



**Alma
Primary**

עולם חסד יבנה
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Alma Primary Whistleblowing Policy

Responsibility: *Marc Shoffren*
Governing Body responsible: *Finance & Operations Committee*
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Policy Development:

Change	Responsible	Date
Updating language	People Committee	Jan 18
Remove summary, plus amendments to 6.1, 6.2, 8.7, 10.1	James Burns, FOP	Feb 23

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1. Introduction

- 1.1. Alma Primary is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, staff and others with serious concerns about any aspect of the School's work are encouraged to come forward and voice those concerns. This policy 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 blowing the whistle outside in an inappropriate way.
- 1.2. The Public Interest Disclosure Act (in force since January 1999) recognises that employees are often the first people to recognise something is wrong with procedures at their workplace. This policy builds on the provisions of the Act and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. The Governing Body of the School will have responsibility for ensuring the policy is effective and will respond to employees concerns.
- 1.3. The Governors and Headteacher are committed to delivering a high quality education service to pupils and expect high standards from their staff and contractors. In order to maintain these high standards a culture of openness and accountability is vitally important. It is recognised that, in some instances, cases may have to proceed on a confidential basis.

2. Aims of the Policy

- 2.1. This policy describes how any School employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures. Where the concerns are about safeguarding children or young people, the school's Designated Senior Person for Child Protection should be notified (see section 7 below).
- 2.2. This policy aims to:
 - To set out Alma Primary's approach to dealing with concerns raised by employees;
 - To encourage staff to raise concerns about malpractice within the School without fear of reprisals;
 - To reassure staff that concerns will be taken seriously;
 - To provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
 - To provide information about how to raise concerns and explain how the Governors may respond to concerns raised;
 - To provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
 - To reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
 - To allow employees to take the matter further if they are dissatisfied with the Governing Body's response.
- 2.3. This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own

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situation. Similarly, concern about a colleague's professional capability should not be dealt with using this procedure (see section 4 below). Where a member of staff has concerns which relate to salary, they should use the salary review procedures documented in the School's pay policy.

3. Scope of the Policy

- 3.1. This policy applies to all School employees, agency staff, governors, contractors and volunteers involved with the School. Families who have concerns about school related issues should address these through procedures described in the school's complaints policy.
- 3.2. Staff who do not follow the steps identified in this procedure, or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.

4. When this policy applies

- 4.1. In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others. The person blowing the whistle will not necessarily be directly affected by the danger or illegality. Consequently they will not necessarily have a personal interest in the outcome of any investigation into their concerns. This is different from a complaint or grievance. If a member of staff makes a complaint or lodges a grievance, they are saying that they personally have been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and they are entitled to seek personal redress.
- 4.2. Concerns which fall within the scope of the whistleblowing procedure may be about something that is unlawful; or is against the Governing Body's Standing Orders or policies; or falls below established standard or practice; or amounts to improper conduct.
- 4.3. Examples of activity that should be addressed include, but are not limited to, the following:
 - The physical, emotional or sexual abuse of staff, or volunteers;
 - Unauthorised use of school funds and/or financial maladministration;
 - Fraud and corruption including corruptly receiving any gift or advantage, and/or fraudulent or improper use of the school's money or assets;
 - Allowing private interests to override the interests of the school;
 - Practices which would lead to indoctrination or the nurturing of terrorism;
 - Failure to comply with legal obligations;
 - Dangerous practices, including endangering of an individual's health and safety;
 - Damage to the environment;
 - A criminal offence;
 - Failure to follow financial and contract procedure rules;
 - Showing undue favour to a contractor or a job applicant;
 - Miscarriages of justice;

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- Deliberate concealment of information relating to any of the above;
- Concerns about the professional practice or competence of colleagues, other members of staff or other workers.

4.4. 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 that 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 them being potentially implicated.

4.5. All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, volunteers or outside agencies.

5. Raising a Concern

5.1. As a first step, an employee should normally raise concerns with the Headteacher. If a member of staff (other than the Headteacher) is approached by a colleague with a concern as defined in this document, s/he should be advised to take the matter to the Headteacher, except as below.

5.2. Where the issue concerns the Headteacher or, having made a report, a member of staff believe s/he has failed to take appropriate action, then they should bring it to the attention of the Chair/s of Governors.

5.3. An employee (including the Head teacher and/or members of the leadership team) can bypass the direct management line and the Governing Body if s/he feels the overall management and Governing Body of a School is engaged in an improper course of action. In this case they will need to raise the concerns outside of the school (see below).

5.4. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the names listed in section 10.

5.5. 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 s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.

5.6. Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.

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

5.8. In some instances it may be appropriate for an employee to consult their trade union initially

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and bring a friend or trade union representative along to any discussions, so long as the third party is independent of the issue.

- 5.9. Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.

6. Advice and Support

- 6.1. The School recognises that staff may wish to seek advice and support from their professional association or trade union before blowing the whistle and are advised to do so. Employees may also wish to seek advice from 'Protect', formerly 'Public Concern at Work' or (PCAW), an organisation which is entirely separate from the school. 'Protect' have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work.
- 6.2. The 'Protect' website can be accessed at <https://protect-advice.org.uk> or they can be contacted on 0203 117 2520.

7. Safeguarding Children And Young People

- 7.1. All employees have a duty to report concerns about the safety and welfare of children;
- 7.2. Concerns about any of the following should be reported to the school's Designated Senior Person for Child Protection (DSP), Marc Shoffren. Concerns about child protection include:
- Physical abuse of a pupil/student;
 - Sexual abuse of a pupil/student;
 - Emotional abuse of a pupil/student;
 - Neglect of a pupil/student;
 - An intimate or improper relationship between an adult and a pupil/student.
- 7.3. The reason for the concern may be the actions of a colleague (including a more senior colleague), a governor, another child/student or someone outside the school. Whatever the reason, concerns must be reported.

8. Protecting a Whistle blower

- 8.1. *Harassment or Victimisation:* 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 raise a concern in good faith.
- 8.2. 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.
- 8.3. *Confidentiality:* The Governing Body will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee

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may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

- 8.4. *Anonymous Allegations:* Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they 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; and
 - The likelihood of confirming the allegation from attributable sources.
- 8.5. *Untrue Allegations:* If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.
- 8.6. *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.
- 8.7. *Non-employees:* The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedures Policy.

Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

9. Responding to an Allegation of Whistleblowing

- 9.1. Following the notification of a concern by a 'whistle blower' (a member of staff, parent, volunteer or governor) in writing or verbally, the senior leader (Headteacher, senior leader) or Chair of Governors to whom the notification has been made should respond by arranging to meet with the employee to discuss the concern(s) as soon as possible.
- 9.2. *First Stage:* At the initial meeting the senior leader/CoGs 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.
- 9.3. The senior leader/CoGs should ask the employee, to put their concern(s) in writing, if s/he has not already done so. The senior leader/CoGs should make notes of the discussions with the employee. The employee's letter and/or senior leader's/CoG's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

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- 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.
- 9.4. The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior leader/CoGs 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.
- 9.5. The senior leader/CoGs should follow the policy as set out above and in particular explain to the employee:
- What steps s/he intends to take to address the concern;
 - How s/he will communicate with the employee during and at the end of the process;
 - That a written response will be sent out 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 matter will be taken seriously and investigated immediately;
 - That the Governing Body will do all that it can to protect the employee from discrimination and/or victimisation; and
 - That if the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.
- 9.6. The senior leader/CoGs should explain to the employee, as a matter of fact, that:
- If clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
 - The investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.
- 9.7. *Second Stage:* Following the initial meeting with the employee, the senior leader should consult with the chair of governors to determine whether an investigation is appropriate and, if so, what form it should take. If the Chair of Governors is dealing with the concern, then they should consult with the Department for Education. A record should be made of the decisions and/or agreed actions.
- 9.8. It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior leader/CoGs should take the following factors into account:
- The seriousness of the issue(s) raised;
 - The credibility of the concern(s); and
 - The likelihood of confirming the allegation(s) from attributable sources.
- 9.9. In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an

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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 school's external auditor;
- Be referred to the Department for Education;
- Form the subject of an independent enquiry.

9.10. Senior leader should have a working knowledge and understanding of other School policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

9.11. *Third Stage:* Within ten working days of a concern being received, the senior leader/CoGs receiving the concern 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 and/or;
- Telling the employee whether any initial enquiries have been made and;
- Telling the employee whether further investigations will take place, and if not why not and/or;
- Letting the employee know when s/he will receive further details if the situation is not yet resolved and;
- Providing the employee with details of whom to contact should s/he be dissatisfied with this response.

10. Raising Concerns outside of the School

10.1. The whistle-blowing policy is intended to provide employees with a procedure for raising concerns and resolving these within the School. If an employee is not satisfied with the senior leader's and/or Governing Body's response, the senior leader/CoGs should ensure that s/he is made aware with whom s/he may raise the matter externally. These include:

- Protect at <https://protect-advice.org.uk>
- The School's external Auditor, Macintyre Hudson;
- The Audit Commission: 0303 444 8300
- Information Commissioner: 0303 123 1113
- Environment Agency: 03708 506 506
- Health and Safety Executive : 0300 0031 647
- Regulatory organisations including Ofsted who can be contacted via their whistleblowing helpline, 0300 123 3155 or whistleblowing@ofsted.gov.uk

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- Relevant professional bodies including trade unions;
- The Department for Education
- NSPCC Whistleblowing Helpline: 0800 028 0285

10.2. The senior leader/CoGs should stress to the employee that if s/he chooses 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. These should, on no account include broadcasting concerns by contacting a member of press or the use of social media.

11. Monitoring and Review

- 11.1. The Head teacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure.
- 11.2. The Governing Body will review the policy every two years and following any significant incident of whistleblowing.