



Rosemary Nursery School & Children's Centre

Whistle Blowing Policy & Procedure

1. Purpose

1.1 To set out the Governing Body's approach to, and procedure for, dealing with concerns raised by employees.

2. Background

2.1 Employees are often the first to realise that there may be something wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

2.2 The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment employees and others with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside.

3. Aims and scope of the Policy

3.1 This Policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken.
- Provide for matters to be dealt with quickly and appropriately; ensure that concerns are taken seriously.

- Ensure that the school continues to improve its services and provides best value.
- Reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.
- Allow employees to take the matter further if they are dissatisfied with the Governing Body's response.

3.2 This policy provides details for all school employees of how to raise any concerns they may have about working practices and to whom these should be made. It may be that issues raised via this policy will be addressed via other procedures, e.g. anti-fraud and corruption, grievance, disciplinary, harassment, child protection and adult abuse procedures.

3.3 Concerns which fall within the scope of the whistleblowing procedure may be about something that:

Is unlawful; or

Is against the Governing Body's policies; or falls below established standard or practice; or amounts to improper conduct.

3.4 Before initiating the procedure employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees.
- Employees should use supervision sessions, team meetings and other opportunities to raise questions and seek clarification on issues which are of concern.
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.5 All LA employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors and/or elected members.

3.6 Employees may raise concerns that fall outside the scope of the whistleblowing procedure. Concerns raised by employees:

- About their own conditions of service, should be addressed via the Schools Grievance Procedure; or

- On behalf of service users, should be addressed via the School's Complaints and Representations Procedure

4. Safeguards

4.1 Harassment or Victimisation

- 4.1.1 The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.
- 4.1.2 This does not mean that if an employee is already the subject of the disciplinary or redundancy procedures, that those procedures will be halted as a result of that employee whistleblowing.

4.2 Confidentiality

- 4.2.1 The Governing Body will do its best to protect an employee's identity when they raise a concern and do not want their name to be disclosed. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing their identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

4.3 Anonymous Allegations

- 4.3.1 Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and are not so effective, but they will be considered at the discretion of the Governing Body. 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.

4.4 Untrue Allegations

4.4.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that individual.

4.5 Unfounded Allegations

4.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

4.6 Support to Employees

4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support is available via an employee's line manager. LA counselling service or Trade Union representative. It must be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although ideally not from the same individuals.

5. How to raise a concern

5.1 As a first step, an employee should normally raise concerns with their immediate manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, they should approach their Headteacher, Chair of Governors, a senior LA officer, the Solicitor to the Council (as the monitoring officer), or Internal Audit.

5.2 Concerns are better raised in writing. An employee is invited to set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put their concern in writing, they can telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that they are raising the issue via the whistle blowing procedure.

5.3 The earlier an employee expresses the concern, the easier it is to take action.

- 5.4 Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 5.5 In some instances it may be appropriate for an employee to ask their trade union to raise a matter on their behalf.

6. How the Governing Body will respond

- 6.1 The action taken by the Governing Body will depend on the nature of the concern. The matters raised may:
- Be investigated internally
 - Be referred to the police
 - Be referred to the external auditor
 - Form the subject of an independent enquiry by the LA
- 6.2 In order to protect individuals and the school, initial enquiries, (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that raise issues that fall within the scope of specific procedures, (e.g. child protection or discrimination issues), will be normally addressed under those procedures.
- 6.3 Some concerns may be resolved simply, by agreed action or an explanation regarding the concern, without the need for further investigation.
- 6.4 Within ten working days of a concern being received, the person receiving the concern will write to the employee:
- Acknowledging that the concern has been received.
 - Indicating how they propose to deal with the matter.
 - Giving an estimate of how long it will take to provide a final response; and/or
 - Telling the employee whether any initial enquiries have been made; and
 - Telling the employee whether further investigations will take place, and if not why not; and/or
 - Letting the employee know when they will receive further details if the situation is not yet resolved: and
 - Providing the employee with details of whom to contact should they be unhappy with the response and wish to raise the matter externally.

