CORNWALL EDUCATION LEARNING TRUST

Luxulyan School

Whistleblowing Policy

Key Information:

- This policy was developed and adopted on:1/09/2020
- The policy will be reviewed on:1/9/2021
- The designated member of staff for Whistleblowing is: Stewart Gynn
- The Whistleblowing Governor is: Sandra Beardsmore
- Local Authority /MAT contact person is: Lisa Mannell

This policy is based on the template sent to schools by CAPH (Cornwall Association of Primary Heads) in September 2017. It was written on behalf of CAPH by Helen Trelease (Independent Safeguarding Trainer and Advisor). Last revised: November 2019.

Local Authority and useful contact details and further information are contained within Appendix 1

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Key Documents:

This is an overarching policy, it has been developed within the following legislative and policy framework:

'Working Together to Safeguard Children' (2018), which is statutory guidance to be read and followed by all those providing services for children and families, including those in education. The guidance is available via the following link:
http://www.workingtogetheronline.co.uk/index.html

"Keeping Children Safe in Education" (Sept 2019), which is the statutory guidance for Schools and Colleges. The guidance is available via the following link:
https://www.gov.uk/government/publications/keeping-children-safe-in-education--2

Additional information which has been considered from:-

Cornwall Council Whistle Blowing Policy Approved July 2015 (date of review 2018)

Whistleblowing Procedure for maintained schools Guidance – Department of Education (Published August 2014)

Derbyshire County Council Exemplar Whistleblowing Policy (October 2016).

Andrew Hall Specialist Safeguarding Consultant (guidance on Whistleblowing policy)

Five Rivers Multi Academy Trust – Policy on Whistleblowing 2016

Introduction:

Every school* should have a Whistleblowing Policy that protects staff members who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties. This policy is a key part of 'Keeping Children Safe in Education' and should be considered in conjunction with our Child Protection and Safeguarding Policy and other relevant safeguarding policies e.g. Confidentiality, Health and Safety and Code of Conduct.

Governing bodies of schools* are responsible for agreeing the schools Whistleblowing Policy. Keeping Children Safe in Education (2019) Part 1 Paragraphs 51 - 53 reinforces this, and Working Together to Safeguard Children (2018) Chapter 2, paragraph 3 says that organisations 'should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including';

> 'clear whistleblowing procedures, which reflect the principles in Sir Robert Francis's Freedom to Speak Up review and are suitably referenced in staff training and codes of conduct, ad a culture that enables issues about safeguarding and promoting the welfare of children to be addressed'. (www.freedomtospeakup.org.uk)

**Since Working Together (2018) and Keeping Children Safe in Education (KCSIE) applies to all schools, this means all schools must have a whistle blowing policy.*

Purpose:

Employees are often the first to realise that there may be evidence of malpractice within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or the school. They may also fear harassment or victimisation.

In line with the schools commitment to high standards of openness, integrity and accountability, the school expects and encourages employees who have a reasonable belief that malpractice is taking place within the school to come forward and voice those concerns internally. This may be an awareness of suspected irregularity, wrong doing or a failure of standards. This policy provides the means for employees to make such disclosures.

It is in the interests of all parties that disclosures are dealt with properly, quickly and discreetly. The overriding consideration for the School and the employee is that it would be in the public interest for any malpractice found to be corrected and, where appropriate, sanctions applied.

The policy provides employees with a procedure to make disclosures of irregularity or wrongdoing without fear of adverse treatment as a result. The School will not tolerate any harassment or victimisation of employees making disclosures (including informal pressures) and will take action to protect employees when they make a disclosure in the public interest.

The policy addresses major concerns that fall outside the scope of other procedures and where the interests of others or of the School are at risk. It has been developed within the following legislative and policy framework:

- It takes into account the requirements of the Public Interest Disclosure Act 1998.
- It is complementary to the School's Code of Conduct which makes clear the standards of propriety and good practice expected of employees.

- It is complementary to the School's Discipline, Grievance and Harassment Procedures. Together they form a framework which allows employees to be disciplined, to seek personal redress, to raise personal complaint and to disclose malpractice where appropriate.

- It is in addition to the School's complaints procedures and other reporting procedures, for example child protection procedures.

Scope:

This code applies to all staff* in the school. It is also applicable to:

- Contractors working for the School on school premises, for example, agency staff, builders, drivers.
- Suppliers and those providing services under a contract with the School in their own premises.

