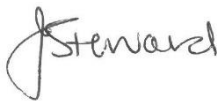





## WHISTLEBLOWING POLICY

| Formally adopted by the<br>Governing Body of Sheringham Community Primary & Nursery School |   |
|--|---|
| On   | 21 <sup>st</sup> May 2020   |
| Chair of Governors   |  |
| Head Teacher   |  |
| Last updated   | 21 <sup>st</sup> May 2020   |
| Review   | 21 <sup>st</sup> May 2021   |

*Be all that you can be...*



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## Introduction

At Sheringham Community Primary School and Nursery we are committed to the highest possible standards of openness, probity and accountability and we encourage staff and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

Staff must acknowledge their individual responsibility to bring matters of concern to the attention of senior leadership and/or relevant agencies. This procedure encourages staff to raise serious concerns, without fear of reprisal or victimisation, internally within school rather than over-looking a problem or raising the matter outside.

It applies to all staff, agency workers and supply staff and those contractors working on the premises, for example, cleaners, builders and drivers. It also covers suppliers and those providing services under a contract with NCC in their own premises.

It is recognised that whistle blowing may engender feelings of disloyalty to colleagues or that staff may fear harassment or victimisation. These feelings, however natural, must never result in the behaviour that is causing concern, continuing. **Don't think what if I'm wrong – think what if I'm right**

## Other Complaints Procedures

This is separate from the school Complaints Procedure and other statutory reporting procedures. Child Protection issues should be reported according to the specific guidelines laid out in the Safeguarding and Child Protection policy.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

## Behaviour that should cause concern:-

- Conduct which is, has been or is likely to be an offence or breach of law.
- Conduct that has occurred, is occurring or is likely occur the result of which the school or NCC fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, verbal, sexual or physical abuse, or other unethical conduct of any kind and waste/frivolous expenditure
- Disclosures related past, current or likely miscarriages of justice.
- Past, current or likely health and safety risks, including risks to the public as well as other employees.
- Past, current or likely damage to the environment.

## Legislative Framework

This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

- The Public Interest Disclosure Act 1998
- The Public Concern at Work Guidelines

## Scope

This policy will:

- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members and staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

This policy will complement the aforementioned procedures by covering concerns that fall outside their scope, such as issues relating to:

- Unlawful conduct, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc.
- Establishment standards of practice.
- Improper conduct or a miscarriage of justice.
- Risks or damages to the environment.

Sheringham CPS&N will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA. Any member of staff who victimises or harasses another member of staff, as a result of their having raised a concern in accordance with the whistleblowing policy, will be dealt with under the school's staff disciplinary procedures.

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action will be taken; however, if the inquiry shows that untrue allegations were malicious or made for personal gain, then Sheringham CPS&N will consider taking disciplinary action.

## What is a whistle blower?

A whistleblower is an individual who discloses confidential information regarding an employee, which relates to some danger, fraud or other illegal or unethical conduct which is connected with the workplace.

Under this policy, any of the following can raise a concern:

- Employees of the school.
- Employees of contractors working for the school for example, agency staff, builders and drivers.
- Employees of suppliers.
- Voluntary workers working with the school.
- A trainee, such as a student teacher.

## Harassment or victimisation

Sheringham CPS&N recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith.

Staff are protected in law by PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under Sheringham CPS&N's staff disciplinary procedures.

## Procedure

### i. How to raise a concern (see Appendix 1)

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Report your concern to the Headteacher. If your concern is about the headteacher, or you feel you need to take it to someone outside the school, contact the Chair of Governors or the Local Authority Designated Officer (LADO).
- Make sure you get a satisfactory response – don't let matters rest.
- Ideally you should put your concerns in writing, outlining the background and history, giving names, dates and places where you can.

- A member of staff is not expected to prove the truth of an allegation but you will need to demonstrate sufficient grounds for the concern.

## **ii. What happens next**

- You should be given information on the nature and progress of any enquiries.
- Your employer has a responsibility to protect you from harassment or victimisation
- No action will be taken against you if the concern proves to be unfounded and was raised in good faith.
- Malicious allegations may be considered as a disciplinary offence.

## **iii. Confidentiality**

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

## **iv. Anonymous Allegations**

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at the school's discretion.

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.

## **v. Self reporting**

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with the Headteacher so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

## **vi. Further advice, support and contact details**

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from the Headteacher.

## **What happens next?**

Once Sheringham CPS&N has been informed of the concern, it is then the responsibility of the school to investigate the matter further.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend, or a fellow member of staff not involved in the area of work to which the concern relates. This person will provide support only, and will not be allowed to become involved in the proceedings.

If no action is to be taken, and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under Sheringham CPS&N's complaints procedure.

## **What the school asks of you**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not take the concern outside the school.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **At the end of the process**

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, in order to monitor any patterns of concern across Sheringham CPS&N, and to assist in monitoring the procedure.

## **If you're treated unfairly after whistleblowing**

An individual can take a case to an employment tribunal if they have been treated unfairly as a result of whistleblowing.

Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Public Concern at Work, or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

### **Monitoring and review**

The governing body will review this policy annually, ensuring that all procedures are up-to-date – the next review date for this policy is May 2021.

Any changes made to this policy will be communicated to all members of staff.



## Appendix 1:

# Whistleblowing

If you have concerns about somebody in this school working with children you must:

- See Rachael Carter (Headteacher)



- Contact Jill Steward (Chair of Governors) email: [chairofgov@sheringhamprimary.norfolk.sch.uk](mailto:chairofgov@sheringhamprimary.norfolk.sch.uk)



- Contact LADO (Local Authority Designated Officer) on 01 603 223473 or email [lado@norfolk.gov.uk](mailto:lado@norfolk.gov.uk)



### **LADO Criteria**

An allegation which would meet the LADO criteria may relate to a person who works with children who 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 may pose a risk of harm to children.
- 

If any safeguarding issue emerges following this consultation please re-refer the case to the LADO team 01 603 223473 or [lado@norfolk.gov.uk](mailto:lado@norfolk.gov.uk)

Alternatively you can call NSPCC Whistleblowing on 0800 028 0285.