

**St Michael's CE Primary School
Sydenham**



Whistleblowing Policy

Agreed by the Governing Body on: January 2017

Signed (Chair): *Beryl Fielder*

Review Date: Spring 2020

Whistleblowing Policy

This policy aims to:-

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken; ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or to the authority. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

This policy applies to all employees and applies equally to those designated as casual, temporary, agency, authorised volunteers or work experience, Governors and those contractors working for the school or the authority's premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the school in their own premises.

This policy document makes it clear that you can raise a concern without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing policy is intended to encourage and enable employees to raise serious concerns within the school or the authority rather than overlooking a problem or 'blowing the whistle' outside.

This policy covers whistleblowing relating to (but not limited to) alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed.

PIDA

Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 ("PIDA"). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistleblow. Where members of staff are unclear about any of the PIDA requirements they should seek further advice. Public Concern at Work is an independent charity that provides free advice for persons who wish to express concerns about fraud or other serious malpractice (telephone 020 7404 6609 or www.pcaw.co.uk). Members of staff could also approach their trade union for further advice.

Safeguard Against Reprisal, Harassment and Victimisation

The governing body will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the governing body's staff disciplinary procedures.

The PIDA provides protection to employees in circumstances where their disclosure can be classed as a protected disclosure. Under the PIDA it would be automatically unfair to dismiss or make any employee/member of staff redundant because they had made a protected disclosure; and that it would be unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action an Employment Tribunal has the power to order re-instatement, re-engagement or order the award of compensation to successful claimants.

Confidentiality

The governing body recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistleblower is likely to be called in to give evidence in court.

Anonymous Allegations

Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless anonymous allegations will be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the governing body will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the governing body will consider taking disciplinary action against the member of staff.

Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the headteacher or chair of governors should urgently consult the LA officer designated to lead on child protection (or if they are not available the designated manager for child protection in the authority's social services department) so that the action for the handling of such allegations under the school's disciplinary procedure for staff and the child protection procedures established by the Local Safeguarding Childrens Boards can be initiated.

However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the social services designated manager either before raising their concern with the governing body or where the headteacher or chair of governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

Procedure for Making a Whistleblowing Allegation

You should raise your concern with your line manager, the headteacher or the chair of governors. The person to be approached depends to an extent on the seriousness and sensitivity of the issue and who is thought to be involved.

If you feel you cannot express your concerns within the school, it is open to you to raise your concern with someone outside the school such as the local authority or the Southwark Diocesan Board for Education. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If possible put your concern in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. 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 can obtain advice/guidance on how to pursue matters of concern from HR (Human Resources) at Laurence House or the SDBE. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

Guidance Note for Members of Staff

This guidance should be followed if you suspect any conduct or practice in any area of the school's activities which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

DO

- Make an immediate note of your concerns.
- Note all relevant details such as what was said in telephone or other conversations, the date, time and the names of any parties involved; or any action observed.
- Convey your suspicions to someone with the appropriate authority and experience e.g. your line manager, a member of the senior management team, the headteacher, chair of governors.
- Deal with the matter promptly.
- Keep a copy of all notes/details etc.
- Ask for a copy of your school's whistleblowing policy if this has not routinely been made available to all school staff.

DO NOT

- Do nothing.
- Be afraid of raising your concerns. You must not suffer any recrimination as a result of voicing a reasonably held suspicion. The headteacher and/or chair of governors will treat any matter you raise sensitively and confidentially wherever possible (if you feel that the matter raised is not being treated sensitively and seriously then seek professional or alternative advice).
- Approach or accuse any individuals directly.
- Try to investigate the matter yourself. There are rules surrounding the gathering of evidence for use in criminal cases and in relation to child protection cases. Any attempt to gather evidence by people who are unfamiliar with these rules may destroy the case.
- Convey your suspicions to anyone other than those with the proper authority although other organisations such as a trade union or professional association may help you raise your concerns.
- If you wish to remain anonymous, do not include your name / position or any other information which could lead to your identity being disclosed.

Response to Whistleblowing

The matter raised may:

- need inquiry internally in the school
- need to be passed to the Police if it relates to alleged criminal activity

- need to be passed to the person in the LA who deals with complaints about financial management or financial propriety in schools

At this stage concerns/allegations are neither accepted nor rejected.

