

Lewknor C of E Primary School Whistleblowing Policy

May 2020 – Review May 2021

Introduction

All schools are required to have appropriate procedures in place for handling whistleblowing and for ensuring school staff know who they can contact if they wish to raise a concern. This policy explains the types of concerns that can be raised under this procedure, the legal protection for whistle-blower and how whistleblowing concerns will be handled.

This procedure should be followed for any whistleblowing matters raised by employees of Lewknor C of E Primary School including supply staff.

The term headteacher has been used throughout this procedure. Where the headteacher is subject to these procedures, it will be managed by the Chair of the Governing Body.

Aims

- To encourage those working in the school to report suspected wrongdoing promptly, in the knowledge that it will be taken seriously.
- To provide guidance on how to raise concerns.
- To reassure staff that they are able to raise genuine concerns made in the public interest without fear of reprisals, even if they turn out to be mistaken.

What is whistleblowing?

Whistleblowing is when a worker reports certain types of wrongdoing or misconduct within an organisation. The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. pupils, general public.

The wrongdoing must relate to or show one of the following:

- a criminal offence
- a failure to comply with a legal obligation
- a possible miscarriage of justice
- a health and safety risk
- damaging the environment
- misuse of public money
- corruption or unethical conduct
- abuse of pupils
- deliberate concealment of any of these matters
- any other substantial and relevant concern.

The concern could be about something that happened in the past, is currently happening or likely to happen in the future. Concerns or complaints that employees wish to raise formally, about their own employment, should normally be raised using the school's Grievance Procedure, unless the employee believes the concern is in the public interest. This includes for example, concerns related to working conditions, working relations, employment rights or bullying or harassment.

Legal protection for whistle-blowers

- Whistle-blowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'.
- Whistle-blowers must hold a reasonable belief that the concern they are raising is in the public interest.

Lewknor Primary's governing body will provide all reasonable protection for those who raise concerns made in the public interest. The governing body will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure.

Although an employee has certain legal obligations of confidentiality to the school, in a limited set of circumstances, whistleblowing may override these obligations.

Procedure for raising a whistle-blowing concern

Concerns can be raised anonymously, but the school or person receiving the allegation may not be able to take it further if they haven't been provided with all the information they need.

Whistle-blowers can give their name but request confidentiality and in these circumstances, every effort will be made to protect their identity.

All disclosures made under this procedure will be treated sensitively, consistently and fairly.

Step 1 – Deciding who to report the concern to

Concerns can be raised verbally or in writing.

You can raise your concern with your line manager (the headteacher). Alternatively, you can raise the matter with the Chair of Governors.

If you wish to report the matter to someone outside of the school you can contact the Director of Children, Education and Families, Oxfordshire County Council or any of the other local authority officers listed in Annex 1 or one of the external bodies / organisations listed in Annex 2.

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, the Citizen's Advice Bureau or Public Concern at Work on 020 7404 6609 and www.pcaw.co.uk

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

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 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 not
- information about support available to you.

The person with whom you have raised your concern will at the same time notify the school's HR adviser that a whistleblowing allegation has been made. Advice on dealing with concerns is available from the school's HR Adviser.

Step 3

Initial enquiries will be made to decide whether an investigation is appropriate. An investigation 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 headteacher 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 one of the following as appropriate:

- your trade union
- the Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the police
- the local government ombudsman
- Equality and Human Rights Commission

(See Annex 2 for further details)

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 (Director of Children, Education and Families, Oxfordshire County Council or local authority officers listed in Annex 1). 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 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 Public Concern at Work on 020 7404 6609 and www.pcaaw.co.uk in accordance with the provisions of the Public Interest Disclosure Act 1998.

Review and Reporting the Procedure

Oxfordshire County Council's Head of Paid Service, and the Council's Monitoring Officer, 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 Lewknor Primary will not identify individuals.

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

Annex 1 Contact List for Oxfordshire County Council

Address: Oxfordshire County Council, County Hall, New Road, Oxford, OX1 1ND

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| Education Personnel Service - Professional HR Advice for Schools | Eps.consultants@hants.gov.uk 02380 383500 |
| Local Authority Designated Officer for Safeguarding Children | alison.beasley@oxfordshire.gov.uk 01865 815956 |
| Health and Safety Team for Schools | healthandsafetyhelp@oxfordshire.gov.uk Tel: 03300 240849 |
| Director of Finance | lorna.baxter@Oxfordshire.gov.uk 07393 001218 |
| Chief Internal Auditor | sarah.cox@oxfordshire.gov.uk 07393 001246 |
| Director of Law and Governance & Monitoring Officer | nick.graham@oxfordshire.gov.uk 01865 323910 |
| HR Business Partner for Children, Education and Families | andrew.butler@oxfordshire.gov.uk 01865 815472 |
| Chief Executive and Head of Paid Service | peter.clark@oxfordshire.gov.uk 01865 323907 |
| Director for Children Services | lucy.butler@oxfordshire.gov.uk 01865 815165 |
| Director for Adult Services | kate.terroni@oxfordshire.gov.uk 01865 373577 |
| Director for Public Health | Jonathan.mcwilliam@oxfordshire.gov.uk 01865 323574 |
| Director for Communities | bev.hindle@oxfordshire.gov.uk 01865 815113 |

Annex 2 External bodies and organisations

You can blow the whistle to an external organisation rather than your employer. There is a list or 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/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf

Some of the bodies that may be relevant are:

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| Ofsted | Piccadilly Gate, Store Street, Manchester, M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk |
| Office of Qualifications and Examinations Regulation | Casework Manager, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry CV5 6UB Tel: 0300 303 3346 Emails: Public.Enquiries@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. |
| Health and Safety Executive | Tel: 0300 003 1647 Online form: http://www.hse.gov.uk/contact/raising-your-concern.htm www.hse.gov.uk |
| The Local Government Ombudsman | Address: PO Box 4771, Coventry, CV4 OEH Web: www.lgo.org.uk |
| Data Protection and Freedom of Information | The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF Tel: 0303 123 1113 Email: casework@ico.gsi.gov.uk |