

# Elm Park Primary School Whistleblowing & Managing Allegations Policy



**'Aspiring to be the best we can be!'**

<b>Policy type</b>	Statutory
<b>Statutory compliance with</b>	Children Act 1989 Working Together to Safeguard Children 2015 – revised 2018 London LSCB Child Protection Procedures 5th edition, 2018 Keeping Children Safe in Education (Sept 2018)

<b>Responsible</b> (author)	HT
<b>Approved / Accountable</b>	Full GB
<b>Consulted</b>	LA Model policy Inclusion Manager Designated Safeguarding Leads
<b>Informed</b>	All staff and Governors

<b>Review Frequency</b>	Annually
<b>Next review date</b>	02/07/2020
<b>Approved by</b>	Full GB/02/07/2019

## **Introduction**

To be read in conjunction with the following:

- Safeguarding Code of Conduct Policy
- Staff Code of Conduct
- Managing Allegations Against Staff policy
- Health and Safety policy
- Safer Recruitment policy
- Physical Restrain policy
- Anti-Bullying policy
- Finance Policy

## **Equality Impact Assessment**

The school aims to design and implement services, policies and procedures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at an unreasonable or unfair disadvantage over others. In the development of this policy, the school has considered its impact with regard to equalities legislation.

1. In line with the London Safeguarding Children Board and the London Child Protection Procedures, Elm Park Primary operates a whistle blowing policy.
2. The purpose of this document is to assist all staff to whistleblow if they have concerns about any adult in the school setting, whether paid or voluntary.
3. This policy reflects the requirements of:
  - 3.1. Working Together to Safeguard Children 2018
  - 3.2. Keeping Children Safe in Education 2018.
  - 3.3. London LSCB Child Protection Procedures 5<sup>th</sup> Edition, 2018
4. This policy and the following procedures apply to all paid staff, volunteers and governors working with or in Elm Park Primary.
5. This document applies to processes that must be followed in the following circumstances:
  - 5.1. Concerns about the suitability of a member of staff (paid or voluntary) working safely with children  
See SECTION A
  - 5.2. Concerns about the conduct of a member of staff, their honesty or integrity  
See SECTION B
6. If you are the whistle-blower or the subject of an allegation use SECTION C.

**Elm Park Primary School  
Whistleblowing Policy**

7. To assist in determining which section, the following can be used as a guide. Whistleblowing is separate from LADO because not all allegations go to the LADO. A whistleblow could be made because of:
  - 7.1. Allegations of harm or possible harm to a child from a staff member or volunteer in the school  
→ SECTION A
  - 7.2. Financial irregularity  
→ SECTION B
  - 7.3. Adult bullying (not involving children)  
→ SECTION B
  - 7.4. Cheating/changing assessment and exam results  
→ SECTION B
  - 7.5. Health & safety concerns  
→ SECTION B, but consider SECTION A because of the impact of this on the possible safety of the child
  - 7.6. Policies and procedures not being followed  
→ SECTION B, unless it concerns safeguarding and child protection issues in which case APPENDIX 2, Escalation policy.
8. APPENDIX 1  
Havering Local Area Designated Officer (LADO) referral form
9. APPENDIX 2  
Escalation Policy

<b>Section A: Child Protection Whistle Blowing</b>
--

10. All staff should be aware of this policy and feel confident to voice concerns about the attitudes or actions of colleagues; this includes contact and actions using mobile phones, internet, email and chat.
11. If a member of staff believes a colleague has:
  - 11.1. Behaved in a way that has harmed a child, or may have harmed a child;
  - 11.2. Possibly committed a criminal offence against or related to a child;
  - 11.3. Behaved towards a child or children in a way that indicates they are unsuitable to work with children;
12. **For all of the above please speak to your Headteacher immediately – Victoria Morris (01708 451463)**  
The Headteacher will report to the LADO on the same working day.
13. Allegations can be made in relation to physical chastisement and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:
  - 13.1. Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);

**Elm Park Primary School  
Whistleblowing Policy**

- 13.2. 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
  - 13.3. Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc;
  - 13.4. Possession of indecent photographs / pseudo-photographs of children.
14. In addition, these procedures should be applied when there is an allegation that any person who works with children:
- 14.1. Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
  - 14.2. As a parent or carer, has become subject to child protection procedures;
  - 14.3. Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering).
- For all of the above please speak to your Headteacher immediately – Victoria Morris (01708 451463)**
- The Headteacher will report to the LADO on the same working day.
15. **If a member of staff is worried about the conduct of the Headteacher**, or they believe that a reported allegation or concern is not being dealt with properly, they should report the matter on the same working day:
- to the Havering Local Authority, Designated Officer (LADO), 01708 431653
  - to the Chair of Governors – Lorraine Earle (01708 451463)
  - to the NSPCC whistleblowing helpline 0800 028 0285
16. For confidential advice on how to raise a concern about malpractice at work, visit 'Public Concern at Work' [www.pcaw.co.uk](http://www.pcaw.co.uk)

<b>Section B: Fraud or financial wrong doing</b>
--

17. Examples of Illegal and/or Improper Conduct:
- 17.1. Fraudulent or improper use of the school's money or assets
  - 17.2. Mismanagement of statutory tests and assessments
  - 17.3. Dangerous practices at work
  - 17.4. Corruptly receiving any gift or advantage
  - 17.5. Allowing private interests to override the interests of the school
18. All staff should be aware of this policy and feel confident to voice concerns about the attitudes or actions of colleagues; this includes

concerns about mismanagement of school budget, school funds or school resources, handling and managing statutory tests and assessments.

19. Report financial or asset concerns to
  - the Headteacher
  - if the concern is about the Headteacher contact [fraud.reports@education.gov.uk](mailto:fraud.reports@education.gov.uk)also see <https://www.gov.uk/education/school-complaints-and-whistleblowing>
20. Report statutory test or assessment concerns to
  - the Local Authority 01708 433847
  - the Standards and Testing Agency (STA) [sta.maladministration@education.gov.uk](mailto:sta.maladministration@education.gov.uk)
21. Also see <https://www.gov.uk/complain-about-school/state-schools>
22. Also see Section D – contacts and useful information.

### **Section C: All Staff Whistle Blowing Policy**

#### **23. Policy statement**

24. 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 to speak up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report something which after all, may just be a suspicion of malpractice.
25. Elm Park Primary is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and encourage employees, and others with whom we deal, who have concerns about any aspect of the school's work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis (i.e. between the employee voicing the concern and the person to whom the concern is voiced).
26. This policy document makes it clear that you can do so without fear of victimisation, reprisal, subsequent discrimination or disadvantage. This Whistle Blowing/Confidential Reporting policy is intended to encourage and enable employees and others to raise concerns within Elm Park Primary rather than overlooking a problem or 'blowing the whistle' outside, in line with the Public Interest Disclosure Act 1998 (Whistle Blowing).

#### **27. Aims and scope**

28. This section of the whistle blowing policy applies to all employees at Elm Park Primary (permanent, temporary, casual), contractors and those in partnership roles working for the school on school premises, for example volunteers, agency staff, builders, etc.

**Elm Park Primary School  
Whistleblowing Policy**

29. This whistle blowing policy does not apply to pupils/students. Where applicable, employees are responsible for making pupils/students aware of the existence of the school's complaints procedure and other appropriate reporting procedures.
30. The procedure is designed to enable employees to notify the Headteacher/Chair of Governors of any reasonable suspicion of illegal or improper conduct.
31. It is a procedure in which the Headteacher/Chair of Governors will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure. Safeguarding and child protection concerns will always be notified to the LADO.
32. The Headteacher/Chair of Governors will follow the London Child Protection procedures.  
[http://www.londoncp.co.uk/chapters/alleg\\_staff.html](http://www.londoncp.co.uk/chapters/alleg_staff.html)
33. Concern about a colleague's professional capability should not be dealt with using this procedure.

**34. Roles and Responsibilities**

**35. Headteacher/Chair of Governors**

- 35.1. The Headteacher, or where the complaint is about the Headteacher, the Chair of Governors, is expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure. Safeguarding and child protection concerns will always be notified to the LADO.
- 35.2. Where concerns are raised with outside agencies the Headteacher/Chair of Governors must fully cooperate with any resulting investigation(s).
- 35.3. The Headteacher/Chair of Governors will make every effort to meet any request of anonymity where possible.
- 35.4. The Headteacher/Chair of Governors, where possible, should inform the complainant of the outcome of the investigation.

**36. Employees**

- 36.1. All employees are expected to bring to the attention of the Headteacher/Chair of Governors any serious impropriety or breach of procedure.
- 36.2. All employees who report concerns under the whistle blowing procedure must be prepared to justify and support their claim in writing.
- 36.3. If another member of staff (other than the Headteacher/Chair of Governors) is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Headteacher/Chair of Governors.