*Staff' - *for the purposes of this document staff refers to all those involved with the school on a paid or unpaid basis including volunteers, governors, supply staff, non-teaching staff*

Context:

Whistleblowing is the term used when a member of staff reports suspected 'wrong doing' at work. 'Wrong doing' covered by this policy includes:

- Causing a risk/ danger to children, young people and vulnerable adults
- Damage to staff, the public or the environment
- Endangering an individual's health and safety
- A criminal offence
- Unlawful conduct
- Financial malpractice / fraud
- Contravening the governing bodies/board policies or the schools code of conduct
- Deliberate concealment of any of the above

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, you should not find it necessary to alert anyone externally and we encourage staff to report any concerns internally before using an external prescribed person or responsible person, in line with the procedure below.

The law recognises that in some circumstances it may be appropriate to report your concerns to an external body for example, a responsible body, legal advisor or a prescribed person. It will rarely, if ever, be appropriate to alert the media.

It is important not to delay passing on any concerns.

Which concerns do not fall within the remit of the policy?

The whistleblowing policy is primarily concerned when the interests of other people or those of the school are at risk. The policy shall only apply if you are raising a concern that you reasonably believe will impact the public, as opposed to a concern that will solely impact your own individual interests. It is often the case that a 'whistle blower' is not directly or personally affected by the danger or illegality in question.

If your concern is about your personal position in school or the way you as an individual have been treated, please raise it through the Grievance Procedure. Examples of this would be where the matter is in relation to breaches of an employee's own contract of employment. A copy of this is available in school.

Our assurances to you:

Your safety:

The school recognises that the decision to report a concern can be a difficult one to make and the school are fully committed to the assurances given in this policy. If you raise a genuine concern under the Whistleblowing policy, you will not be at risk of losing your job or suffering any form of reprisal or detriment as a result.

The Governing body /Trust board will not tolerate harassment, bullying or victimisation and will take action to protect you.

In the event that you believe that you have suffered any such treatment, you should inform the Headteacher immediately. If you believe your Headteacher is involved, you should approach your Chair of Governors or relevant person on the MAT/Trust Board.

You must not threaten or retaliate against whistle-blowers in any way. If you are involved in such conduct, you may be subject to disciplinary action.

Confidentiality:

All disclosures will be treated in confidence and wherever possible, every effort will be made not to reveal your identity and to only reveal it where necessary to those involved in investigating your concern. However, you may need to come forward as a witness and you will be given every support from management at that time.

No code of confidentiality should prevent you from passing on any concerns that may impact on the safety and welfare of a child.

Anonymous Disclosures:

You should put your name to your disclosure whenever possible. Disclosures made anonymously will still be considered at the discretion of the School. However, it is helpful to have your name in case further information is required to help to investigate a disclosure. For the avoidance of doubt, a whistle blower will not be expected to prove their disclosure.

In exercising its discretion, the School will take into account:

- the seriousness of the issues raised;
- the credibility of the disclosure; and
- the likelihood of confirming what is alleged from attributable sources.

Untrue Disclosures:

If you make a genuine disclosure in the public interest, but it is not confirmed by the investigation, the school will ensure that no action will be taken against you as a result of your disclosure. If however, your allegation is frivolous or malicious or solely for personal gain, you may be subject to disciplinary action.

What to do to make a disclosure to the school:

Procedures for making a disclosure:

As a first step, you should normally raise your concerns with your Headteacher. If you believe your Headteacher is involved, you should approach your Chair of Governors or relevant person on the MAT/Trust Board. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

You may raise your concern either verbally or in writing. The earlier you express the concern, the easier it is to take action. You should provide:

- details of your concerns, including the nature, dates and location of any relevant incidents; and
- reasons why you feel concerned about the situation.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. You may also discuss your concerns with your trade union representative on the staff of the school.

- Complaints will be investigated by the head teacher unless the complaint is against the head teacher or is in any way linked to the actions of the head teacher. In such cases the concern should be passed to the Chair of Governors (or named designated person in the MAT).
- Complaints against the Chair of Governors should be passed to the full governing body (or board members of the MAT) who will nominate an appropriate person to investigate.
- If you believe that the Head Teacher and Chair of Governors are involved you should contact the local Authority or the identified person with the MAT.
- If there is evidence of criminal activity then the police will be informed.

