



Cramlington Village Primary School

Whistleblowing Policy

**Reporting illegal or improper conduct
(disclosures under the Public Interest Disclosures Act 1998 and other relevant
legislation)
or concerns about safeguarding
children or young people**



“Empowering everyone to achieve”

Policy Title	Whistleblowing Policy
Policies that interrelate	Staff Grievance Policy Complaints Procedure Child Protection Policy
Legal and Statutory documents linked	As required by the Academy Trust Financial Handbook, as well as government guidance on whistleblowing, taking into account the Public Interest Disclosure Act 1998.
Trustee Committee responsibility	Resources
Date of last review	November 2017, November 2020, November 2021
Reviewer name and position	Debbie Wylie, Principal
Date of next review	October 2022
Date approved by trustees	16th November 2021
Audit file updated (date and name)	17th November 2021, Angela Hall



Contents

Introduction	3
Purpose	3
Application of policy	4
Scope	5
How to raise a concern	6
Concerns relating to trustees	7
Investigating a disclosure	7
External disclosure	8
Confidentiality	8
Protection	9
Key Contacts	7



Introduction

The Trust Board is committed to maintaining a culture of openness, accountability and integrity. We seek to ensure that employees and workers at the school feel secure in raising concerns about any activity which may harm individuals or undermine the school. The school has adopted this Whistleblowing policy to provide clear guidance to those who may need to raise concerns. This policy and procedure has been prepared in accordance with the Public Interest Disclosure Act 1998 and DfE guidance for schools.

Cramlington Village Primary School expects the highest standards of conduct from all employees and trustees and will treat seriously any concern raised about illegal or improper conduct.

Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Principal (or the Chair of trustees if the concerns relate to the Principal) any serious impropriety or breach of procedure.

Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.

The purpose

The trust board expects its employees, and others involved in the work of the school, who have serious concerns about any aspect of the school's work to come forward and raise those concerns.

An employee may be the first person to realise that there could be something seriously wrong within the school. However, they may feel that speaking up would be disloyal to colleagues or to the school. They may also fear harassment or victimisation.

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns;
- provide avenues for you to raise those concerns and receive feedback on any action taken;



- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised any concern in good faith.

This policy applies to all employees and trustees. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, should have access to it.

It is important to the school that any fraud, misconduct or wrongdoing by employees or trustees of the school is reported and properly dealt with. The trust board will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the school, **which are in the public interest**. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'protected disclosures'. A protected disclosure is one that the person making the disclosure reasonably believes (1) is made in the public interest and (2) tends to show that some form of relevant wrongdoing has taken place, is likely to take place or has been concealed. The relevant forms of wrongdoing include, in brief summary:

- A criminal offence;
- A miscarriage of justice;
- An act creating risk to health and safety;
- An act causing damage to the environment;
- Allowing personal interests to override the interests of the school; or
- A breach of any legal obligation;

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief that the information disclosed tends to show the relevant wrongdoing is sufficient. Indeed, it does not matter if the relevant wrongdoing did not, in fact, take place. The employee has no responsibility for investigating the matter; it is the school's responsibility to ensure that an investigation takes place.

Where the concerns are about **safeguarding children or young people**, the school's Designated Senior Person for Child Protection should be notified. It is a procedure in which the Principal or Chair of trustees will be expected to act swiftly and constructively



in the investigation of any concerns in accordance with the school's disciplinary procedure.

Concerns about a colleague's professional capability are **not** dealt with using this procedure unless they relate to risks concerning the safety of the children. (Concerns about a colleague's professional capability can be dealt with via the grievance procedure.)

When should it be used?

All employees and workers at the school have a responsibility for whistleblowing. The purpose of this policy and procedure is to make it clear that employees can raise concerns in confidence without fear of victimisation, subsequent discrimination or disadvantage. An Equality Impact Assessment has been undertaken. Employees are encouraged to raise serious concerns in the first instance **within** the school rather than overlooking a problem or 'blowing the whistle' outside (indeed, in most cases a disclosure will not be a "protected" disclosure if it is made externally); it is preferable, for obvious reasons, that the matter is raised when it is just a concern rather than waiting for proof.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the school's Staff Grievance procedures.

Where a disclosure is merely an expression of opinion, as opposed to information, that does not tend to show that a legal obligation has been or is likely to be breached, it **does not** amount to a protected disclosure for the purposes of the whistleblowing legislation

This policy and procedure applies to all employees and those working for the school, for example, agency staff. It also covers those providing services under a contract with the school and organisations working in partnership with the school.

The school recognises that employees may wish to seek advice and be supported by their trade union representative when raising a concern and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the policy and procedure will not suffer detriment in their employment with the school.

This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her



own situation. Nor should this policy apply where the employee simply disagrees with the way the school is run.

Employees should have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour.

