

Luckington Community School

Whistleblowing Policy and Procedure 2023



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Related Documents

Safeguarding and Child Protection Policy, Staff Behaviour policy

Reviewed: September 2023

Ratified by FGB: September 2023
September 2024

Next Review:

1. Policy Statement

Wiltshire Council and our school are committed to the highest possible standards of openness and inclusiveness, accountability and integrity. This whistleblowing policy and procedure supports this commitment.

Relevant trade unions and professional organisations have been consulted about this policy and procedure, and it has their support.

2. Scope

It gives employees and others with genuine concerns about malpractice or wrongdoing in the school or council a way to voice those concerns without fear of victimisation.

Often it is those closest to an organisation who realise that there is something wrong. Sometimes people are reluctant to act upon their concerns because they think that they are being disloyal, or because they are afraid that they might be victimised if they speak up.

There are existing procedures in place (e.g. Grievance, and Dignity at Work Policies) which make provision for employees to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope. This concern may be about something that is:

- Unlawful, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc
- Against establishment standards of practice
- Improper conduct.

Concerns or allegations which fall within the scope of specific procedures, e.g. child protection or financial irregularities will normally be referred for consideration under those procedures.

The Local Authority will not accept liability for any actions, claims, costs or expenses arising out of a school's decision not to follow this policy where it is found that the

school's Governing Body has been negligent or has acted in an unfair or discriminatory manner.

3. Definitions

A 'nominated governor' is the governor identified by the governing body as the first point of contact for whistleblowing queries. The nominated governor is Katherine Fisher - our *Chair of Governors*.

4. Aims

The purpose of this policy is to provide you with the help and support you need to speak up and be confident that you can do so safely. We will take your concerns seriously and ensure that they are dealt with promptly and fairly.

5. How to raise a concern

Step 1- Reporting the concern

Concerns can be raised verbally or in writing.

You can raise your concern with a member of the Senior Leadership Team (SLT). Alternatively, you can raise the matter with the headteacher. If you are raising a concern about the headteacher then the matter should go directly to the *Chair of Governors*.

Whistleblowing concerns should be raised with the school's senior leadership team. In Luckington Community School this is:

- Julie Gingell (Headteacher)

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

If you wish to report the matter to someone outside of the school, you can contact:

- the Head of School Effectiveness at Wiltshire Council or
- any of the other local authority officers listed in Annex 1 or
- one of the external bodies/organisations listed in Annex 2.
- the NSPCC's whistleblowing helpline - it is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by their school or college. 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.

Reporting concerns to the media, in most cases will lead to the loss of your whistleblowing law rights.

Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.

You may wish to obtain advice from a trade union representative or the Citizen's Advice Bureau.

You can be accompanied by a trade union representative or colleague to any meetings that are required.

6. How we will respond

Step 2

The person with whom you have raised your concern, will decide what action is needed.

They may ask you to provide further information. They will write to you within 10 working days to let you know how your concern will be dealt with.

The information you can expect to receive is:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not why
- information about support available for you.

The person with whom you have raised your concern will at the same time notify the schools' HR Adviser that a whistleblowing allegation has been made.

Advice on dealing with concerns is available from the school's HR Adviser, legal or financial adviser.

Step 3

Initial enquiries will be made to decide whether an investigation is appropriate.

An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Full details of the investigation may be withheld from you to protect the confidentiality of other people.

Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first.

Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the head teacher or a governor, which may, for example, take the form of a disciplinary investigation
- an investigation by the Internal Audit Service
- a referral to the Police
- the setting up of an external independent inquiry.

Step 4

You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

If you do not feel your concern has been addressed adequately you may raise it with an independent body such as:

- the Head of School Effectiveness at Wiltshire Council or
- any of the other local authority officers listed in Annex 1 or
- one of the external bodies/organisations listed in Annex 2.

If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed in paragraph 21. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies listed in paragraphs 35 and Annex 1 and 2 may not be protected disclosures under the Act.

