



HEATHSIDE SCHOOL
HAMPSTEAD

WHISTLEBLOWING POLICY AND PROCEDURE

Introduction

Our school expects to run all aspects of school business and activity with full regard for high standards of conduct and integrity. It also expects all staff to maintain high standards in accordance with all of the School's policies and procedures. In the event that members of school staff, parents, or the school community at large become aware of activities which give cause for concern, the school has established the following Whistleblowing Policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

A culture of open communication and accountability is encouraged to help prevent such situations involving criminal, illegal or inappropriate activities occurring, and to address them when they do occur.

This procedure is an addition to normal line management procedures. Firstly, staff should always consider using normal line management procedures for raising concerns. All staff should have responsibility for the children in their care, and must speak out immediately should they have any concerns over the safeguarding or welfare of a child (see Safeguarding Policy). This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as Grievance and Disciplinary Procedures for staff or the School's Complaints Procedure.

This procedure should only be used when all other existing procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management procedures. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about their perception of mismanagement or weak management, rather than malpractice. This policy is formulated under the Public Interest Disclosure Act 1998 (updated April 2020) to provide staff with a procedure for raising concerns about the safeguarding of pupils or other wrongdoing. It is designed to provide guidance to all those who work with or within the School who may from time to time feel that they need to raise certain issues relating to the School with someone in confidence.

It is written with regard to Working Together to Safeguard Children (Sept 2023). This policy is for guidance only and does not form part of your contract of employment.

Aims of Policy

- 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;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work (2015).

This policy 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.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Head teacher, and members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

What is a whistleblower

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public, pupils, other members of staff.

As a whistleblower you're protected by law - you will not be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

You're protected by law if you report any of the following:

- the school is not acting appropriately to concerns over the safeguarding or welfare of a child
- the School's safeguarding policy and/or its procedures are not being followed.
- that a criminal offence has been committed, is being committed, or is likely to be committed
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- that a miscarriage of justice has occurred, is occurring or is likely to occur
- that the health and safety of any individual has been, is being or is likely to be endangered
- that the environment has been, is being or is likely to be illegally damaged
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

While it is not necessary that you prove the malpractice or misconduct that you are alleging and may simply have a reasonable suspicion, we value any concerns reported in good faith under this procedure. However, only disclosures concerning those actions falling strictly in the categories raised above will be eligible for the relevant statutory protection.

Personal grievances (e.g. bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.

Report these under the school's grievance policy.

Contact the Advisory, Conciliation and Arbitration Service (ACAS) for help and advice on resolving a workplace dispute.

ACAS helpline

Telephone: 0300 123 1100

Monday to Friday, 8am to 6pm

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 another member of the senior leadership team or an Advisory Board member.

Raising a whistleblowing concern

The School hopes that in many cases Staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Head teacher.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

In such cases it is likely that further investigation will be necessary and an investigator will be appointed. Generally this will be the head of department or some other appropriate person who will report their findings. You may be required to attend a disciplinary or investigative hearing as a witness, or to meetings as part of the investigation. You may be accompanied by a work colleague to any meeting if you wish. Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. At the conclusion of any investigation procedure the investigator will inform you of the outcome whilst respecting any confidentiality with regard to any disciplinary action.

If you are dissatisfied with the outcome or the way in which the investigation was handled you should raise your concerns with the Head. In some circumstances and always for concerns about a child or allegations of abuse by a teacher or other adult, it may be necessary to involve external authorities.

Confidentiality

The individual is expected to keep the fact that they have raised a concern and the identity of those concerned confidential. However, there may be circumstances where it will be necessary to disclose your identity, in such circumstances every effort will be made to inform you in advance. Appropriate steps will be taken to ensure that your working environment and/or working relationship is/are not prejudiced by the fact of your disclosure. Should you feel that you are suffering a detriment as a result of making the disclosure you should inform your head of department, the Head, School Governance or other person whose judgment you trust.

If some individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues, this could give rise to action under the School's Disciplinary Procedure.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect (formerly Public Concern at Work) - Independent whistleblowing charity

- Helpline: 020 3117 2520 Website: <https://protect-advice.org.uk/>

External disclosures

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. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

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. Staff should contact one of the other individuals set out above for guidance.

Normally, you should first raise your concern internally, for example with your line manager. If you prefer not to do this, or you have tried and been dissatisfied with the results you can call Ofsted's dedicated Whistleblowing Hotline (0300 123 3155). It is staffed from 8am to 6pm, Monday to Friday.

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 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 senior staff (or the Advisory Board if the issue concerns the Headteacher) 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 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 with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher has the right to seek external advice.

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

Protection and support for 'whistleblower's

It is understandable that 'whistleblowers' are sometimes worried about possible repercussions. The School aims to encourage openness and will support Staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher, or another member of the Senior Management Team, immediately.

Staff must not threaten or retaliate against 'whistleblowers' in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher in the first instance.

Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that the Headteacher is not taking seriously or that they believe there is a serious safeguarding issue involving the Headteacher they should in the first instance contact a member of the school's Advisory Board.

Appendix 1

Reasons for whistleblowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Head Teacher, or the Designated Child Safeguarding Officer.
- If your concern is about your immediate manager/Head Teacher, or you feel you need to take it to someone outside the school contact The Local Authority Designated Officer. Email: LADO@camden.gov.uk, Phone: 0207 974 4330/4556
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

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 line manager 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.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, or your professional trade union.

Appendix 2 - Investigation Procedure under Whistleblowing Policy

1. INVESTIGATION OF DISCLOSURE

1.1. The School is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following the submission of a formal written disclosure, the Head (or another individual acting in their place) will acknowledge receipt within five working days and make appropriate arrangements for investigation.

1.2. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, the Head will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information. In any event a report will be produced and copies will be provided to the Proprietor and, where appropriate, you will also receive a copy.

If you are dissatisfied with the investigation or its conclusion then you should refer to the School Governance. When the School Governance has investigated your complaint, you will be informed of the result of the investigation and what, if any action has been taken.

1.3. So far as the Head considers it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent us giving you specific details of the investigation or actions taken. The School will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.

1.4. We recognise that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. The school will follow the advice of the Local authority and will not carry out any unauthorized investigation should the concern relate to safeguarding allegations against a member of staff. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.

2. CONFIDENTIALITY

2.1. Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardize the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings or for other reasons.

2.2. If in our view such circumstances exist, or if appropriate legally, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimization or detriment as a result of having made a disclosure. It is likely, however, that

your role as the whistleblower could still become apparent to third parties during the course of an investigation.