

West Earlham Infant and Nursery School
The Whistleblowing Policy

1. Introduction

- a. As a person working for West Earlham Infant and Nursery School you may be the first to realise that there could be something seriously wrong within the school. However, you may feel that speaking up would be disloyal to your colleagues or to the school. You 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.
- b. The purpose of this Policy and the accompanying Whistleblowing Procedure is to make it clear that you can raise your concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. The school encourages you to raise serious concerns in the first instance **within** the school rather than overlooking a problem or 'blowing the whistle' outside, and we would rather that you raised the matter when it is just a concern rather than waiting for proof.
- c. West Earlham Infant and Nursery School is committed to the highest possible standards of openness, integrity and accountability. The Governing Board expect employees, and others involved in the work of the school, who have serious concerns about any aspect of the school work to come forward and voice those concerns.
- d. The Policy and Procedure applies to all employees and those contractors working for the school or on school premises. It also covers suppliers and those providing services under a contract with the school and organisations working in partnership with the school.
- e. This Policy and procedure has been prepared in accordance with the Public Interest Disclosure Act 1998 and government guidance on the issue. The Policy has been formally adopted by the Governing Board and publicised widely to all those who may wish to use it.
- f. The school recognises employees may wish to seek advice and be represented by their trade union representative when raising a concern and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the Policy and Procedure will not suffer detriment in their employment with the school.

2. Aims and Scope of the Policy

- a. This policy aims to:
 - Encourage you to feel confident in raising serious concerns and to question and act upon concerns;
 - 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 raised any concern in good faith.
- b. There are existing procedures in place to enable employees to lodge grievances relating to their employment. The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, including the complaints procedure. This Policy therefore includes concerns about:
 - Any unlawful act, whether criminal or a breach of civil law
 - Maladministration, as defined by the Local Government Ombudsman
 - Breach of any statutory code of practice
 - Breach of, or failure to implement or comply with Financial regulations or standing orders
 - Any failure to comply with appropriate professional standards
 - Fraud, corruption or dishonesty

- actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property
 - loss of income to the school
 - abuse of power, or the use of the school's powers and authority for any unauthorised or ulterior purpose
 - discrimination in employment or the provision of education
 - any other matter that staff consider they cannot raise by any other procedure
 - disclosures related to miscarriages of justice;
- c. It should be emphasised that this Policy is intended to assist individuals who have discovered malpractice or serious wrongdoing, provided they make the disclosure in accordance with the Policy. It is not designed to question financial or business decisions taken by the school nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this Policy and may not be protected under the Act.
- d. All employees are expected to adhere to this policy and procedure in line with their obligations under equality legislation. The Head teacher will ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

3.The Schools commitment

- a. West Earlham Infant and Nursery School is committed to good practice and high standards and wants to be supportive of employees and others who work for the school.
- b. It can be difficult for an employee to make the decision to report a concern. If a concern is raised in good faith and based on reasonable belief, there is nothing to fear. An employee has a duty both to their employer and the public and The Public Interest Disclosure Act 1998 will protect them from dismissal or other detriment. If an employee's concern is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
- c. The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern even if you are genuinely mistaken in your concerns. Any harassment or victimisation of a whistleblower may result in disciplinary action against the person responsible.
- d. Any investigations into allegations arising from whistleblowing will not influence or be influenced by any other procedures to which you may be subject.

4. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If we are not able to resolve your concern without revealing your identity (e.g. because your evidence may be needed in Court), we will discuss this with you beforehand wherever possible.

5. Anonymous allegations

- a. This policy and procedure encourages you to put your name to your concern whenever possible.
- b. Concerns expressed anonymously are much less powerful but may be considered by the school taking into account:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

- c. The Head teacher, Chair of governors will decide in each case whether a complaint made anonymously should be investigated.

The Whistleblowing Procedure

7. How to raise a concern

- a. If you are unsure whether or how to raise a concern you can contact the independent voluntary organisation Public Concern at Work on 020 7404 6609, for guidance.
- b. The earlier a concern is raised the easier it is to take action.
- c. You are not expected to provide proof but will need to demonstrate to the person contacted that there is reasonable grounds for concern.
- d. It is hoped that in most cases you will be able to raise concerns initially with the head teacher, speaking to them in person or putting the matter in writing if you prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases the matter may be referred to the Governing Board via the Chair of Governors or a nominated Governor who has responsibility for Whistleblowing. At West Earlham Infant and Nursery School this nominated person is the Chair of Governor: Pamela Turnbull.
- e. The Head teacher/ Chair of Governors will arrange a meeting as soon as practicable to discuss the concern raised. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum, they will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Head teacher/ Chair of Governors 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.
- f. You may bring a colleague or trade union representative to any meetings under this policy. The colleague or trade union representative must respect the confidentiality of the disclosure and any subsequent investigation.
- g. The Head teacher/Chair of Governors will take notes and produce a written summary of the concern raised and provide the employee with a copy as soon as practicable after the meeting, along with an indication of how they propose to deal with the matter, where possible.
- h. 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. Such a concern would normally be raised with the Chair of Governors, who will decide how it will be dealt with.
- i. If the concern is against the Chair of Governors, it should be taken to the Head teacher who will consider, with the Governor responsible for whistleblowing (where appropriate), how it should be dealt with. In these cases it would be advisable for guidance to be sought from the Local Authority.