7. How the matter can be taken forward

- 7.1 This policy is intended to provide employees with a procedure for raising concerns and resolving these within the school. If an

employee is not satisfied with the Governing Body's response, they may wish to raise the matter externally with:

- "Public Concern At Work" * on 0171 404 6609; "Public Concern At Work" is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.
- A recognised trade union
- A senior LA officer
- The LA's external auditor
- Relevant professional bodies or regulatory organisations
- A solicitor

7.2 If an employee does choose to take a concern outside the school, it is their responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, must not be handed over to a third party. If clarification is required on this, the advice of the solicitor to the council should be taken.

8. Monitoring and Review

- 8.1 The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure
- 8.2 The Headteacher will submit an annual monitoring report to the Governing Body
- 8.3 The policy/procedure will be reviewed and its effectiveness evaluated annually in the light of issues raised or identified as part of the monitoring process. Revisions to the policy/procedure will be made following endorsement from the Governing Body with advice from the LA

Whistleblowing Policy and Procedure: Guidance for Senior Managers

1. Purpose

- 1.1 To set out how senior managers should deal with concerns raised by employees under the whistleblowing procedure. These guidance notes should be read in conjunction with the Whistleblowing Policy document and the guidance notes distributed to employees.

2. Background

- 2.1 As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or

victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect employees, who make certain disclosures of information in “the public interest” from detriment and/or dismissal. This policy builds on the provisions of the act.

2.2 It is important, therefore, that senior managers encourage employees to come forward and voice any concerns, on a confidential basis, without fear of reprisals. Senior Managers have an important role to play:

- In explaining to employees how this procedure operates; and
- Creating a culture where employees feel comfortable in openly expressing any concerns

2.3 One of the major aims of this policy is to ensure that the school continues to improve its services and provides best value. The success of this policy depends on senior managers:

- Providing avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- Dealing with concerns quickly and appropriately;
- Ensuring that concerns are taken seriously
- Reassuring employees that they will be protected from reprisals or victimisation for whistleblowing in good faith

3. Principles

3.1 This policy is based on the fundamental belief that all employees have the right to raise concerns and that they:

- Should be encouraged to speak out against bad practice:
- Should not be penalised for doing so; and should be supported and listened to

3.2 These guidance notes, therefore, have been developed in accordance with the principles of:

- Openness;
- Honesty;
- Confidentiality;
- Impartiality; and
- Anti-discriminatory practice.

4. Scope of the Policy

- 4.1 Employees may legitimately raise concerns under this policy about the actions of;
- Other employees
 - Private contractors, governors and/or elected members
- 4.2 Concerns which fall within the scope of the whistleblowing procedure may be about something that:
- Is unlawful; or
 - Is against the school's policies or procedures; or
 - Falls below established standard or practice, or amounts to improper conduct.
- 4.3 Concerns or allegations that raise issues that fall within the scope of specific procedures, (e.g. anti-fraud and corruption, child protection or discrimination issues), will be normally addressed under those procedures.
- 4.4 Employees may raise concerns that do not fall within the scope of the whistleblowing procedure. Concerns raised by employees:
- About their own conditions of service, should be addressed via the School's Grievance Procedure; or
 - On behalf of service users, should be addressed via the School's Complaints Procedure.

5. Employee Guidance

- 5.1 All school employees are provided with guidance notes that summarise the Whistleblowing Policy and procedures, and explain why and how they should raise any concerns. Employees are told:
- To use supervision sessions, team meetings and other opportunities, in the first instance, to raise questions and seek clarification on issues which are of concern; and
 - As a first step, to raise concerns with their immediate manager or their manager's superior.
- 5.2 Depending on the nature of the concern or where employees believe that management is involved, they are advised to contact:

- Their Headteacher
- Chair of Governors
- A senior LA officer
- Internal Audit

5.3 Senior Managers, therefore, are key contact points. The following guidance notes are designed to ensure that senior managers understand their role, respond appropriately and take proper and timely action when employees' concerns are raised with them.

6. The Role of Senior Managers

6.1 A senior manager may be informed by an employee of their concern(s) and that they are "blowing the whistle" within the procedure.

- In person; or
- In writing; or
- Over the phone

6.2 The senior manager should respond immediately by arranging to meet with the employee to discuss the concern(s). The senior manager should consult with the HR representative at this stage to ensure that procedures are being followed.

