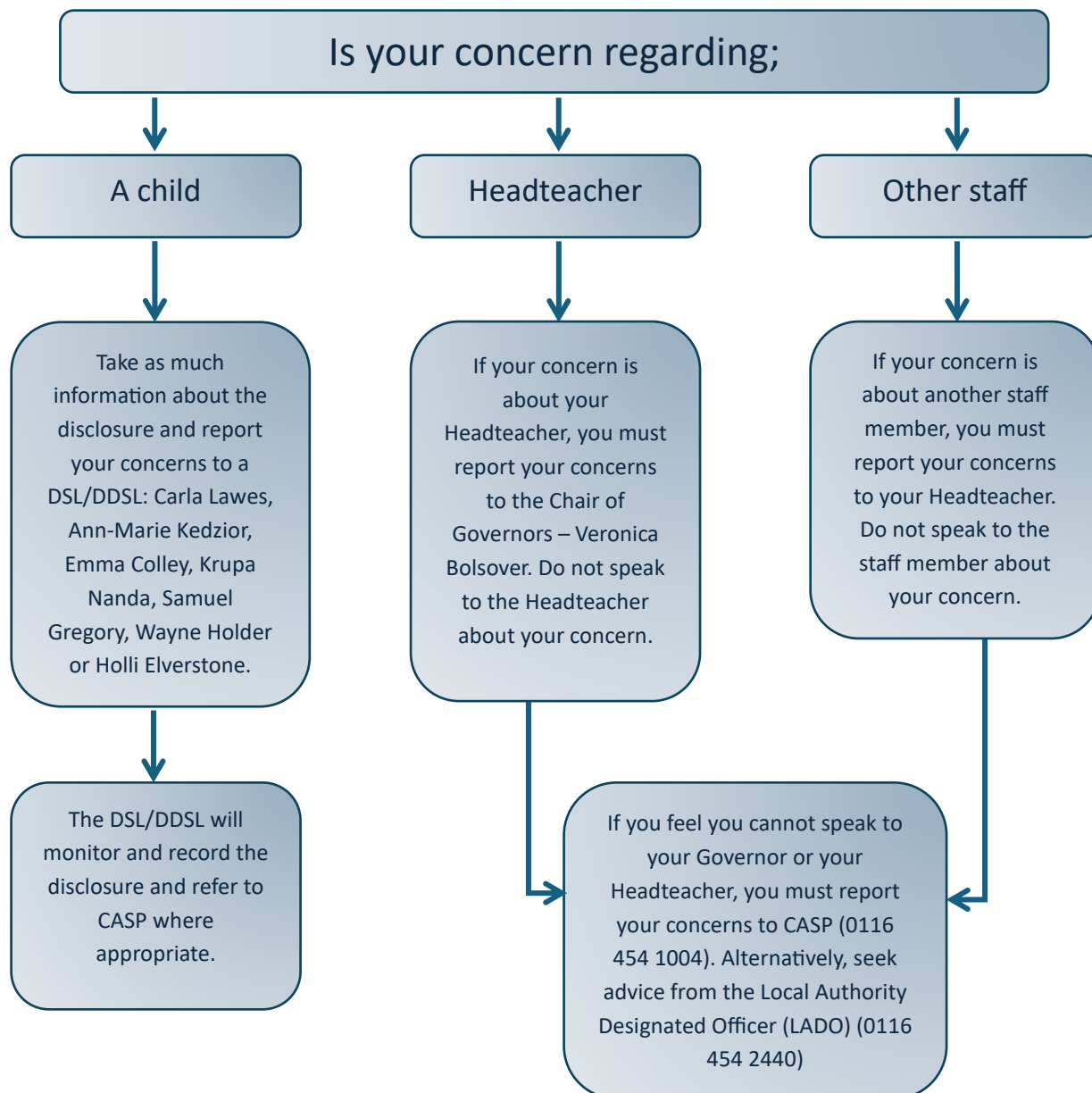
Stage 5 - Confirmation of the Outcome

You will be informed of the outcome of the investigation and any appropriate action taken to resolve the matter, subject to any confidentiality clause and/or legal constraints. If you are dissatisfied with this response, you may take the matter further with the prescribed persons or organisations identified in the Whistleblowing Policy.

APPENDIX 2 – Raising a Concern

Public Interest Disclosure Act (whistleblowing) protects workers in private, public and voluntary organisations, if in the public interest they blow the whistle on wrongdoing.

If you want to raise a concern at Alderman Richard Hallam Primary School and wish to whistleblow for wrongdoing, in the first instance, use the following diagram for guidance;



APPENDIX 3 - Whistleblowing Reporting Form

Referral Form to be completed by Individual identifying a concern under the Public Interest Disclosure Act 1998

DETAILS OF PERSON RAISING CONCERNS AND ISSUE RAISED

Nature of Concern:

Background (please provide dates where possible) :

Who is involved?

Reasons for the concern:

Name :

Date (dd/mm/yy) : / /

Contact No.

Time (mm:hh) : :

Meeting Date (dd/mm/yy): / / Time (mm:hh): :



SUSPECT WRONGDOING AT WORK? HELP US SHED LIGHT ON IT.

**Don't think
“what if I'm
wrong?”
Think “what if
I’m right?”**

Silence isn't always golden...

Although we all pride ourselves on having high standards of conduct and providing quality services to the community, sometimes you may become aware of a lapse, or suspected lapse, in these standards.

The simple fact is that you may suspect something is going wrong long before anyone else finds out about it.

If something at work is troubling you enough for you to mention it to your family or friends, please report it straight away.

The Whistleblowing Policy is available on the school website and staff server.

Your Trade Union/Professional Association is available to provide you with advice and support.

APPENDIX 5 - List of Prescribed Persons for External Public Interest Disclosures

Leicester City Council HR Department

Tel: 0116 454 4310

Email: hrpolicy@leicester.gov.uk

Children's Advice, Support and Prevention Teams (CASP)

0116 454 1004

LADO – Local Authority Designated Officer

0116 454 2440

Ofsted

Can deal with referrals re: concerns about any service for children and young people.

Royal Exchange Buildings

St Ann's Square

Manchester

M2 7LA

Tel: 0300 123 4666 (08.00 to 18.00)

Her Majesty's Commissioners of the Inland Revenue

Can deal with referrals re: Income Tax, Corporation Tax, Capital Gains Tax, Petroleum Revenue Tax, Inheritance Tax, Stamp Duties, National Insurance Contributions, Statutory Maternity Pay, Statutory Sick Pay, Tax Credits, Child Benefits, Collection of Student Loans and the enforcement of the National Minimum Wage.

Inland Revenue

West Wing

Somerset House

London WC2 1LB

Tel: 0300 200 3300 (Mon-Fri 08.00 to 18.00)

Serious Fraud Office

Can deal with referrals re: serious or complex fraud.

The Director of the Serious Fraud Office

Elm House 10-16 Elm Street

London

WC1X 0BJ

Tel: 020 7239 7272

Health and Safety Executive (HSE)

Can deal with referrals re: matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Health and Safety Executive Information Centre

Broad Lane

Sheffield

S3 7HQ

Tel: 0300 003 1747 (HSE infoline)

Information Commissioner

Can deal with referrals re: compliance with the requirements of legislation relating to data protection and freedom of information*

(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)

(*Freedom of information legislation provides for the disclosure by public authorities of the information that they hold)

The Office of the Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 / Email: mail@ico.gsi.gov.uk

Leicestershire Constabulary

Can deal with referrals regarding information about any crime.

Force Headquarters

St Johns

Enderby

Leicester

LE19 2BX

Tel: 0116 222 2222