



Elton C of E Primary School

Whistle-Blowing Policy

September 2023

Whistle-Blowing Policy and Procedure

1. Purpose

- 1.1. To set out the Governing Body's policy and procedure for dealing with concerns raised by employees which relate to suspected wrongdoing or dangers at work (see paragraph 3). Allegations of child abuse against teachers and other staff and volunteers is to be dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges.

2. Background

- 2.1. As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise, they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.2. The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or alerting anyone external to the school.
- 2.3. This policy does not form part of any employee's contract of employment and it may be amended at any time.

3. Aims of the Policy

- 3.1. This policy aims to:
 - provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken
 - provide for matters to be dealt with quickly and appropriately, and ensure that concerns are taken seriously and treated consistently and fairly
 - reassure employees that they will be protected from reprisals or victimisation for whistle-blowing where they have a genuine concern
 - allow employees to take the matter further if they are dissatisfied with the Governing Body's response.
- 3.2. A **whistleblower** is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
 - criminal activity
 - miscarriages of justice
 - danger to health and safety

- damage to the environment
- failure to comply with any legal or professional obligation or regulatory requirements
- bribery
- financial fraud or mismanagement
- negligence
- breach of our internal policies and procedures
- conduct likely to damage our reputation
- unauthorised disclosure of confidential information
- public examination fraud
- the deliberate concealment of any of the above matters.

3.3. Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.4. This policy should not be used for complaints about an employee's personal circumstances, such as the way they have been treated at work. In these cases an employee should use the school's Grievance Procedure (or anti-harassment and bullying policy as appropriate); if the matter relates to salary, the salary review procedures documented in the school's pay policy.

4. Safeguards

4.1. Harassment or Victimisation

4.1.1. The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they have a genuine concern.

4.1.2. This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

4.2. Confidentiality

4.2.1. We hope that employees will feel able to voice whistleblowing concerns openly under this policy. The Governing Body will make every effort to protect an employee's identity if confidentiality is requested.

4.2.2. As indicated above, 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.

4.3. Anonymous Allegations

4.3.1. Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

4.4. Untrue Allegations

4.4.1. If an employee makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

4.4.2. Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.5. Support to Employees

4.5.1. It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee/s raising the concerns and any employee/s subject to investigation.

5. How to raise a Concern

5.1. As a first step, an employee should normally raise concerns with the Headteacher. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that the Headteacher is involved, they should approach the Chair of Governors. An employee can by-pass the Headteacher and the Governing Body if they feel the overall management and Governing Body of a school is engaged in an improper course of action. In this case please refer to section 7 below.

5.2. Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that however, the concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure.

5.3. The earlier an employee expresses the concern, the easier it is to take action.

5.4. Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

5.5. In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

- 5.6. At each meeting under this policy, the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

6. The Role of the Headteacher

- 6.1. A Headteacher 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.
- 6.2. The Headteacher should respond immediately by arranging to meet with the employee to discuss the concern/s as soon as possible.
- 6.3. Stage One:
- 6.3.1. At the initial meeting the Headteacher 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.
- 6.3.2. The Headteacher 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.
- 6.3.3. 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.
- 6.3.4. The Headteacher 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
 - 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.

6.4. Stage Two:

6.4.1. Following the initial meeting with the employee, the Headteacher should consult with the 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.

6.4.2. It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Headteacher 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.

6.4.3. 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.

6.4.4. The Headteacher 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.

6.5. Stage Three:

6.5.1. 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.

7. Raising Concerns Outside the School

7.1. The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases, the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee 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. If an employee is not satisfied with the Governing Body's response, the manager should ensure that they are made aware with whom they may raise the matter externally:

- 'Protect'
- Tel no: 0203 117 2520 *;
- Recognised Trade Union;
- Senior LA Officer;
- External Auditor;
- Relevant professional bodies or regulatory organisations;
- Solicitor.

7.2. The Headteacher should stress to the employee that if they choose to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

*Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

7.3. Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email help@nspcc.org.uk.

8. Monitoring and Review

8.1. The Headteacher and Governing Body will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Governing Body as necessary.