6.3 Stage one:

6.3.1 At the initial meeting the senior manager should carefully question the employee to ensure that:

- There is genuine concern and sufficient grounds for the concern; and
- The concern has been appropriately raised via the Whistleblowing Policy

6.3.2 The senior manager should ask the employee, if they have not already done so, to put their concern(s) in writing, or the senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistleblowing procedure and provide:

- The background and history of the concerns: and
- Names, dates and places (where possible); and
- The reasons why the employee is particularly concerned about the situation.

- 6.3.3 The employees should be asked to date and sign their letter or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- 6.3.4 The senior manager should explain to the employee:
- What steps they intend to take to address the concern
 - How they will communicate with the employee during and at the end of the process; and
 - That a written response will be sent out within ten working days
- 6.3.5 Raising concerns can be difficult and stressful for an employee and the senior manager should make the employee aware of the support mechanisms available to them:
- The line manager
 - Their trade union representative; and/or the LA's counselling scheme

(Please note that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although ideally not the same individuals)

- 6.3.6 The senior manager should reassure the employee that:
- Their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
 - The Governing Body will do all that it can to protect the employee from discrimination and/or victimisation
 - The Governing Body will consider the matter seriously and take steps to investigate their concern immediately; and
 - If the employee's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

6.3.7 The senior manager should explain to the employee, as a matter of fact that:

- If clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- The investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and they will be expected not to raise the concern again, unless new evidence becomes available.

6.4 Stage Two

6.4.1 Following the initial meeting with the employee, the senior manager should consult with their Headteacher or chair of governors to determine whether an investigation is appropriate and, if so what form it should take.

6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account;

- The seriousness of the issue(s) raised;
- The credibility of the concern(s) and
- The likelihood of confirming the allegation(s) from attributable sources.

6.4.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- Be investigated internally:
- Be referred to the Police:
- Be referred to the external auditor:
- Form the subject of an independent enquiry.

6.4.4 Senior managers should have a working knowledge and understanding of other school policies and procedures e.g. anti-fraud and corruption, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the school's personal advisers.

6.5 Stage Three

6.5.1 Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

- Acknowledging that the concern has been received:
- Indicating how they propose to deal with the matter:
- Giving an estimate of how long it will take to provide a final response: and/or
- Telling the employee whether any initial enquiries have been made; and
- Telling the employee whether further investigations will take place and if not why not: and/or
- Letting the employee know when they will receive further details if the situation is not yet resolved: and
- Proving the employee with details of whom to contact should they be unsatisfied with this response (see 7.1 below)

7. **Raising concerns outside the school**

7.1 The whistleblowing policy is intended to provide employees with a procedure for raising concerns and resolving these within the school. If an employee is not satisfied with the Governing Body's response, the manager should ensure that they are made aware with whom they may raise the matter externally:

- Public concern at work on 0171 404 6609;*
- Recognised trade union;
- A senior LA officer;
- The external LA auditor
- Relevant professional bodies or regulatory organisations;
- A solicitor; and

7.2 The manager should stress to the employee that if they choose to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information in whatever format, is not handed over to a third party. If clarification is required on this, the advice of the solicitor to the council should be taken.

* Public concern at work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

Whistleblowing Policy and Procedure: Guidance for Employees

1 Introduction

- 1.1 As an employee you may be the first to realise that there may be something wrong within the school. However, you may not feel able to express your concerns because you feel that speaking up would be disloyal to your colleagues or to the school. You may also fear harassment or victimisation. In these circumstances, it may be easier for you to ignore the concern rather than report it.
- 1.2 The school serves, and is accountable to, its local community and, is committed to delivering services of the highest possible standard. Therefore, we welcome and encourage you (and others) to come forward and voice any concerns you have about any aspect of the school's work, so that they can be dealt with effectively. We want you to feel able to raise concerns within the school without fear of reprisals, rather than overlooking a problem or discussing it with outsiders.
- 1.3 The aim of these guidance notes is to set out briefly and simply what sort of concerns should be raised using this procedure, who you should contact, what you can expect to happen, and what you can do if you are not happy with the action taken.

