

WOODLAND GRANGE PRIMARY SCHOOL

SCHOOL POLICY DOCUMENT

WHISTLEBLOWING POLICY

1. PURPOSE AND PRINCIPLES

1.1 Scope

The Policy applies to all Governors and employees of the school.

1.2 Policy Aims and Objectives

1.2.1 Members of staff 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 or to their employer. 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.

1.2.2 The school encourages members of staff to raise genuine concerns about malpractice at the earliest practicable stage, rather than wait for proof. Malpractice within the school is taken very seriously.

1.2.3 The attached procedure is, accordingly, intended to provide safeguards, to enable members of staff to raise concerns about malpractice in connection with the school. The aim is to provide a rapid mechanism under which genuine concerns can be raised internally and, if necessary, externally without fear of adverse repercussions to the individual. It is also intended to promote throughout the school a culture of openness and a shared sense of integrity, by inviting all employees to act responsibly in order to uphold the reputation of the school, and to maintain public confidence.

1.2.4 The procedure also seeks to balance the need to provide safeguards for members of staff who raise genuine concerns about malpractice against the need to protect other members of staff, governors, pupils and the school against uninformed or vexatious allegations which can cause serious difficulty to innocent individuals.

1.3 **Responsibility, Review and Evaluation**

The Head Teacher is responsible for reviewing the Policy and the Procedure annually and for submitting any revisions required to the Governing Body for approval. In carrying out this responsibility the Head Teacher shall liaise with the Chair of Governors.

2. **PROCEDURES**

2.1 **Malpractice**

The types of matters regarded as “malpractice” for the purposes of this procedure are as follows:

- Corruption, bribery or blackmail.
- Fraud or financial irregularity.
- Criminal offences.
- Failure to comply with a legal or regulatory obligation.
- Miscarriage of justice.
- Endangering the health or safety of any individual.
- Endangering the environment.

2.2 **Designated Assessors**

2.2.1 The Head Teacher will ensure that at least four, but not more than six members of staff of appropriate experience and standing within the school are designated at any time for the purposes of this procedure as designated assessors and that one of the members shall be designated as lead designated assessor. These members will be those on the Senior Leadership Team.

First Designated Assessor (the Lead Assessor): The Headteacher or in case of a procedure against him/her, the Chair of Governors.

Second Designated Assessor: The Deputy Headteacher

Two Designated Assessors:

- KS1 Phase Leader
- KS2 Phase Leader

2.2.2 The appointment of Designated Assessors will be reviewed each year.

2.2.3 The Lead Assessor will co-ordinate the training of the Designated Assessors in the use of this procedure, and will produce a report annually to the Pastoral Committee on the number of occasions when this procedure has been formally invoked and the outcome. The Annual Report will not identify individuals.

2.2.4 The Lead Assessor will arrange meetings of all Designated Assessors as necessary to review the procedure.

2.3 Disclosure

2.3.1 This procedure applies to disclosure by an individual (“the Discloser”) who is an employee of the school and who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the school (whether on the part of another employee, a governor, or any other person or persons).

2.3.2 The Discloser should, as soon as practicable, disclose in confidence, the grounds for the belief of malpractice to one of the Designated Assessors. The choice of Designated Assessor will be for the Discloser, but a Designated Assessor may decline to become involved on reasonable grounds, including possible previous involvement or interest in the matter concerned, incapacity or unavailability or if a Designated Assessor is satisfied, after consulting the Lead Assessor, that some other Designated Assessor would be more appropriate to consider the matter in accordance with this procedure.

2.3.3 Any disclosure to a Designated Assessor under this procedure shall, wherever possible, be in writing but, if this is not practicable, any such disclosure may be verbal, at the choice of the Discloser. The Discloser should provide as much supporting written evidence as possible about the disclosure and the grounds for the belief of malpractice.