36.4. Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

### **37. Legal**

38. Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. If they are, they can claim unfair dismissal when the reason for the 'whistleblowing' meets any of the 'qualifying disclosures' criteria. They include when someone reports:

38.1. Safeguarding and child protection issues

38.2. That someone's health and safety is in danger

38.3. Damage to the environment

38.4. A criminal offence

38.5. That the company/school isn't obeying the law i.e. not have the right insurance etc.

38.6. That someone's covering up a wrongdoing

39. The Headteacher/Chair of Governors should ensure that, where this procedure has been used in the public interest, employees are not subjected to harassment and/or victimisation for doing so.

40. The key piece of 'whistleblowing' legislation is the Public Interest Disclosure Act 1998. Other Acts and Statutory Instruments which govern the topic are:

40.1. Police Reform Act 2002 Section 37

40.2. Employment Rights Act 1996 Section 103A

40.3. Employment Rights Act 1996 Sections 43A to 43L

40.4. Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) Regulation 14

40.5. Public Interest Disclosure Act 1998

40.6. Public Interest Disclosure (Compensation) Order 1999 (SI 1999/1548)

40.7. Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)

40.8. Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 (SI 2003/1993)

40.9. Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2004 (SI 2004/3265)

40.10. Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2005 (SI 2005/2464)

40.11. The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010 (SI 2010/131)

40.12. Enterprise and Regulatory Reform Act 2013

40.13. This policy has also been developed in line with the London Safeguarding Children Board and the London Child Protection Procedures.

**41. Procedure**

42. Key Principles

43. This procedure is not designed to replace or be used as an alternative to the school's grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Employees who are worried about wrong-doing at work do not necessarily have a personal grievance.

44. Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate.

45. No employee who uses this procedure in the public interest will be penalised for doing so. The school will not tolerate harassment and/or victimisation of any employee raising concerns.

46. An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact the Headteacher/Chair of Governors or Public Concern at Work ([www.pcaw.co.uk](http://www.pcaw.co.uk)) for advice.

47. Safeguards

48. The school is committed to good practice and high standards and wants to be supportive of employees.

49. The school recognises that the decision to report a concern can be a difficult one to make.

50. The school will not tolerate any harassment or victimisation (including informal pressures) upon you as a result of making a disclosure in accordance with this policy and will take appropriate action to protect you when you raise a concern in the public interest. The school, in the event of reprisals or victimisation against you because you have acted in accordance with this policy, will consider and may take disciplinary action against any employee responsible for such victimisation and/or reprisal.

51. In some circumstances it is recognised that a person making information known about their colleagues may find it difficult to return to his/her normal job. The school has a duty of care to provide a safe working environment and treat its employees with respect. If this is not possible in the employee's normal job because of the situation surrounding the disclosure of confidential information, the school will seek to redeploy the individual, taking account of their generic and specialist skills, abilities and experience.

52. Confidentiality

53. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

54. Anonymous Allegations

**Elm Park Primary School  
Whistleblowing Policy**

55. This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made anonymously, the concern will be considered at the discretion of the school.
56. In exercising this discretion the factors to be taken into account would include:
- 56.1. The seriousness of the issues raised
  - 56.2. The credibility of the concern; and
  - 56.3. The likelihood of confirming the allegation from attributable sources
57. Untrue Allegations
58. If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation that is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
59. Mechanism for Raising Concerns
60. Where the issue concerns your Headteacher or, having made your report, you believe he/she has failed to take appropriate action, you should bring it to the attention of the Chair of Governors.
61. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the names listed in section D/67 (Useful Contacts).
62. Depending on the nature of the concern, the complainant will be asked to justify and support their claim. Normally the complainant will be asked to do this in writing. It will, therefore, be helpful to note down any facts and dates as they happen.
63. Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the schools' internal auditor for possible investigation. Normally you must first report any suspicion of such irregularities to the Headteacher who in turn will report it to the Internal Audit and Corporate Risk Manager.
64. Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a colleague or trade union representative along to any discussions, so long as the third party is independent of the issue.
65. Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible.
66. The earlier and more open the expression of concern the easier it will be to take appropriate action.
67. Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.