Timescale for Response

Concerns/allegations must be addressed to the chair of governors, Beryl Fielder. The chair will look into whistleblowing allegations will normally provide a written response to you **within 5 working days** (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing you of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

The Inquiry Process

The person appointed by the governing body to look into whistleblowing allegation will:

- Look into the allegation - seeking evidence and interviewing witnesses as necessary.
- Maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain anonymous.
- If appropriate, bring the matter to the attention of the LA appointed person dealing with complaints about financial management of schools.
- If appropriate, for concerns of criminal behaviour refer the matter to the Police.
- If appropriate, for concerns of child protection, refer the matter to the LA officer designated to lead on child protection/local authority social services designated manager for child protection. The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If the person appointed by the governing body needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

The target is to complete the inquiry **within 10-15 working days** from the date of the initial written response. If the enquiry extends beyond the timescales outlined for specific reasons all individuals concerned will be notified of this in writing with an indication when the inquiry will be completed

The Inquiry Report

Following completion of the inquiry process the person appointed by the governing body to look into whistleblowing allegations will make a written report and submit to the chair of the governing body normally **within 5 working days. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.**

Following receipt of the inquiry report, the chair of governors will convene a committee with at least one other governor and an independent person from outside the governing body, e.g. the LA or a governor of another school to consider the inquiry report and decide on the action to be taken. This should normally take place **within 5 - 10 working days** following receipt of the inquiry report.

Following notification of the committee's decision, the chair of governors will notify you of the outcome normally **within 5 working days** (except in relation to anonymous allegations), setting out the action to be taken or that no further action is to be taken and the reasons why.

Taking the Matter Further

If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the governing body's complaints procedure or raise your concerns with other organisations as listed below:

- the London Borough of Lewisham
- Southwark Diocesan Board of Education
- a relevant professional body or regulatory organisation such as the Teaching Agency
- a solicitor
- the Police - for concerns of criminal behaviour
- a trade union or professional association
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 020 7404 6609 or www.pcaw.co.uk).

Remember the Public Interest Disclosure Act 1998 protects you from victimisation by dismissal, redundancy or any other detrimental action provided you:

- Have disclosed the information in good faith.
- Believe it to be substantially true.
- Have not acted maliciously or made a false allegation.
- Are not seeking any personal gain.
- It was reasonable for the disclosure to have been made.

Conclusion

It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which teachers relate to children and where opportunities for their conduct to be misconstrued might occur.

In all circumstances, professional judgement must be exercised. For the vast majority of us, this code of conduct will serve to confirm what has always been best practice. From time to time, however, it is advisable for us all to reappraise our teaching styles, relationships with, manner and approach to individual and groups of children. Thus we can ensure that we give no grounds for doubt in the minds of the children in our care, the minds of their parents and carers or in the minds of other colleagues.

Existing good practice at St Michael's in terms of internal control both financial and non-financial and the external regulatory environment in which the school operates ensure that cases of suspected fraud or impropriety rarely occur. This Whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be properly addressed.

Staff with Children on School Roll

The beginning and end of the school day

Children of staff who work at St Michael's CE Primary School are allowed onto the school site before the advised 8.45am guidance given to parents and carers. Children should remain in their parent's classroom/work area under parent's direct supervision until the school gates are opened and other pupils enter the playground in readiness for the school day.

When the gates have been opened, children should be encouraged to wait with other pupils in the playground until the bell rings at 8.55am. At the bell children should then proceed to their own classroom as per the usual 'beginning of the school day' routine.

After school, children may remain on school premises, in their parent's classroom/work area, again under parent's direct supervision.

Consulting with your child's class teacher

Any consultations between staff and their child's class teacher should be on the same basis as for all other parents, namely:

- formal consultation in the autumn and spring terms when appointments should be made
- at any other time by appointment initiated by parent or teacher should there be any problems or areas of concern
- at the end of year report, if appropriate

Casual discussion between class teacher and a parental member of staff should be avoided as embarrassment could be caused to both the child and class teacher concerned.

Absence from school

In line with procedure, the office should always be notified of a child's absence at the beginning of the school day and the absence should be followed up by a note before or on the child's return to school.

Confidentiality

Care should always be taken to avoid breaches of confidentiality in the presence of a child, regarding school issues and plans.

...and finally

It is a difficult role, being both a member of staff and the parent of a child in school.

It is equally difficult (if not more so) for the child whose parent is a member of staff in the school; the child will often have to deal with a lot of peer pressure.

With this in mind therefore, it is advisable to encourage a level of detachment between yourself and your child during the school day. Do not intervene in your child's problems or arguments. Instead:

- encourage your child to develop the independence and maturity to resolve problems for him/herself
- support your child to manage the school day without your intervention
- allow your child the opportunity of telling you about their school day at the end of their school day, when their friends tell their parents!