

Lea Nursery School

Headteacher: Nikki Elsmore-Cary
Chair of Governors: David Maclsaac



Whistleblowing Policy

This policy is applicable to all regardless of gender, sexuality, religious belief or none, culture, ethnicity, ability or disability, individuals with protected characteristics and those with none; it does not determine to discriminate against any individual whilst ensuring the smooth operation of our school.

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| Approved by Finance and Personnel Committee: | |
| Date: | Spring 2021 |
| Review Date: | Autumn 2021 |

1. Introduction

Lea Nursery School is committed to the highest possible standards of openness, honesty and accountability. The Governing Body and leadership of the school are not prepared to tolerate malpractice and/or wrongdoing. In line with that commitment we expect employees, and others that we deal with, who have any serious concerns about any aspect of the school's work to come forward and voice those concerns. The school has particular responsibility for protecting the welfare of children and employees are under an obligation to raise concerns about any suspected abuse.

Wherever possible, employees are encouraged to use relevant school procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis, but this should be the exception.

This document makes it clear that employees and others can voice concerns without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or 'blowing the whistle' outside.

2. What is the code about?

Employees can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within the school. However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear the threat of harassment or victimisation and in these circumstances, they may feel it easier to just ignore their concern rather than report what may just be a suspicion of malpractice.

'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing or dangers at work. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the disclosures listed in 'Scope of the Code'. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy.

3. This code aims to:

- Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.
- Ensure consistency and fairness in dealing with whistleblowing across the School.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

4. Who does the policy apply to?

- This code applies to all employees and governors
- The code also applies to former employees, agency staff working for the school, contractors, consultants and their staff, students, volunteers, and members of the public.
- The term "employee" or "staff" within this document is used to describe any of the above.

5. Responsibilities

Staff

- To be aware of this policy and procedure.
- In making any disclosure to tell us if you have a direct personal interest in the matter.

The Headteacher & Governing Body

- To make their staff aware of this policy and procedures.
- To encourage a positive open working culture for staff and others working at the School to express easily their concerns.
- To take concerns seriously
- To guide staff to the most appropriate route.

6. Scope of the Code

An employee who makes a disclosure under this code must reasonably believe:

- (a) That they are acting in the public interest;
- (b) That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - (i) Criminal activity/offences; any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel).
 - (ii) Failure to comply with any legal or professional obligation or regulatory requirements;
 - (iii) Miscarriages of justice;
 - (iv) Endangering of someone's health and safety;
 - (v) Damage to the environment;
 - (vi) Deliberate concealment of any of the above.
- (c) Examples of the above could include:
 - (i) Conduct which is an offence or a breach of law;
 - (ii) Health and safety risks, including risks to the public as well as other employees;
 - (iii) The unauthorised use of public funds;
 - (iv) Negligence; Maladministration (e.g. unjustified delay, incompetence, neglect advice)
 - (v) Unauthorised disclosure of confidential information;

- (vi) Possible fraud and corruption;
- (vii) Child protection and or safeguarding concerns such as sexual or physical abuse of children and/or vulnerable young people/adults;
- (viii) Deliberate concealment of the above matters.
- (ix) Breach of the school's internal policies and procedures including its Code of Conduct;
- (x) Conduct likely to damage the School's reputation;
- (xi) Unauthorized disclosure of confidential information;

The above list is neither exclusive nor exhaustive.

7. Which procedure should I use?

There are existing employee policies and procedures designed to resolve many concerns you may have. They include

- (a) Grievance Policy & Procedure
- (c) Equal Opportunities Policy
- (d) Disciplinary Policy & Procedure
- (e) Capability Procedure
- (f) Safeguarding Policy

If one of these procedures is relevant that process should be used unless you have genuine concerns, at either the outset or the end of the procedure, about following the relevant process in which case this Policy & Procedure should be used. The procedure is not an appeal mechanism for other procedures, unless, exceptionally, you think when you have been through another procedure, that process was compromised.

It is recognized that whistleblowing can be difficult and stressful. If staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher, and if the matter is in relation to an alleged wrongdoing by the Headteacher then Staff should seek the advice of the Chair of Governors. It is worth remembering that your Trade Union, professional organization or regulatory body can play a valuable role in assisting you to raise your concerns under this policy.

If you want independent advice at any stage you may contact an organisation such as Protect. This is a registered charity, which promotes accountability and good governance in organisations and responsibility amongst individuals.

PROTECT

<https://protect-advice.org.uk/>

020 3117 2520

Thus, any serious concerns that you have, which are in the public interest, about any aspects of service provision or the conduct of employees can be reported under the Confidential Whistleblowing Code.

8. Safeguarding

The School is committed to good practice and high standards and wants to be supportive of employees. The School recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service. It is understandable that whistleblowers are sometimes worried about possible repercussions. The School aims to encourage openness and will support employees who raise genuine concerns under this code, even if they turn out to be mistaken. However, please see below regarding untrue allegations.

The School will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific service arrangements. Employees must therefore not suffer any detrimental treatment as a result of raising a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure. Employees must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

On occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary procedures that already affect you.

9. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, it is possible that we will be unable to resolve the concern raised without revealing identity (e.g. because your evidence is needed in Court) but if this occurs we will discuss this with you as to how we can proceed). Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly. All information will be handled sensitively and used only for its proper purpose.

10. Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. If you don't tell us who you are, it will be much more difficult for us to look into the matter, protect your position and give you feedback. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the School and Governing Body. In exercising this discretion the factors to be taken into account will include:-

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources.

11. Untrue Allegations

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. However, the School will view very seriously any false or malicious allegations or allegations made for personal gain and disciplinary action may be taken against you under the School's Disciplinary Policy. Similarly if an agency worker, student

or volunteer makes malicious or vexatious allegations or allegations made for personal gain, then the School will consider dispensing with their services.

12. Support for employees raising a concern and others affected by the raising of a concern.

The School is committed to good practice and high standards and wants to be supportive of individuals who raise concerns. The School will also support individuals affected by the raising of a concern as appropriate.

- School employees experiencing stress as a result of their involvement in this process can seek counselling and support through the School's Employee Assistance Programme.
- School employees can also approach their Trade Union for advice/support throughout the procedure.
- The employee may find it helpful to involve the Headteacher, particularly if they can identify specific support that would be helpful and which the Headteacher feels is reasonable.
- The School will take steps to minimise any difficulties which individuals may experience as a result of raising a concern, e.g. if they are required to give evidence in criminal or disciplinary proceedings the School will arrange for them to receive advice about the procedure and, if necessary, be fully prepared for a Court appearance.
- Where the raising of a concern affects a group of staff, the Headteacher will, having made an assessment, take appropriate action to support the workgroup.

13. How to Raise a Concern- Internally

- Any concerns that you have may be raised orally or in writing and those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. The earlier you express your concern the easier it will be to take action. REMEMBER – IF IN DOUBT RAISE IT. You must make it clear that you are using this procedure.
- Try to pinpoint exactly what practice is concerning and why.
- The School will not expect you to prove that your concern is true but you will need to demonstrate to the person contacted that there are reasonable grounds for you to raise the issue.
- It is perfectly acceptable for you to discuss your concern with a colleague and you may find it more comforting to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- If you have a concern about any malpractice/wrongdoing, we hope you will feel able to raise it first with the Headteacher.
- If the above channels have been followed and you still have concerns or if you feel that the matter is so serious that you cannot discuss it with the Headteacher; or you consider that it is not appropriate, then you can contact the school's Governing Body.
- Make sure you get a satisfactory response – don't let matters rest.

14. Self-reporting

There may be occasions where a member of staff has a personal difficulty, or 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 their Headteacher so

professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

15. Concerns against the Headteacher or a Governor

If a concern against the Headteacher or a Governor is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. Concerns about the Headteacher should be raised with the Chair of Governors. Concerns about a Governor should be raised with the Headteacher or Chair of Governors. If the concern is against the Chair of Governors this should be raised with the Headteacher who will consult with Slough Borough Council as appropriate.

16. How the School will handle the matter

Once you have told us of your concern we will look into it to assess initially what action should be taken. Investigation does not imply either acceptance or rejection of an individual's concerns. This may involve an internal enquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

It may be necessary to arrange a meeting with you and if you so wish you can be accompanied by a Trade Union representative or a work colleague.

Where it is considered appropriate, the matters raised may be referred to external agencies to investigate, e.g. the Police, external auditor or through some other form of independent inquiry. We will of course, tell you if this is going to happen.

Within 10 working days of a concern being raised by you, the person handling the matter will write to you

- a. Acknowledging that the concern has been received;
- b. Indicating how we propose to deal with the matter;
- c. Giving an indication of how long it will take to provide a final response;
- d. Telling you whether any initial enquiries are being made;
- e. Supplying you with information on staff support mechanisms;
- f. Telling you whether further investigations will take place, and if not, why not.

Whilst the purpose of this policy is to enable us to investigate your concerns of malpractice, abuse or wrongdoing and take appropriate steps to deal with it, we will give you as much feedback as we properly can. Please note that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else. The school will take steps to minimise any difficulties which you may experience as a result of raising the concern. Thus, if you are required to give evidence in criminal or disciplinary proceedings the school will arrange for you to receive advice about the procedure.

17. Investigation and outcome

- Once a member of Staff has raised a concern, the School will carry out an initial assessment to determine the scope of any investigation. The School will inform the

'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

- In most cases a panel of three Governors will investigate any issue. In rare cases the School may appoint an investigator or team of investigators including Staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.
- The School will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.
- If the School concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.
- Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the School will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it in accordance with the section 'How to take the matter further' below.
- There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher will have the right to refer any particular case to the Designated Governor for review.
- Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

18. How to Raise a Concern- Externally

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases Staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Further information can also be obtained from the website of the employment service, ACAS (the Advisory, Conciliation and Arbitration Service) at www.acas.org.uk.

Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows Staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, Staff are encouraged to report such concerns internally first.

19. Review of this Policy

This policy will be reviewed annually by the Governing Body Finance and Personnel Committee.

