



Our Christian Values

God teaches us to forgive and always accept forgiveness

We receive the Christian way of life as a gift from God

We believe and trust in God who loves each one of us

We are all unique children of God

Whatever you wish that men would do to you do to them

We are all equally precious and loved by God

Whistleblowing Policy May 2017 (in line with January 2017 guidance)

Introduction

Here at Burham CE primary School we are committed to the highest possible standards of openness, probity and accountability and we encourage employees 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.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimization, internally within KCC rather than overlooking a problem or raising the matter outside, using the NSPCC hotline (How to raise a concern Appendix 1)

It applies to all employees, agency workers and those contractors working on our premises. It also covers suppliers and those providing services under a contract with us on their own premises.

Complaints that count as whistleblowing (see <https://www.gov.uk/whistleblowing>)

You're protected by law if you report any of the following:

The issues that may relate to safeguarding and safe practice are in italics

- a criminal offence, eg fraud
- *someone's health and safety is in danger*
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, eg doesn't have the right insurance
- *you believe someone is covering up wrongdoing*

This policy clarifies the responsibilities of individual workers in regards to their duty to report "whistleblow" safeguarding concerns.

It covers two main areas

- Reporting general concerns about the quality of safeguarding practice within an education setting
- Reporting misconduct by a colleague

Other Complaints Procedures

This procedure is separate from our complaints procedures and other statutory reporting procedures applying to some directorates. The Headteacher is responsible for making service users aware of these procedures. 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.

The school further acknowledges its obligations under the Public Disclosure Act (1998) to ensure mechanisms are in place through which concerns relating to matters of public interest can be raised.

The school will address concerns seriously and undertake as much investigation as is necessary given the circumstances – this may include external agencies.

The school will endeavor to advise an employee of any actions/outcome arising from a complaint where appropriate. The school will provide reasonable support to an employee who raises a concern.

Aim and Scope

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice.
- provided with avenues to raise concerns and receive feedback on any action taken.
- given a response to their concerns and are aware of how to pursue them if not satisfied.
- reassured that they will be protected from reprisals or victimization if they have a reasonable belief any disclosure has been made in good faith.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying. This procedure is intended to cover concerns that fall outside the scope of other procedures. These include:

- 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 to occur, the result of which we fail to comply with a legal obligation.
- disclosures related past, currents 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.

Concerns about any aspect of service provision or the conduct of any member of staff or governors can be reported under the confidential disclosure procedure. This may about something that you:

- feel uncomfortable about in terms of known standards, your experience or the standards you believe we subscribe to
- are against our standing orders or policies
- falls below established standards of practice
- amounts to improper conduct.

Our safety complaints procedure should be used to raise any issues, concerns or complaints of a health and safety nature which are not confidential.

Staff have access to a range of guidance regarding good practice and standards. This may include national guidance such as the Teachers Standards 2012 and local guidance such as a school's Code of Conduct or Acceptable Use Policy for new technology.

All adults who work or volunteer with children have a primary duty to keep children safe. They also have a responsibility to follow their workplace policies in regards to safeguarding children and safe practice when working with children. However all staff should be aware that their first responsibility is to "safeguard children and promote children's welfare" (1989 Children Act)

Employees may raise concerns about the practice of anyone who works for or on behalf of the school including:

- All employees
- Governors
- Volunteers
- Contractors

Concerns that employees have may be raised individually or collectively. If collective concerns are raised staff should be prepared to give their own account during any investigation, should this be required.

There is no time limit for raising a concern – however, employees are encouraged to do so at the earliest opportunity since it may be difficult to address a matter if a significant time has elapsed.

The Headteacher will ensure the effective implementation of the whistle blowing arrangements, providing training as appropriate, and undertake an annual audit of the whistle blowing arrangements, reporting the outcome to the Full Governing Body.

The Headteacher will consider:

- The number and types of concerns raised and the outcomes of the investigations
- Feedback from individuals who have used the arrangements
- Any complaints of victimization
- Any complaints of failures to maintain confidentiality
- Any relevant litigation
- The level of staff awareness, trust and confidence in the arrangements

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.

However, in some cases, it may not be possible to maintain confidentiality if the concern is subject to an external/police investigation where disclosure is required. An employee will be advised should there be a possibility that their confidentiality cannot be maintained.

There are circumstance where individuals may observe practice which falls below expected standards. In some cases this may include behaviour which may have harmed a child.

A) Safeguarding practice within an education setting.

There have been several high profile cases where staff have behaved inappropriately towards children and where subsequent inquiry has found that staff were aware of concerns and either did not report or did report but did not follow up effectively when it appeared the concerns were not acted upon. (see Jeremy Forest,

<https://www.theguardian.com/uk-news/2013/dec/16/jeremy-forrest-school-chances-blow-whistle> Nigel Leat
<https://www.theguardian.com/uk/2012/jan/26/nigel-leat-school-sexual-abuse-review>)

It can of course be difficult to challenge more senior/ powerful staff as people may fear consequences for their future employment. However the responsibility lies with the individual to both raise a concern and to challenge senior staff if dissatisfied with the response to that concern. The recent KCSIE 2016 gives guidance regarding this situation. There is now a dedicated phonenumber for reporting concerns about safeguarding practice in school . It is managed by the **NSPCC 0800 028 0285**

Keeping Children Safe in Education September 2016 (KCSIE 2016)0

1) *What school or college staff should do if they have concerns about safeguarding practices within the school or college*

33. Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, should be in place for such concerns to be raised with the school or college's senior leadership team.

34. Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

The [NSPCC whistleblowing helpline](https://www.nspcc.org.uk/whistleblowing) is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: help@nspcc.org.uk.

B) Concerns about the behaviour of an individual/colleague

There is guidance on this in part one of KCSIE which outlines the general duty to report concerns and in part 4 which defines what constitutes an allegation against a member of staff. It should be noted that reporting a colleagues misconduct can be difficult to do as it may cause staff to feel conflicted about issues such as loyalty to a colleague or fearful about the effect on innocent parties such as the member of staff's spouse or children , should their employment be at risk. For this reason it is good practice to discuss and be explicit with staff about the importance of Safe Practice and Codes of Conduct – it supports reporting if all staff are clearly aware of what constitutes the expected standards and behaviours.

KCSIE Sept2016

What school and college staff should do if they have concerns about another staff member (part1)

31. If staff members have concerns about another staff member then this should be referred to the headteacher or principal. Where there are concerns about the headteacher or principal this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school as appropriate. In the event of allegations of abuse being made against the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations should be reported directly to the designated officer(s) at the local authority. Staff may consider discussing any concerns with the school's designated safeguarding lead and make any referral via them. Full details can be found in Part four of this guidance.

Part Four of the guidance identifies what constitutes a safeguarding allegation against a member of staff

Duties as an employer and an employee (KCSIE 2016 part 4)

146. *This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age 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; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

So if a member of staff has evidence of a colleague's behaviour towards a child that meets the above criteria, then they would have a primary duty to report this to the appropriate person. We would suggest that schools consider appending contact details of the relevant contacts as outlined above and details of how to contact the LADO and your Area Education Safeguarding Adviser to this document.

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 our 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
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations. Should an employee commit a criminal offence in raising a concern (eg. Accepting a bribe or an act of corruption – protection from detriment may be lost and the employee may be subject to the school's disciplinary procedures.

How to Raise a Concern

General

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A professional union or association may raise a matter on behalf of an employee.

Raising a Concern

Whenever possible you should raise your concern with the Headteacher and/or the Chair of Governors. If this is not appropriate, you should phone the NSPCC hotline (see Appendix 1)

How the school will respond

Preliminary enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with the Employee who has raised the concern.

On occasion it may not be appropriate for the person who receives the complaint to progress the concern and the matter may be referred to another individual within the School or an external organisation.

It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation.

Where it is not possible to resolve the matter informally, the action taken by the School will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation
- Referral to the School's auditors
- Referral to another regulatory authority
- Referral to the Police
- Referral to the Local Authority

Within 10 working days of receipt of any concern, the person progressing the matter will write to the Employee to:

- Acknowledge that the concern has been received
- Indicate how and through whom the School proposes to address the matter including whether further investigation or referral to another organisation will be made
- Give an estimate of how long the investigation will take
- Indicate whether further information will be sought from the employee and the arrangements for obtaining this where known

The form of further contact between the Employee and the person progressing the complaint will depend on the nature of the matter raised and the follow up action required.

In instances where an investigation is prolonged or referral to an external agency takes place – arrangements will be made to provide the Employee with situational updates as far as is practicable.

On occasion the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred

The matter is / has been the subject of internal proceedings under another school policy

- The matter is / has been the subject of external legal proceedings / been referred to another external agency
- A false and malicious or vexatious complaint has been made

Record Keeping

Notes may be taken of all meetings with the Employee held under this procedure. Where notes are taken a copy will be made available to the Employee.

All records will be treated as confidential and processed in accordance with the Data Protection Act (1998) which provides individual's with the right to request and have access to certain data.

A central record of whistle blowing will be maintained by the Governing Body. This record will include, a summary of the concern raised, action taken and the resulting outcome. Senior staff or Governors who receive whistle blowing concerns must ensure the concern is recorded.

Attending Meetings

When any meeting is arranged you have the right to be accompanied by a union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

Notification of the Outcome of the Concern

The School recognises that an Employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the complaint, wherever possible.

In some circumstances however it may not be appropriate or permissible to share this information (for example where legal / disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback the Employee will be advised that the matter has been addressed or concluded as far as is practicable.

Where a matter is not to be considered further the employee who has raised the complaint will be advised of this in writing.

Support

Steps should be taken to minimize any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will advise or arrange for you to have advice about the procedure.

We will not tolerate harassment or victimization and will take action to protect individuals who raise a concern in good faith.

We accept that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

How the matter may be taken further

This procedure is intended to provide Employees with a mechanism to raise concerns internally within the School. Should this process be exhausted and the Employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of the School.

Appropriate contacts are listed at Appendix 1.

An Employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate form of action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside of the School, an Employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

This procedure is intended to provide individuals with an avenue to raise concerns with the authority. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Public Concern at Work - 020 7404 6609
- Department for Education – 0307 000 2288
- Ofsted – 0300 123 3155
- Audit Commission - 020 7630 1019
- A local Kent County Council Member
- Relevant professional bodies or regulatory organizations
- A solicitor
- The police

If a matter is taken outside the authority, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named KCC contacts

Independent helpline

KCC has an anti-fraud and corruption policy statement and all suspected financial irregularities must be reported to the Chief Internal Auditor.

Contact

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

Public Interest Disclosure

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information:

- An employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure
- The dismissal of any KCC employee directly due to the individual having made such a disclosure will automatically be unfair.

This policy will be updated with new guidance before the yearly review if necessary.

September 2008

Updated: December 2012

Updated: November 2015

Reviewed: May 2017