Statement of Procedure for Dealing with Allegations of Abuse against Teachers and Other Staff and Volunteers

1. Introduction

- 1.1. This Statement of Procedure follows the DfE Statutory Guidance Keeping Children Safe in Education Part four: Allegations made against/concerns raised in relation to teachers and other staff which is available from MyConcern/school office or the staff notice board.

It is about managing cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It will be used in respect of all cases where it is alleged that an employee or volunteer, or a person with permission to be on the premises or carrying out any activity on behalf of the school has;

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates they would pose a risk of harm to children, or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

This will include allegations involving any type of abuse or neglect, including inappropriate relationships with pupils, grooming behaviour of any kind, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003.

- 1.2. Any allegation of abuse will be dealt with as quickly as possible, in a fair, consistent and thorough way that provides effective protection for the child or children and at the same time deals fairly with the person who is the subject of the allegation.

- 1.3. It will also be used where low-level concerns are raised. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct,
- including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

2. Communicating the Procedures

- 2.1. All members of the senior management team and the designated safeguarding lead with responsibility for child protection have a responsibility to ensure that all employees know about and understand paragraph 3 below.

- 2.2. In accordance with the DfE Statutory Guidance, all employees should also read at least Part one of Keeping Children Safe in Education, which contains safeguarding information for all employees.
- 2.3. All members of the senior management team and the designated safeguarding lead have a responsibility to be familiar with the Statutory Guidance in its entirety.

3. Immediately Reporting an Allegation

- 3.1. Everyone who comes into contact with children and their families has a role to play in safeguarding children. If you have a concern that a person (as described in paragraph 1.1 above) may have behaved inappropriately or you have received information that may constitute an allegation or a low-level concern **you must:**
 - Report the facts to the Case Manager (Headteacher) as soon as possible. All concerns will be listened to and managed appropriately; do not withhold information however trivial it may seem
 - In the absence of the Case Manager you must report the matter to the most senior person available who will carry out the Case Manager's duties in their absence. If the allegation concerns the Case Manager, then the matter must be reported to the Chair of Governors
 - Make a signed and dated written record of your concerns, observations or the information you have received and give it to the Case Manager straight away
 - Maintain strict confidentiality.
- 3.2. **You must not:**
 - Attempt to deal with the situation yourself
 - Make assumptions, offer alternative explanations or diminish or embellish the seriousness of the behaviour or alleged incidents
 - Keep the information to yourself or promise confidentiality
 - Take any action that might undermine any investigation or disciplinary procedure, such as disclosing confidential information, interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents/carers.
- 3.3. In the event that an adult has found themselves in a situation which could be misinterpreted, **might** appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards the adult should self-refer this to those with designated safeguarding responsibilities. The governing body is committed to creating an environment where staff are encouraged and feel confident to self-refer.

4. Duties and Responsibilities of the Case Manager

- 4.1. The duties and responsibilities of the Case Manager are as described in Keeping Children Safe in Education Part four: Allegations made against/concerns raised in relation to teachers and other staff
- 4.2. The contact details for the Designated Officer for Safeguarding are:

Claire Arnold (Head@elton.cambs.sch.uk)

5. Low-Level Concerns

5.1. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct,
- including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

5.2. Low-level concerns will be dealt with in accordance with Part Four of Keeping Children Safe in Education, the Headteacher.

5.3. Where concerns are raised the Headteacher will collect as much evidence as possible, this will usually involve speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any relevant witnesses.

5.4. The information collected will help to categorise the type of alleged behaviour and determine whether any further action needs to be taken.

5.5. All low-level concerns will be recorded in writing. The record will include details of the concern, the context in which the concern arose, and any action taken. The name of the individual sharing their concern(s) will also usually be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

5.6. Records of low-level concerns raised will be retained for [insert time frame which should be at least until the individual leaves their employment/in accordance with the School’s document retention schedule.

This policy was ratified on and will be reviewed on

Signed by the Headteacher

Chair of Governors

Designated Safeguarding Lead
(if appropriate).