



# Whistleblowing Policy and Procedure

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Signed:  **Chair of Governors**      Date: **December 2016**

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## 1. Introduction

Higham Lane School is dedicated to providing the utmost care for its students and staff. We aim to ensure that all members of the school community feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.

Staff who are concerned about the conduct of a colleague towards a student are undoubtedly placed in a very difficult position. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount. This policy enables staff to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

Higham Lane School takes responsibility for ensuring that all staff are aware of whistleblowing policy and procedures, and made to feel comfortable that they can voice their concerns no matter what the circumstances.

## 2. Definition of 'whistleblowing'

Whistleblowing inside the workplace is defined as the reporting by workers or ex-workers of wrongdoing, such as fraud, malpractice, mismanagement, breach of health and safety law, or any other illegal or unethical act either on the part of management, the governing body or fellow employees. Workers may include volunteers, contractors and outside agencies or others.

## 3. Reporting concerns to the school

Staff are expected to report all concerns about poor practice or possible child abuse by colleagues - including what may seem minor contraventions of the school's staff Code of Conduct – to the Headteacher and/or the DSL; to facilitate proactive and early intervention in order to maintain appropriate boundaries and a safe culture that protect children and reduce the risk of serious abuse in school.

Concerns or complaints about the Headteacher should be reported to the chair of governors, whose contact details are displayed in the staff room (and in the staff handbook and in information for temporary staff) for any member of staff to use in such an instance.

Staff may also report concerns about suspected abuse or neglect directly to Children's Social Care or the Police if they believe direct reporting is necessary to secure action.

Staff can also contact the Designated Officer in the Local Authority (see Section 8), who is responsible for the co-ordination of responses to allegations against people who work with children, by submitting a 'Warwickshire MASH - Position of Trust Referral' form or via the Multi-Agency Safeguarding Hub (MASH) on 01926 414144.

The NSPCC whistleblowing helpline is also available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 between 8.00a.m. and 8.00p.m. Monday to Friday or e mail [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

## 4. Wider disclosure

We encourage all our staff to follow the internal procedures outlined in this policy, but understand that in some cases you may feel it is necessary to take your concerns to external



agencies. This should, however, be done only as a last resort. Staff should only approach external agencies regarding their concerns without discussing them internally first if:

- they feel that they are being discriminated against and that there is no internal authority that can be contacted with trust
- they reasonably believe that they will be victimised if they follow internal procedures for whistleblowing
- they believe that the concern that they have raised has not been taken seriously or acted upon correctly.

We urge staff who take their concerns to external agencies to be careful not to disclose any confidential information. Information that is confidential and should therefore not be disclosed should be outlined in your contract of employment. **Note: it is against the law to publish any information which may lead to the identification of a teacher who is subject to an allegation.**

The authorities that may be of help to you are:

- MASH
- Children's Social Care Services
- Police – 02476 641111 (999 in an emergency)
- NSPCC – 0800 028 0285
- Audit Commission
- Local Citizens Advice Bureau
- Department for Education
- Ofsted

## 5. Confidentiality

All concerns will be treated in confidence, and the school is committed to protecting the identity of whistleblowers as far as is possible. However, in some circumstances it may not be possible to do this, for example: if it will prevent a thorough investigation taking place; if there is reason to reveal the name by law; if the whistleblower has to give evidence at any hearings.

In cases where identities are revealed for whatever reason, the school will do its best to support all parties involved and protect them from discrimination and victimisation.

Confidentiality is a priority throughout any investigation, and continues to be once the investigation is over, and we urge staff to closely follow all guidelines relating to confidentiality. Any member of staff that has acted knowingly against this, or revealed confidential information unnecessarily or for vicious reasons, may face prosecution.

## 6. Anonymous allegations

We would encourage staff to put their name to concerns made as it will aid a more thorough investigation. However, the school will investigate all anonymous allegations seriously; following the proceedings outlined in this policy as far as is possible.

## 7. False allegations

Higham Lane School encourages all of its staff to voice their concerns and allegations safe in the knowledge that those who make allegations in good faith that do not prove to be true will not be reprimanded.



The school may take disciplinary action against staff who make claims that are found to be knowingly false, malicious, or for personal gain.

## **8. Responding to a concern**

The school will investigate all allegations and concerns but the act of investigation does not indicate that the school has accepted the allegations as true.

Usually, the first course of action will be one of the following:

- an investigation by managers, internal audit, or through the disciplinary process
- an investigation under other procedures such as child/adult protection
- an investigation under procedures designed to deal with allegations made against professionals
- a referral to the Local Authority Designated Officer (LADO - Tel: 01926 742525)
- a referral to the police
- an investigation under other forms of prosecution and inspection such as the protection of public health and safety

Any concerns that fall under specific procedures will be followed up as described in their specific policy, e.g., child protection and safeguarding issues will be followed up as described in the school's child protection and safeguarding policy.

## **9. Whistleblowing procedures**

### **9.1 The role of the whistleblower**

Concerns will usually be dealt with in this way:

1. Staff will raise their concern with the Headteacher or Senior DSL, either in person or by completing a green form. If their manager is the subject of the concern, they should go straight to the Headteacher. Staff will be dealt with in confidence and invited to an interview to discuss the allegation. Staff can go straight to the chair of governors with their concern, but they will be asked to explain why they did not feel comfortable taking it to a member of their leadership team.
2. The Headteacher or Senior DSL that has heard the concern will decide upon the next course of action. If they decide that it is a genuine concern, and that it is appropriate to follow the whistleblowing procedure, they may take the matter to the Headteacher or the chair of the governing body.
3. If there is any reason that the member of staff making the complaint or raising the concern feels that they are unable to speak any member of the school or governing body, they should contact the LADO.

### **9. Role of the leadership team/Headteacher/Chair of Governors/Senior DSL**

#### ***Hold an interview***

Once an allegation has been brought to their attention, the Headteacher or Chair of Governors will hold an interview with the person making the allegation, in confidence. This will take place immediately if there is concern that a child is at risk of harm, or within 5 days if this is not the case. During this interview they will:



- get as much information about the basis of the allegation as they can, and will record what is discussed
- discuss the next action points and steps that will be taken with the staff member who has raised the allegation, and ensure that they fully understand what is going to happen; if the standard whistleblowing procedure is not going to be followed, this should be explained and an alternative procedure outlined
- provide support to the whistleblower; they may be worried about their position, getting someone else into trouble, or what they suspect may be happening.

Staff may want to seek the support of their trade union when going through whistleblowing procedures. Staff are allowed to take a representative from their trade union to their interview and subsequent meetings.

### ***Decide on a course of action***

**If there is cause for concern** once the interview has been carried out, the Headteacher (or if the Headteacher is the cause for concern the Chair of Governors) will file a written account of the information discussed.

**If it is decided that no further action will be taken** this will be explained to the whistleblower within 5 days. This may be because:

- the Headteacher (or Chair of Governors if the Headteacher is the cause for concern) does not feel that there is enough evidence to warrant a continued investigation and that is unlikely that any malpractice has occurred or will occur
- there is a belief that the whistleblower is not acting in good faith
- the matter has already been raised and is being investigated.

The Headteacher, if not already involved, will be informed of the concern even if no further action is to be taken.

### **9.3 Role of the Headteacher and governing body**

The person who receives the report – whether it is the Headteacher or governing body – must act on the concern fully. If there is a good reason not to, this will be explained at the next governing body meeting and reported back to the whistleblower.

The Headteacher or chair of governors will decide whether any external authorities need to be reported to on the matter, or whether it is a case for internal investigation.

The decision and progress of the case will be reported back to the leadership member involved, and this will be reported by them to the whistleblower.

The outcomes of any investigations will be reported to the whistleblower in writing to their home address within 5 days. If they do not receive any information and this time has passed, they may appeal for information through their manager or the Headteacher (or if he is the cause for concern the Chair of Governors).

## **10. Recording, monitoring and evaluation**

All staff concerned and involved with any allegation or investigation should keep good records of meetings they attend, discussions that are held, and any outcomes or action points that have been decided.



The Headteacher and/or governing body will review and evaluate all allegations, how they have been dealt with, and their outcomes, to prevent similar future cases, and ensure that procedures are being used correctly and are effective.

This policy will be reviewed annually and any relevant cases that have come up during the past year will be taken into account when it is being reviewed.

### **11. Outcomes**

If the whistleblower is dissatisfied and feels that an allegation that they have made has not been dealt with seriously or properly, they can take the matter up with LADO. All school leaders will try their best to deal with allegations fairly and effectively.

### **12. Independent advice**

This policy is designed to help staff with any whistleblowing concerns and procedures, but the school understands that some staff may wish to get advice from independent external agencies.

### **13. Contact details**

<b>Name</b>	<b>Position</b>	<b>Telephone</b>	<b>Email</b>
Phil Kelly	Headteacher	02476 388123	contactus@highamlaneschool.co.uk
Dave Evans	Assistant Headteacher	02476 388123	contactus@highamlaneschool.co.uk
Mark Whitelegg	Chair of Governors	02476 388123	contactus@highamlaneschool.co.uk
LADO		01926 742525	
MASH		01926 414144	