You have a duty to the school not to disclose confidential information. This does not prevent you from seeking independent advice at any stage or from discussing the issue with the charity Protect (previously called Public Concern at Work) on 020 3117 2520 or

www.protect-advice.org.uk in accordance with the provisions of the Public Interest Disclosure Act 1998.

Review and Reporting of the Procedure

For maintained and voluntary controlled schools Human Resources have overall responsibility for this procedure.

This procedure has been reviewed with reference to equalities, human rights and discrimination legislation. Confidential monitoring of the procedures is undertaken in order to gather data to help establish whether the procedure is operated in a fair and consistent manner. In undertaking monitoring the school will not identify individuals.

This procedure will be regularly reviewed by the HR Department to ensure that it continues to remain compliant and meets the needs of schools and those working in schools.

7. How the school will treat whistleblowers

If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. If you knowingly make malicious allegations, disciplinary action may be taken against you.

Disciplinary action will be taken against any member of staff who tries to stop another employee from raising a concern or who is responsible for any act of retribution or victimisation against an employee who raises a concern.

Where an employee may have been party themselves to an act of possible gross misconduct on which they are now 'blowing the whistle' this could be considered in mitigation. They are not, however, exempt from disciplinary action.

Disciplinary action may be taken against employees if they contact the media with concerns about conduct at work without first following the steps set out in this policy.

The Governing Body will make every effort to protect an employee's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.

If you raise a concern, you will be given the opportunity to feed back any issues or problems you may have experienced as a result. The purpose of this is to ensure that employees who have raised concerns in good faith do not suffer as a result.

8. Queries

If you have any queries about this policy please contact the Headteacher (Julie Gingell) and / or Chair of Governors (Katherine Fisher).

Annex 1 - Contact list for Wiltshire County Council

Address:	Wiltshire Council, County Hall
HR Operations Manager	Jane.margetts@wiltshire.gov.uk
Director of Education and Skills	Helean.hughes@wiltshire.gov.uk
Head of School Effectiveness	Andrew.best@wiltshire.gov.uk
Health and Safety Team for Schools	Paul.collyer@wiltshire.gov.uk
Strategic Financial Support Manager Finance & Procurement	Grant.davis@wiltshire.gov.uk

Annex 2 - External bodies and organisations

You can blow the whistle to an external organisation rather than your employer. There is a list of prescribed people or bodies that you can go to.

Choose the correct one for your issue. A full list can be found online at Gov.uk:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Some of the bodies that may be relevant for school staff are:

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Ofsted

WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD

Tel: 0300 123 3155

Email: whistleblowing@ofsted.gov.uk

- **Office of Qualifications and Examinations Regulation**

Complaints Investigation Manager, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

Tel: 0300 303 3344

Email: whistleblowing@ofqual.gov.uk

Online reform form: www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/

- **National Society for the Prevention of Cruelty to Children (NSPCC)**

The NSPCC Whistleblowing Advice Line is for anyone with child protection concerns in the workplace. The helpline provides support and advice to those who feel unable to get a child protection issue addressed by their employer. It can be contacted anonymously on 0800 028 0285.

[NSPCC's whistleblowing helpline](http://www.nspcc.org.uk/whistleblowing)

- **Health and Safety Executive**

Tel: 0300 790 6787

www.hse.gov.uk

- **The Local Government Ombudsman**

Address: PO Box 4771, Coventry. CV4 0EH

www.lgo.org.uk

Tel: 0300 061 0614

- **Data Protection and Freedom of Information**

The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF

Tel: 0303 123 1113

- **Secretary of State for Education**

Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

Tel: 0370 000 2288

Website: www.gov.uk/contact-dfe

- **Equality and Human Rights Commission**

Tel: 0161 829 8100

Email: whistleblowing@equalityhumanrights.com

Website: www.equalityhumanrights.com/whistleblowing