8. External disclosures

- a. The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrong doing in the workplace. In most cases, employees should not find it necessary to alert anyone externally.
- b. The law recognises that in some circumstances it may be appropriate for employees to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. Public Concern at Work referred to in paragraph 7a above, operates a confidential helpline and they have a list of prescribed regulators for reporting certain types of concern.

- c. Whistleblowing concerns usually relate to the conduct of school employees but they may sometimes relate to the actions of a third party, such as a service provider. The law allows employees to raise a concern in good faith with a third party where the employee reasonably believes it relates mainly to the third party's actions or something that is the third party's responsibility. Employees are, however, encouraged to report such concerns internally first as outlined in 7 above.

9. Investigation and outcome

- a. Once an employee has raised a concern, the Head teacher/Chair of Governors will carry out, within 10 working days, an initial assessment to determine the scope of any investigation. The employee will be informed of the outcome of this assessment. The employee raising the concern may be required to attend additional meetings in order to provide further information.
- b. In some cases, the Head teacher/Chair of Governors may consider it appropriate to refer the concern to an external agency for consideration in advance of any internal investigation. This may be appropriate where concerns about child safeguarding, potential criminal activity or unsafe working practices are raised. Where this is deemed appropriate, no further internal investigation should be undertaken until clearance is given.
- c. 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.
- d. The Head teacher/Chair of Governors will aim to keep the employee informed of the progress of the investigation and likely timescale. Sometimes the need for confidentiality may mean that the employee cannot be given specific details of the investigation or any disciplinary action taken as a result. The employee is required to treat any information about the investigation as strictly confidential.
- e. If it is concluded that an employee has made false allegations maliciously, in bad faith or with a view to personal gain, they will be subject to disciplinary action under the school's disciplinary policy and procedure.
- f. Whilst it cannot always be guaranteed that the outcome will be in line with the employee's expectation, concerns will be dealt with fairly and in an appropriate way. If an employee is not happy with the way their concern has been handled, they can raise it with the Chair of Governors.
- g. There is no right of appeal against any decisions taken under this policy and procedure. The employee or the Head teacher will have the right to refer any particular case to the nominated Governor for Whistleblowing for review.
- h. Any employee raising a concern under this policy and procedure will be informed, where appropriate, of the final outcome. In some circumstances, e.g. where disciplinary action has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

10. Protection and support for whistleblowers

- a. It is understandable that an employee may be worried about possible repercussions. Employees are encouraged to be open and will be supported, where genuine concerns are raised in good faith under this policy and procedure, even if they turn out to be mistaken.
- b. Employees 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 an employee believes that they have suffered any such treatment, they should inform the Head teacher immediately. If the matter is not remedied the employee should raise it formally using the school's grievance procedure.

- c. No employee should threaten or retaliate against a whistleblower in any way. Any individual involved in such conduct will be subjected to disciplinary action.
- d. All employees are responsible for the success of this policy and procedure and should ensure that they use it to disclose any suspected danger or wrong doing. Employees are invited to comment on this policy and procedure and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Head teacher in the first instance.
- e. The school will do what it can to minimise any difficulties which an employee may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the school will arrange for them to receive advice about the procedure and other appropriate support.

11. Child safeguarding

If an employee suspects that there is a serious safeguarding issue that they feel is not being taken seriously by the Head teacher, or if there is a serious safeguarding issue involving the Head teacher, they should in the first instance contact the designated Governor for Child Protection

12. Responsibility of the policy

The responsibility for the effective and efficiency of this policy and procedure rests with the governing board. The Governing Board will be advised about and maintain records of, the concerns raised and the outcomes in a form which does not endanger confidentiality and will report if necessary to the Local Authority.

Approval

This policy has been reviewed in line with the 2010 Equality Act and Public Sector Equality Act. Due regard has been given to Equality.

This policy will be adopted in **November 2018**. The date of the next formal review will be **November 2019** and every year thereafter, unless statutory legislation changes.

Policy approved by the Full Governing Board of West Earlham Infant and Nursery School.