2.3.4 On receipt of the disclosure, the Designated Assessor will offer to interview the Discloser in confidence, such interview to take place as soon as practicable after the initial disclosure. The purpose of the interview will be for the Designated Assessor to obtain as much information as possible from the Discloser about the grounds of the belief of malpractice and to consult with the Discloser about further steps that could be taken. The Discloser may be accompanied by a local trade union representative or work colleague at the interview.

2.3.5 The Designated Assessor may be accompanied by an Administrative Assistant to take notes, which will not identify the Discloser. For safeguards in relation to confidentiality, see paragraph 7 below.

2.4 Further Steps

2.4.1 As soon as practicable and in any event not more than five working days after the interview (or after the initial disclosure if no interview takes place) the Designated Assessor will recommend what further steps should be taken. Such recommendations may (without limitation) include one or more of the following:

- The matter should be reported to the police.
- The matter should be reported to the Children and Young People's Service.
- The matter should be investigated either internally by the school or by the Finance Committee of the governing body and/or by external or internal auditors or investigators appointed by the school.
- The member of staff should be given the opportunity to seek redress through the school's Grievance Procedure.

2.4.2 The outcomes may include, but are not limited to:

- No further action being taken.
- An investigation that may or may not lead to disciplinary action.
- The complaint being channelled into the school's Grievance Procedure.

2.4.3 The grounds on which the Designated Assessor may recommend that no further action by the school should be taken are as follows:

- The Designated Assessor is satisfied that the Discloser does not have a reasonable belief that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur; or
- The Designated Assessor is satisfied that the Discloser is not acting in good faith; or
- The matter concerned is already the subject of legal proceedings, or has already been referred to the police, Children and Young People's Service, County Hall, Ofsted, the Department for Education and Employment, the National Audit Office or other appropriate public authority; or
- The matter is already (or has already been) the subject of proceedings under one of the school's other procedures relating to staff or pupils.

2.4.4 Any recommendations made under this procedure will be made by the Designated Assessor to the Head Teacher unless it is alleged that the Head Teacher is involved in the alleged malpractice or unless there are other reasonable grounds for not doing so, in which case the recommendations will be made to the Chair or the Vice Chair of Governors. In any case the

recommendations will be made without revealing the identity of the Discloser save as provided in paragraph 7.1 below.

The recipient of the recommendations will take all steps within his or her power to ensure that they are implemented except to the extent that, in the view of the recipient, there are good reasons for not doing so. If the Head Teacher decides not to implement fully any such recommendations that decision will be notified in writing to the Chair of Governors as soon as practicable, together with reasons for it.

2.4.5 Once the Head Teacher (or other recipient) has decided what further steps (if any) should be taken, the Designated Assessor will inform the Discloser of the decision. If no further steps by the school are proposed, the Designated Assessor will give the reasons for this.

2.5 Appeal

2.5.1 If the Discloser is dissatisfied with the decision of the Head Teacher, the Discloser may, within five working days of receiving the decision from the Designated Assessor, appeal against the decision. If this happens, then the Designated Assessor will refer the disclosure to the Lead Assessor who, in his/her capacity will arrange for the appeal to be presented by the Designated Assessor, to the Audit Committee of the Governing Body.

2.5.2 The Audit Committee will consider the decision of the Head Teacher and may confirm, modify or overturn that decision. The Designated Assessor will inform the Discloser of the decision of the Audit Committee.

2.6 External Disclosure

2.6.1 If, having followed the procedure including the appeal, the Discloser is not satisfied with the further steps (if any) decided upon or the outcome of any such steps, the Discloser may raise the matter concerned on a confidential basis with the police, Children and Young People's Service, County Hall, Ofsted, the Department for Education and Employment, the National Audit Office, a Member of Parliament or other appropriate public authority. Before taking any such action, the Discloser will inform the Designated Assessor.

2.6.2 The Discloser may also raise the matter in accordance with paragraph 2.6:1 above if the Discloser has reasonable grounds for believing that all of the available Designated Assessors are or were involved in the alleged malpractice or that the Discloser will be subjected to a detriment as a result of making the disclosure.