## Section D: Contacts and useful information

### 68. Useful contacts

#### 68.1. MASH Team

01708 433222 (day)

01708 433999 (night)

<https://my.havering.gov.uk/Pages/OnlineForms/Multi-Agency-Referral-form.aspx#Information>

#### 68.2. LADO

Lisa Kennedy

[lado@havering.gov.uk](mailto:lado@havering.gov.uk)

01708 431653

#### 68.3. NSPCC whistleblowing helpline

0800 028 0285

[www.nspcc.org.uk/Helpline](http://www.nspcc.org.uk/Helpline)

#### 68.4. Assessment

Grahame Smith, School Assessment and Moderation

01708 433813

[Grahame.smith@havering.gov.uk](mailto:Grahame.smith@havering.gov.uk)

#### 68.5. Finance/Auditor

Paul Thorogood, Director of Finance (including internal audit)

[Paul.thorogood@onesource.co.uk](mailto:Paul.thorogood@onesource.co.uk)

#### 68.6. Education HR

Peter Whitelock, Education HR Advisor

01708 433087

[Peter.whitelock@havering.gov.uk](mailto:Peter.whitelock@havering.gov.uk)

#### 68.7. Schools' Health & Safety Team

Sue Wilks, Corporate Health & Safety Manager

017084 432903

[Sue.wilks@havering.gov.uk](mailto:Sue.wilks@havering.gov.uk)

### 69. Trade Unions

#### 69.1. NASUWT – John McGill –

[john.mcgill@exec.nasuwt.org.uk](mailto:john.mcgill@exec.nasuwt.org.uk)

#### 69.2. NEU (previously NUT) – [secretary@havering.nut.org.uk](mailto:secretary@havering.nut.org.uk)

#### 69.3. VOICE – Sue Peachey - 01332 372 337

#### 69.4. NAHT – [dunbarers@aol.com](mailto:dunbarers@aol.com) [linabeck@hotmail.com](mailto:linabeck@hotmail.com)

#### 69.5. UNISON – Jennifer Kinagby – 01708 433434 or 434822

#### 69.6. GMB – Andy Hampshire – 01708 433793

#### 69.7. UNITE – Michelle Cook – 020 8596 9966

#### 69.8. ASCL – Mo Sabur – 0116 299112

#### 69.9. NAU (previously ATL) – Karen Jupp –

[kjupp@steds.org.uk](mailto:kjupp@steds.org.uk)

70. **Other agencies**

70.1. DfE complaints

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

<https://www.gov.uk/government/publications/school-complaints-procedures>

<https://www.gov.uk/complain-about-school>

<https://www.gov.uk/complain-about-school/state-schools>

70.2. DfE whistleblowing guidance

<https://www.gov.uk/guidance/whistleblowing-procedure-for-maintained-schools>

<https://www.gov.uk/government/publications/complain-about-an-academy>

70.3. Health & Safety Executive

020 7717 6000 / 020 7556 2100

<http://www.hse.gov.uk/>

70.4. The Environment Investigation Agency

020 7490 7040

70.5. Financial Services Authority

0845 606 13234 / 020 7676 1099

70.6. HM Treasury

020 72703000 / 020 7270 5000

70.7. Director General – Serious Fraud Office

020 7239 7272

70.8. Inland Revenue

020 7605 9800 / 020 8370 7300 / 020 8522 5700 / 020 8509 4700

70.9. Customs and Excise

020 7620 1313 / 0800 595 000

70.10. National Audit Office

020 7790 7000

70.11. District Audit Service

020 7233 6400

70.12. Audit Commission

020 7828 1212

70.13. ICO – Information Commissioners Office

<https://ico.org.uk/>

71. For confidential advice on how to raise a concern about malpractice at work; visit 'Public Concern at Work' [www.pcaw.co.uk](http://www.pcaw.co.uk)

72. **Related Documents**

72.1. The School's Disciplinary Procedure

72.2. The School's Grievance Procedure

72.3. The Safeguarding and Child Protection Policy for Schools

**73. Where to go for further information**

- 73.1. Working together to safeguard children 2018  
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
- 73.2. London Child Protection Procedures, edition 5  
<http://www.londoncp.co.uk/>  
Section 7 - [http://www.londoncp.co.uk/chapters/alleg\\_staff.html](http://www.londoncp.co.uk/chapters/alleg_staff.html)
- 73.3. DfE: Statutory guidance: Keeping children safe in education 2018  
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- 73.4. DfE: Advice what to do if you are worried that a child is being abused 2015  
<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>
- 73.5. DfE Guidance: Sexual violence and sexual harassment between children in schools and colleges 2018  
<https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges>
- 73.6. DfE Guidance: Protecting children from radicalisation: the prevent duty  
<https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty>
- 73.7. Gov.UK: Safeguarding children, latest documents  
<https://www.gov.uk/topic/schools-colleges-childrens-services/safeguarding-children/latest>

Penny Patterson  
August 2018