2 Concerns that should be raised via the Whistleblowing Procedure

- 2.1 Concerns that fall within the scope of the whistleblowing procedure may be about something that:
 - Is unlawful; or
 - Is against the school's policies or procedures
 - Falls below established standard or practice; or
 - Amounts to improper conduct.
- 2.2 Remember as an LA employee you have the right to raise concerns, which could be about the actions of other employees, private contractors' governors and/or councillors.
- 2.3 If you are concerned about something to do with your own terms and conditions of employment, you should raise these under the School's Grievance Procedure. If you wish to raise a concern on behalf of a service user, you should do this through the School's Complaints Procedure.
- 2.4 Please note before initiating the whistleblowing procedure you should consider the following:
 - The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees:

- You should use supervision sessions, team meetings and other opportunities to raise questions and seek clarification on issues that concern you:
- Whilst it can be difficult to raise concerns about the practice or behaviour of
- A colleague, you must act to prevent the problem getting worse and to prevent yourself potentially being implicated.

3. How to raise a concern

3.1 As a first step, you should normally raise concerns with:

- Your immediate line manager; OR
- Your manager's superior

3.2 However, if you believe that management is involved, you should approach:

- Your Headteacher; OR
- Your Chair of Governors; OR
- A senior LA officer: OR
- The solicitor to the council (as the monitoring officer); OR
- Internal audit

3.3 In some cases it may be appropriate for you to ask your trade union to raise the concern on your behalf.

3.4 Ideally you should put your concerns in writing, stating clearly:

- That you are raising concerns under the whistleblowing procedure:
- The background and history of the concerns:
- Names, dates and places where possible;
- The reasons why you are particularly concerned about the situation; AND
- Your name and post title. (Concerns provided anonymously are much less powerful, are not likely to be as effective and will be considered at the discretion of the Governing Body).

3.5 If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person from the list given in 3.2 above.

3.6 Although you will not be expected to prove the truth of any allegation, you will need to demonstrate to the person that you contact, that there are sufficient grounds for your concern.

3.7 Remember, the earlier you express a concern, the easier and sooner it is possible to take action.

4. What happens next

4.1 Once you have raised a concern the Governing Body will:

- Take action to protect you from harassment or victimisation:
- Do its best to protect your identity if you do not want your name disclosed (although this might not be possible in all cases especially if a signed statement is needed from you in order to address the concern via another procedure, e.g the disciplinary procedures):
- Take no action against you if you raise a concern in good faith, that is later confirmed to be unfounded.

4.2 The Governing Body will make initial enquiries (usually involving a meeting with you), to decide whether an investigation is required and what form it should take. For example, the matter raised may:

- Be resolved simply without the need for further investigation;
- Be investigated internally;
- Be referred to the police;
- Be referred to the district auditor; and/or
- Form the subject of an independent inquiry

4.3 Concerns or allegations that raise issues covered by specific Governing Body procedures, will normally be addressed under those procedures, e.g. anti-fraud & corruption, disciplinary, grievance, child protection and adult abuse procedures.

4.4 Within ten working days of a concern being received, the person receiving the concern will write to you;

- Acknowledging that the concern has been received;
- Indicating how they propose to deal with the matter:
- Giving an estimate of how long it will take to provide a final response; and/or
- Indicating whether any initial enquiries have been made, and whether further investigations will take place; or
- Explaining the reasons for not investigating further if that is the decision; and/or
- Indicating when you can expect to receive further details if the situation is not yet resolved

- 4.5 Remember, if a concern, once investigated, is confirmed as unfounded, the Governing Body will deem the matter to be concluded and will not expect you to raise the matter via another procedure or with another person on the list given in 3.2 above unless new evidence becomes available.
- 4.6 Please note, that if there is clear evidence that you have deliberately made a malicious or false statement, disciplinary action may be taken against you.

5. External Contacts

- 5.1 If you are not happy with the response you receive from the Governing Body, you may wish to raise the matter externally with:
- 'Public concern at work;* on 0170 404 6609;
 - a recognised trade union;
 - a senior LA officer;
 - a county councillor;
 - the external LA auditor;
 - relevant professional bodies or regulatory organisations;
 - a solicitor
- 5.2 Remember, if you raise a concern externally, it is your responsibility to ensure that confidential information is not disclosed, i.e. you must not hand over confidential information, in whatever format, to a third party.

6. Advice and Support

- 6.1 Raising a concern via this procedure can be difficult and stressful. Advice and support is available from your line manager, the LA's counselling scheme and/or your trade union representative
- 6.2 Further copies of these guidance notes or copies of the full whistleblowing procedure are available from the school office
- Public concern at work is a registered charity that you can contact for advice on how to raise a concern at work about poor practice. The charity will also provide the Governing Body with advice as to the best possible ways to address your concerns.

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