2.6.3 The Discloser may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

2.7 Safeguards

2.7.1 Any report of recommendations by the Designated Assessor in relation to the matter will not identify the Discloser, unless the Discloser otherwise consents in writing or unless there are grounds to believe that the Discloser has acted maliciously. In the absence of such consent or grounds, the Designated Assessor will not reveal the identity of the individual as the Discloser of information under this procedure except:

- Where the Designated Assessor is under legal obligation to do so; or
- If the information is already in the public domain; or
- On a strictly confidential basis to the Designated Assessor's Administrative Assistant for the time being; or
- On a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

2.7.2 Any documentation (including computer files and disks) kept by the Designated Assessor relating to the matter will be kept secure, so that as far as practicable only the Designated Assessor and his or her Administrative Assistant shall have access to it.

2.7.3 As far as practicable, any documentation prepared by the Designated Assessor will not reveal the identity of the individual as the Discloser of information under this procedure.

2.7.4 Where the Discloser involves a local trade union representative or work colleague in this procedure, the Discloser will be under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague keeps this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain. Failure to comply with this obligation may lead to disciplinary action.

2.7.5 The Discloser will not be required by the school, without his or her consent, to participate in any enquiry or investigation into the matter established by the school, unless there are grounds to believe that the Discloser may have been involved in misconduct or malpractice.

2.7.6 Where the Discloser participates in any such enquiry or investigation, that participation will usually be required to be on

an open rather than a confidential basis, although the obligations of the Designated Assessor under paragraph 2.7:1 of this procedure will remain in relation to the identity of the individual as the original Disclosure of information under this procedure.

2.7.8 Subject to paragraph 2.8 below, the school will not (and it will use all reasonable endeavours to ensure that its employees do not) subject the Discloser to any detriment on the grounds of the Discloser's disclosure of information under this procedure. The Discloser should report any complaints of such treatment to a Designated Assessor. If the Discloser wishes the Designated Assessor to take action in relation to such complaints, the Discloser may be asked to consent in writing to the Designated Assessor revealing the Discloser's identity for the purposes of any such action.

2.8 Protection Against Disciplinary Action

No disciplinary action will be taken against a Discloser on the grounds of a disclosure made by the Discloser in accordance with this procedure. This will not prevent the school from bringing disciplinary action in cases where there are grounds to believe that a disclosure has been made:

- Maliciously or
- Where there has been a breach of confidentiality under paragraph 2.7:3; or
- Whether an external disclosure is made in breach of this procedure without reasonable grounds; or
- Otherwise than to an appropriate public authority.

2.9 The Role of the Head Teacher as Discloser

As a requirement of the Financial Regulations the Head Teacher has a duty to report to the Leicestershire Education Authority, County Hall, or other appropriate public authority should the Governing Body adopt a policy or commission an action which is incompatible with the terms of those regulations or which would infringe the requirements of propriety or regularity.

The Head Teacher is responsible for advising the Governing Body in writing if any action or policy under consideration by them is incompatible with the terms of the regulations or would infringe the requirements of propriety or regularity.

The Head Teacher is also responsible for advising the Governing Body in writing if the Governing Body appears to be failing to act where required to do so by the regulations or where required to meet the requirements of propriety or regularity.

If after considering the reasons given by the Governing Body, the Head Teacher still considers that they could not defend such a policy or

action then they should advise the Director of Children and Young People's Service in writing of the situation in their school. The Leicestershire Education Authority, County Hall, or other appropriate public authority, would not consider the provision of such a written report to the Governing Body or the notification of the LA as grounds to take disciplinary action or suspend the Head Teacher.

3. AMENDMENTS AND REVIEW

- 3.1 The Governing Body may amend this procedure from time to time.
- 3.2 Any amendments to the procedure will be carried out in accordance with the School Policy statement.