



King's Cliffe Endowed Primary School

Whistleblowing Policy and Procedure

Reviewed and Accepted by Governors and Staff: February 2024

Chair of Governors:

Date: 5th February 2024

Elopeland

Head Teacher

Date: 5th February 2024

L. Bowyer

Next review due: February 2025

Introduction

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.

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 and Disciplinary Procedures for staff or the Complaints Procedure. As an example, 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.

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.

Aims of Policy

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

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.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Governors, Headteacher, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns; * See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- 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;
- the deliberate concealment of any of the above matters.

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.

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

If Staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher and if the matter is in relation to an alleged wrongdoing by the Head Teacher Staff should seek the advice of the Chair of Governors.

Raising a whistleblowing concern

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.

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 report it to the **Headteacher** or if the concern is about the Headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the **Chair of Governors** - chair@kceps.co.uk

The Chair of Governors

The Headteacher will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Headteacher will record the name of the employee and the nature of the concern. In some cases it will not be possible to maintain anonymity and confidentiality and the Headteacher should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The School will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The School will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

Confidentiality

The School hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret, in so far as it is possible to do so, when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's identity, the School will discuss this with the member of staff first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'whistleblower's who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Headteacher knows or has a suspicion that an employee comes into this category then s/he will take advice from the Designated Governor who will help to determine what action should be taken.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect (Independent whistle blowing charity)

Helpline: 020 3117 2520 Website: <https://protect-advice.org.uk/>

Concerns against Governors

If a concern against a Governor is received 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 Head Teacher 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 Head Teacher 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.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases Staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It would not be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external.

- The NNC Designated Officer (LADO) is Sheila Kempster – 07831 123193 - LADOConsultations@nctrust.co.uk.
- The independent whistleblowing charity **Protect** <https://protect-advice.org.uk/> operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Concerns about safeguarding practices should be raised with the Designated Safeguarding Lead. If the concern is regarding the DSL please contact the Chair of Governors - chair@kceps.co.uk If you feel this would be inappropriate you could seek advice from the following:

- NSPCC whistleblowing helpline – 0800 028 0285 – help@nscpc.org.uk

If you feel a child is in immediate danger and it is inappropriate to raise this through the School's internal procedures, you can contact MASH direct:

- MASH - 0300 126 7000 - MASH@NCTrust.co.uk

Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows Staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, Staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

Investigation and outcome

Once a member of Staff has raised a concern, the school will carry out an initial assessment to determine the scope of any investigation. The school will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In most cases a panel of three Governors will investigate any issue. In rare cases the school may appoint an investigator or team of investigators including Staff with relevant experience of investigations or specialist knowledge of the subject matter. The

investigator(s) may make recommendations for change to enable the school to minimise the risk of future wrongdoing.

The school will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the School concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the school will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher will have the right to refer any particular case to the Designated Governor for review.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Head Teacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

Protection and support for 'whistleblower's:

It is understandable that 'whistleblower's are sometimes worried about possible repercussions. The school aims to encourage openness and will support Staff who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Head Teacher immediately. If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against 'whistleblower's in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Head Teacher in the first instance.

Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that the Head Teacher is not taking seriously or that they believe there is a serious safeguarding issue involving the Head Teacher they should in the first instance contact the Chair of Governors.

Don't think what if I'm wrong – think what if I'm right.

Reasons for whistle blowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- 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.
- Thinking someone else will do it.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Head Teacher, or the Designated Safeguarding Lead.
- If your concern is about your immediate manager take it to the Head Teacher. If your concern is about the Head Teacher take it to the Chair of Governors. If your concern is about the Chair of Governors take it to the Head Teacher.
- If you feel you need to take it to someone outside the school, you can contact NNC Designated Officer (LADO) – Sheila Kempster – 07831 123193 - LADOConsultations@nctrust.co.uk
- If you feel a child is in immediate danger, speak to your school DSL or contact MASH directly – 0300 126 7000 - MASH@NCTrust.co.uk
- Make sure you get a satisfactory response – don't let matters rest.

- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can using the form in Appendix B.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens if the allegation is against you?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self-reporting

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Stages of Whistleblowing

The Role of Senior Managers

A Senior Manager may be informed by an employee about concern/s and that they are "blowing the whistle" within the procedure in person; or in writing or over the phone. The Senior Manager should respond immediately by arranging to meet with the employee to discuss the concern/s as soon as possible.

Stage One:

- At the initial meeting the Senior Manager should establish that:
 - there is genuine cause and sufficient grounds for the concern; and
 - the concern has been appropriately raised via the Whistle-blowing Policy.
- The Senior Manager should ask the employee, to put their concern/s in writing, if they have not already done so. If the employee is unable to do this the senior manager will take down a written summary of their concern/s and provide them

with a copy after the meeting. The Senior Manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
 - names, dates and places (where possible); and
 - the reasons why the employee is particularly concerned about the situation.
- The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- The Senior Manager should follow the policy as set out above and in particular explain to the employee:
- who they will need to speak to in order to determine the next steps (e.g. Headteacher)
 - what steps they intend to take to address the concern
 - how they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result
 - that the employee will receive a written response within ten working days
 - that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed
 - that the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation
 - that the matter will be taken seriously and investigated immediately
 - that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them
 - if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them

- the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded unless new evidence becomes available.

Stage Two:

- Following the initial meeting with the employee, the Senior Manager should consult with the Headteacher or Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.
- It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Managers should take the following factors into account:
 - the seriousness of the issue/s raised
 - the credibility of the concern/s
 - the likelihood of confirming the allegation/s from attributable sources.
- In some cases, it may be possible to resolve the concern/s simply, by agreed action or an explanation regarding the concern/s, without the need for further investigation. However, depending on the nature of the concern/s it may be necessary for the concern/s to:
 - be investigated internally
 - be referred to the police
 - be referred to the external auditor
 - form the subject of an independent inquiry.
- Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

Stage Three:

- Within ten working days of a concern being received, the manager receiving the concern (at paragraph 5.1 above) must write to the employee:
 - acknowledging that the concern has been received
 - indicating how they propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling the employee whether any initial enquiries have been made
 - telling the employee whether further investigations will take place, and if not why not

- letting the employee know when they will receive further details if the situation is not yet resolved.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. Advice and support is available from your Head Teacher, HR department and/or professional trade union. An employee can by-pass the direct management line and the Governing Body if they feel the overall management and Governing Body of a school is engaged in an improper course of action. On these occasions the employee may want to seek advice from an external source, such as, the NNC Designated Officer, Protect, or the NSPCC whistleblowing helpline.

This policy should be read in conjunction with the: Safer Recruitment, Equalities, Inclusion, E-Safety and Anti-bullying, Staff Grievance, Adult Code of Conduct, Complaints and Safeguarding and Child Protection Policies.

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

Making a public interest disclosure (whistleblowing)

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.

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).

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 .

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.

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.

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.

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:	