Investigating Procedure:

- The investigating person will gather as much detailed written information as possible.
- They should inform the member of staff against who the complaint has been made as soon as is practicably possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing under the provision of these procedures.
- If the concerns are linked to safeguarding then the LADO will be contacted for guidance and advice. They will advise if a referral needs to be made via MARU.
- The Head Teacher /Chair of Governors (relevant MAT person) will fully investigate with the assistance of other relevant bodies as appropriate.
- Once a judgement has been reached on the validity of the concern/allegation a written report will detail the findings of the investigation and the judgement.
- If the complaint is shown to be justified they will invoke the disciplinary or other relevant school procedures.
- If the LADO is involved then the procedures for managing allegations against staff will be followed.
- The complainant should be kept informed of the progress of the investigations, and if appropriate the final outcome.

- In any meetings that have a connection to the whistleblowing concern the complainant has the right to be accompanied by their trade union representative or a colleague (providing they are not involved in the issue and would not be called as a witness).

Action taken by the school:

- In order to protect individuals and those accused of 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. Disclosure for which there are other specific procedures e.g. child protection or discrimination issues and will normally be referred to for consideration under those procedures.
- Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will be taken before any investigation is conducted.

- Within 10 working days of a concern being raised you will receive a response:
  A) Acknowledging that the concern has been received
  B) Telling you whether any initial enquiries have been made
  C) Indicating how the matter is going to be dealt with
  D) Giving an estimate of how long it will take to provide a final response
  E) Supplying with details of staff support mechanisms
  F) Telling you why if there is going to be no further action taken

- The school will take steps to minimise any difficulties you may experience as a result of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings the school will arrange for you to receive advice about the procedure.

How the matter can be taken further:

This policy is intended to provide you with a route within school to pass on your concerns /make a disclosure of malpractice. The school's hope is that you will be satisfied with the action they take and that in most cases you should not find it necessary to alert anyone externally.

As stated above, the law recognises that in some circumstances it may be appropriate for you to report your concern to an external body such as a regulator. If you do wish to report a concern externally, a list of prescribed people and bodies can be found at the following website: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education, and includes:

- Her Majesty's Chief Inspector of Education, Children's Services and Skills
- Office of Qualifications and Examinations Regulation (Ofqual)
- Secretary of State for Education

You may also wish to report concerns externally to:

- Protect
- NSPCC Whistleblowing helpline
- The External Auditor
- Ofsted
- The Police

- Local Authority Designated Officer (LADO) (safeguarding concerns)
- Education Funding Agency

You should make sure that you choose the correct person or body for your specific issue where applicable. If you do take the matter outside of the school you should ensure that you do not disclose confidential information. We strongly encourage that you seek advice before reporting a concern externally to ensure that you are aware of any additional requirements that could potentially apply.

Contact details are in Appendix 1.

Appendix 1.

Useful Contact Details:

Protect (formerly Public Concern at Work): An independent charity whose lawyers are available to give you free confidential advice at any point in the process. Helpline: 020 3117 2520 or https://protect-advice.org.uk/.

NSPCC Whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 08.00 am to 08.00 pm, Monday to Friday and email help@nspcc.org.uk, www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/

The External Auditor: Bishop Fleming

Your trade union

- National Education Union (NEU) Tel: 0345 811 8111
- National Association of Head Teachers (NAHT) Tel: 0300 30 30 333
- Unison Tel: 0800 0 857 857
- Unite: https://unitetheunion.org/
- Association of School and College Leaders (ASCL) Tel: 0116 2991 122
- The Teachers Union (NASUWT) Tel: 03330 145550

Ofsted: Tel: 0300 123 1231 or www.ofsted.gov.uk

The Police: 999 or non-emergency 101

Local Authority Designated Officer LADO (safeguarding concerns) 01872 326536. www.safechildren-cios.co.uk/health-and-social-care/childrens-services/cornwall-and-isles-of-scilly-safeguarding-children-partnership/working-together/professional-allegations-lado/

Education Funding Agency: https://www.gov.uk/government/publications/complain-about-an-academy.

Further Information:

Freedom to Speak Report: http://freedomtospeakup.org.uk/

School complaints and whistleblowing: https://www.gov.uk/education/school-complaints-and-whistleblowing

Whistleblowing for employees: www.gov.uk/whistleblowing

ACAS Whistleblowing advice: https://www.acas.org.uk/index.aspx?articleid=1919