



ASHMORE PARK AND PHOENIX NURSERY SCHOOLS FEDERATION

WHISTLEBLOWING POLICY

Senior Leadership Team/Compliance Governor(s) Review Date	29.06.2020
Governing Board Approved/Adopted	02.07.2020
Signed on behalf of the Governing Board/Committee	
Policy to be Reviewed Date	29.06.2022

1. Whistleblowing Definition

Whistleblowing is defined as 'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997).

1.1 Statutory protection for employees who whistle blow is provided by the Public Interest Disclosure Act 1998 (PIDA). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within either school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

1.2 This policy applies to all staff employed by the Federation/School(s) and includes:

- full and part time staff
- staff on fixed term contracts
- staff on zero hours contracts
- agency staff
- individuals undertaking work experience at either school.

2. Aims and Scope of the Policy

2.1 The Governing Board is committed to high standards across all aspects of the Federation and will treat whistleblowing seriously. In line with the Governing Board's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. All concerns will be taken seriously, investigated thoroughly, without prejudice and appropriate action taken in response.

2.2 The policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical, which amounts to malpractice or is inconsistent with Federation standards, policies or processes so that s/he is encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concern(s) that they have raised and provide feedback on any action(s) taken
- offer assurances that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the scope of the PIDA.

2.3 The policy covers Whistleblowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to children and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption

- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or children
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed.

2.4 The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistle blow. Free, independent advice can be obtained from ‘Protect – Public Concern at Work’ the UK’s whistleblowing charity at www.pcaw.org.uk.

3. Safeguards Against, Reprisal, Harassment and Victimisation

3.1 The Governing Board will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff because of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the Governing Board’s staff disciplinary procedures.

4. Confidentiality

4.1 The Governing Board recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

4.2 Staff members, however, need to understand investigation into the concern could reveal the source of the information; statements may be required from the member of staff as evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistle blower needs to understand that it is likely that they will be called in to give evidence in court.

5. Anonymous Allegations

5.1 Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward, the Governing Board will consider the following:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

6. Untrue and Malicious/Vexatious Allegations

6.1 If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Governing Board will consider taking disciplinary action against the member of staff.

7. Allegations Concerning Child Protection Issues

7.1 If a member of staff raises a concern related to a child protection issue, the **DSL, Deputy Designated Safeguarding Lead (DDSL) or Chair of Governors** (if the concern is about the Headteacher) should urgently consult the **LADO (Local Area Designated Officer) Paul Cooper 01902 550661**. In relation to child protection issues, it is, however, open to the member of staff to make a direct referral to the **LADO**, either before raising their concern with the DSL/DDSL/Chair of Governors, or where the Headteacher or Chair of Governors fails to do so, after raising their concern, and the member of staff remains concerned about the situation. The member of staff can also contact **Ofsted's dedicated Whistleblowing Hotline on 0300 123 3155 or email their concern(s) to whistleblowing@ofsted.gov.uk**.

8. Procedure for Making a Whistleblowing Allegation

8.1 Concerns should be expressed in writing to the Headteacher. If the concerns involve the Headteacher then the Chair of Governors should be the first point of contact. It is expected that the person receiving the allegation will become the Case Manager. It is, however, at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

8.2 If you feel you cannot express your concerns within the applicable school, it is open to you to raise your concern with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further'. It would, however, usually be expected that the LADO would be the person to whom you express your concerns outside of the school in the first instance.

8.3 Where the concern relates to a child protection matter, if you do not want to raise this through the applicable school, you must consult the LADO. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

8.4 Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing, you can still raise your concern verbally and **you** should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf, or to support you in raising the concern.

9 Response to Whistleblowing

9.1 The matter raised may:

- need an internal inquiry to be conducted in the applicable school
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the person in the LA who deals with complaints about financial management or financial propriety in schools
- need to be referred to the LADO if there is a concern relating to child protection, in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in school 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 if they work regularly or closely with children.

9.2 At this stage concerns/allegations are neither accepted nor rejected.

10. Timescale for Response

10.1 You will normally receive a written response within 5 working days (except in the case of anonymous allegations) which will include the following:

- acknowledgement that the concern has been received
- an indication of how the school/Chair of Governors proposes to deal with the matter
- an estimate of how long it will take to provide a final response
- a synopsis of what inquiries have been made to date
- advice on what further enquiries will take place
- information on what support is available to you whilst matters are looked into, and
- an assurance that confidentiality will be maintained, wherever possible, however, you may be advised, that it may not be possible for you to remain anonymous.

11. The Inquiry Process

11.1 The Case Manager will:

- investigate the allegation, seeking evidence and interviewing witnesses as necessary and where appropriate
- maintain confidentiality wherever possible, however, they will be mindful that there is no guarantee that the whistle blower can remain anonymous
- if appropriate, bring the matter to the attention of the LA person dealing with complaints about financial management of schools
- if appropriate, for concerns of criminal behaviour, refer the matter to the Police
- if appropriate, for concerns of child protection, refer the matter to the LADO. The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process
- Contact **Ofsted's dedicated Whistleblowing Hotline (0300 123 3155)**, which is staffed from 8am to 6pm, Monday to Friday.

11.2 If the Case Manager needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative.

11.3 The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

12. The Inquiry Report

12.1 Following completion of the inquiry process the Case Manager will produce a written report and if necessary action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistle blower will also be notified of the outcome. The report will not contain the whistle blower's name unless they have expressly stated that they wish to be named.

12.2 If the investigation was carried out by a person other than the Headteacher or Chair of Governors the written report must be submitted to the Headteacher and Chair of Governors to determine what further action (if any) is required. When considering further action(s), the Headteacher and Chair of Governors must

act on any recommendations made in the report. If the Headteacher and Chair of Governors cannot agree on further actions, a panel of three Governors (excluding the Headteacher, Chair of Governors and any Governors employed at either school) will be convened to consider the report and agreed further actions.

12.3 Following completion of the investigation, and any actions arising from the investigation, a copy of the report (anonymised) will be made available to all Governors.

13. Taking the Matter Further

13.1 If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the Governing Board's complaints procedure or raise your concerns with other organisations as listed below:

- the Local Authority
- a relevant professional body or regulatory organisation (e.g. GTC)
- a Solicitor
- the Police - for concerns of criminal behaviour
- a trade union or professional association
- Protect - Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 020 3117 2520 or www.pcaw.org.uk .

14. Key Personnel

Designated Safeguarding Lead (DSL)	- Mrs Susan Lacey (Headteacher – 01902 558116)
Deputy Designated Safeguarding Lead (DDSL)	- Mrs J Parocki (Deputy Headteacher – 01902 558116)
Chair of Governors	- Cllr. Philip Bateman
Local Authority Designated Officer (LADO)	- Mr Paul Cooper (01902 550661)

Whistleblowing disclosures can also be submitted to Ofsted by email to the Ofsted whistleblowing team whistleblowing@ofsted.gov.uk or by post to:

WBHL
Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD