Bligh Primary School

Whistleblowing Policy

The NSPCC defines whistleblowing as “a term used to refer to the internal or external disclosure of malpractice as well as illegal acts, or omissions, at work”.

1. In line with the Medway Safeguarding Children Board, Bligh Primary School operates a whistle blowing policy.

2. The purpose of this document is to assist all staff to whistleblow if they have concerns about any adult in the school setting, whether paid or voluntary This policy reflects the requirements of:

   2.1 Working Together to Safeguard Children 2023
   2.2 Keeping Children Safe in Education 2024.

3. This policy and the following procedures apply to all paid staff, volunteers and governors working with or in Bligh Primary School.

4. This document applies to processes that must be followed in the following circumstances

   4.1 Concerns about the suitability of a member of staff (paid or voluntary) working with children See SECTION A
   4.2 Concerns about the conduct of staff and their suitability of working within the local authority See SECTION B

5. If you are the subject of an allegation or whistleblow use SECTION B.

6. To assist in determining which section, the following can be used as a guide. Whistleblowing is separate from LADO because only some whisteblows will go to the LADO. A whistleblow could be made because of:

   6.1 Allegations of harm or possible harm to a child from a staff member of volunteer in the school SECTION A
   6.2 Financial irregularity SECTION B
   6.3 Adult bullying (not involving children) SECTION B
   6.4 Cheating/changing assessment and exam results SECTION B
   6.5 Health & safety concerns SECTION B, but consider SECTION A because of the impact of this on the possible safety of the child
   6.6 Policies and procedures not being followed SECTION B, unless it concerns safeguarding and child protection issues.

Section A: Child Protection Whistleblowing

7. All staff should be aware of this policy and feel confident to voice concerns about the attitudes or actions of colleagues; this includes contact and actions using mobile phones, internet, email and chat.

8. If a member of staff believes a colleague has:

   8.1 Behaved in a way that has harmed a child, or may have harmed a child;
   8.2 Possibly committed a criminal offence against or related to a child;
   8.3 Behaved towards a child or children in a way that indicates they are unsuitable to work with children;

9. Please speak to your Headteacher immediately – Mr Christian Markham

10. The Headteacher will report to the LADO on the same working day.

11. If a member of staff is worried about the conduct of the Headteacher, or they believe that a reported allegation or concern is not being dealt with properly they should report the matter, on the same working day, to our Safeguarding Governor - Mrs Nicola Coulson via n.coulson@bligh-maritime.org
    Staff can also report directly to the Local Authority Designated Officer (LADO) for Medway on **01634 331 065**

Section B: All Staff Whistleblowing Policy

POLICY STATEMENT

12. Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that to speak 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 something which after all, may just be a suspicion of malpractice.

13. Bligh Primary School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and encourage employees, and others whom we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis (i.e. between the employee voicing the concern and the person to whom the concern is voiced).

14. This policy document makes it clear that you can do so without fear of victimisation, reprisal, subsequent discrimination or disadvantage. This Whistleblowing/Confidential Reporting policy is intended to encourage and enable employees and others to raise concerns within Bligh Primary School rather than overlooking a problem or 'blowing the whistle' outside, in line with the Public Interest Disclosure Act 1998 (Whistleblowing).

AIMS AND SCOPE

15. This section of the whistleblowing policy applies to all employees at Bligh Primary School (permanent, temporary, casual), contractors and those in partnership roles working for the school on school premises, for example volunteers, agency staff, builders, etc.

16. This whistleblowing policy does not apply to pupils/students. Where applicable, employees are responsible for making pupils/students aware of the existence of the schools' complaints procedure and other appropriate reporting procedures.

17. The procedure is designed to enable employees to notify the Headteacher Safeguarding Governor of any reasonable suspicion of illegal or improper conduct (see 62.0 for examples).

18. It is a procedure in which the Headteacher/Safeguarding Governor will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.

19. Concern about a colleague's professional capability should not be dealt with using this procedure.

20. Where the concerns are about child protection or safeguarding children or young people, the School's Child Protection Policy must be followed.

ROLES AND RESPONSIBILITIES

21. Headteacher Safeguarding Governor

    a. The Headteacher, or where the complaint is about the Headteacher, the Safeguarding Governor, is expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.

    b. Where concerns are raised with outside agencies the Headteacher/Safeguarding Governor must fully cooperate with any resulting investigation(s).

    c. The Headteacher/Safeguarding Governor will make every effort to meet any request of anonymity where possible.

    d. The Headteacher/Safeguarding Governor, where possible, should inform the complainant of the outcome of the investigation.

22. Employees

    a. All employees are expected to bring to the attention of the Headteacher/Safeguarding Governor any serious impropriety or breach of procedure.

    b. All employees who report concerns under the whistleblowing procedure must be prepared to justify and support their claim in writing.

    c. If another member of staff (other than the Headteacher/Safeguarding Governor) is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Headteacher/Safeguarding Governor.

    d. Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

LEGAL

23. Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. If they are, they can claim unfair dismissal when the reason for the 'whistleblowing' meets any of the 'qualifying disclosures' criteria. They include when someone reports:

    a. Child protection issues

    b. That someone's health and safety is in danger

    c. Damage to the environment

    d. A criminal offence

    e. That the company/school isn't obeying the law i.e. not have the right insurance etc.

    f. That someone's covering up a wrongdoing

24. The Headteacher/Safeguarding Governor should ensure that, where this procedure has been used in the public interest, employees are not subjected to harassment and/or victimisation for doing so.

25. The key piece of 'whistleblowing' legislation is the Public Interest Disclosure Act 1998. Other Acts and Statutory Instruments which govern the topic are:

a. Police Reform Act 2002 Section 37

b. Employment Rights Act 1996 Section 103A

c. Employment Rights Act 1996 Sections 43A to 43L

d. Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) Regulation 14

e. Public Interest Disclosure Act 1998

f. Public Interest Disclosure (Compensation) Order 1999 (SI 1999/1548)

g. Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)

h. Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 (SI 2003/1993)

i. Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2004 (SI 2004/3265)

j. Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2005 (SI 2005/2464)

k. The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010 (SI 2010/131)

l. Enterprise and Regulatory Reform Act 2013 - will make a number of changes to 'whistleblowing' protection

26. This policy has also been developed in line with the London Safeguarding Children Board and the London Child Protection Procedures.

PROCEDURE

Key Principles

27. This procedure is not designed to replace or be used as an alternative to the schools' grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Employees who are worried about wrongdoing at work do not necessarily have a personal grievance.

28. Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

29. No employee who uses this procedure in the public interest will be penalised for doing so. The school will not tolerate harassment and/or victimisation of any employee raising concerns.

30. An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact the Headteacher/Safeguarding Governor or Public Concern at Work (www.pcaw.co.uk) for advice.

Safeguards

31. The school is committed to good practice and high standards and wants to be supportive of employees

32. The school recognises that the decision to report a concern can be a difficult one to make. If you have a reasonable belief that what you are saying is true, you will have nothing to fear.

33. The school will not tolerate any harassment or victimisation (including informal pressures) upon you as a result of making a disclosure in accordance with this policy and will take appropriate action to protect you when you raise a concern in the public interest. The school in the event of reprisals or victimisation against you because you have acted in accordance with this policy, will consider and may take disciplinary action against the employee responsible for such victimisation and/or reprisal.

34. In some circumstances it is recognised that a person making information known about their colleagues may find it difficult to return to his/her normal job. The school has a duty of care to provide a safe working environment and treat its employees with respect. If this is not possible in the employee's normal job because of the situation surrounding the disclosure of confidential information, the school will seek to redeploy the individual, taking account of their generic and specialist skills, abilities and experience.

Confidentiality

35. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

Anonymous Allegations

36. This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made, anonymously, the concern will be considered at the discretion of the school.

37. In exercising this discretion, the factors to be taken into account would include:

    a. The seriousness of the issues raised

    b. The credibility of the concern; and

    c. The likelihood of confirming the allegation from attributable sources

Untrue Allegations

38. If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation that is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

Mechanism for Raising Concerns

39. Where the issue concerns your Headteacher or, having made your report, you believe he/she has failed to take appropriate action, you should bring it to the attention of the Safeguarding Governor or the Medway LADO.

40. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the names listed in section 6 (Useful Contacts)

41. Depending on the nature of the concern the complainant will be asked to justify and support their claim. Normally the complainant will be asked to do this in writing. It will, therefore, be helpful to note down any facts and dates as they happen.

42. Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the schools' internal auditor for possible investigation. Normally you must first report any suspicion of such irregularities to the Headteacher who in turn will report it to the Internal Audit and Corporate Risk Manager.

43. Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a colleague or trade union representative along to any discussions, so long as the third party is independent of the issue.

44. Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible.

45. The earlier and more open the expression of concern the easier it will be to take appropriate action.

46. Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.

Examples of Illegal and/or Improper Conduct

47. Fraudulent or improper use of the school's money or assets
48. Dangerous practices at work
49. Corruptly receiving any gift or advantage
50. Allowing private interests to override the interests of the school

USEFUL CONTACTS:

51. M.A.S.H Triage Team – Tel: 01634 334466 or Out of Hours 03000 419191
52. Duty LADO - Tel: 01634 331307
53. Health & Safety Executive – Tel: 020 7717 6000 / 020 7556 2100
54. The Environment Investigation Agency – Tel: 020 7490 7040
55. Financial Services Authority – Tel: 0845 606 13234 / 020 7676 1099
56. HM Treasury – Tel: 020 72703000 / 020 7270 5000
57. Director General – Serious Fraud Office – Tel: 020 7239 7272
58. Inland Revenue – Tel: 020 7605 9800 / 020 8370 7300 / 020 8522 5700 ./ 020 8509 4700
59. Customs and Excise – Tel: 020 7620 1313 / 0800 595 000
60. National Audit Office – Tel: 020 7790 7000
61. District Audit Service – Tel: 020 7233 6400
62. Audit Commission – Tel: 020 7828 1212
63. Data Protection Commissioner – Tel: 01625 545 700