An employee who makes a protected disclosure has the right not to be subjected to any form of detriment because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns.

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 may contact the Principal or if the concern affects the Principal then contact the Chair of trustees - (details in Contacts section) or their Professional Association/Trade Union. That said, it is not a requirement before making a protected disclosure that an employee is in fact sure that the relevant conduct constitutes a relevant form of wrongdoing.

Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to the Internal Auditor for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Principal or Chair of trustees, who will in turn report it to the Internal Auditor. Where it is deemed appropriate to do so the Education and Skills Funding Agency (ESFA) will also be informed.

Scope

This policy and procedure is intended to cover concerns that fall outside the scope of other procedures, including the school's complaints procedure and grievance policy.

This policy should be used for concerns about:-

- any unlawful act, whether criminal or a breach of civil law;
- maladministration, as defined by the Local Government Ombudsman;
- breach of any statutory code of practice;
- breach of, or failure to implement or comply with, Financial Regulations or Standing Orders;
- any failure to comply with appropriate professional standards;
- fraud, corruption or dishonesty;
- actions which are likely to cause physical/mental/psychological danger to any person, or to give rise to a risk of significant damage to property;
- loss of income to the school;
- abuse of power, or the use of the school's powers and authority for any



- unauthorised or ulterior purpose;
- discrimination in the provision of education;
- any other matter that staff consider they cannot raise by any other procedure.

It should be emphasised that this policy and procedure is intended to assist employees who have concerns about relevant wrongdoing. It is not designed to question financial or business decisions taken by the school nor may it be used to reconsider any matters that have already been addressed under the harassment, complaint or disciplinary procedures.

How to raise a concern

It is hoped that in most cases an employee will feel able to raise any concerns internally with the Principal speaking to them in person or putting the matter in writing if they prefer. They may be able to agree on a way of resolving a concern quickly and effectively.

Where the concern relates to the Principal the employee should raise the concern with the Chair of trustees.

It may not always be possible to maintain confidentiality and the Principal (or Chair of trustees) should explain this to the employee. In such instances, the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

The employee may bring a colleague or trade union representative to any meetings under this policy. The confidentiality of the disclosure and any subsequent investigation must be respected.

The Principal (or Chair of trustees) will meet with the employee as soon as practicable to discuss their concern, recording sufficient details to enable the matter to be thoroughly investigated. As a minimum, they will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential and the nature of the concern.

Concerns relating to trustees

If a concern against a Trustee is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. Such a concern would normally be raised with the Chair of trustees. Where the concern relates to the Chair of trustees, it should be taken via the Board of Members



Investigating a disclosure

Once an employee has raised a concern, the Principal (or Chair of trustees) will carry out, within 10 working days, an initial assessment to determine the scope of any investigation. The employee will be informed of the outcome of this assessment. The employee raising the concern may be required to attend additional meetings in order to provide further information.

The Principal (or Chair of trustees) may consider it appropriate to refer the concern to an external agency for consideration in advance of any internal investigation. This may be appropriate where concerns about child safeguarding, potential criminal activity or unsafe working practices are raised. Where this is deemed appropriate, no further internal investigation should be undertaken until clearance is given.

Where necessary, the school may appoint an investigator or team of investigators, including those 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 Principal (or Chair of trustees) will aim to keep the employee informed of the progress of the investigation and likely timescale. Sometimes the need for confidentiality may mean that the employee cannot be given specific details of the investigation or any disciplinary action taken as a result. The employee will be required to treat any information about the investigation as strictly confidential.

If it is concluded that an employee has made false allegations maliciously, in bad faith or with a view to personal gain, they will be subject to disciplinary action under the school's Disciplinary policy and procedure.

Whilst it cannot always be guaranteed that the outcome will be in line with the employee's expectation, concerns will be dealt with fairly and in an appropriate way.

There is no right of appeal against any decisions taken under this policy and procedure.

External disclosure

Employees who believe that the matter has not been taken seriously or is being covered up may choose to report the concern externally to an appropriate body details of which are shown below:

- the Members of The Trust
- a Prescribed Person or Body
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>



Principles

If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

Confidentiality

Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.

If the employee is concerned that his/her Principal is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, he/she should inform the Chair of trustees. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:

- the Members of The Trust
 - a Prescribed Person or Body
- <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

What should be done if an issue is raised with a member of staff?

If a member of staff, other than the Principal, is approached by a colleague on a matter of concern as defined in this document, he/she is advised to take the matter to the Principal or the Chair of trustees if the concern is related to the Principal)

Safeguarding Children and Young People

All employees have a duty to report concerns about the safety and welfare of pupils.

Concerns about any of the following should be reported to the Designated Safeguarding Leader for Child Protection (DSL):

- physical abuse of a pupil
- sexual abuse of a pupil
- emotional abuse of a pupil



- neglect of a pupil
- an intimate or improper relationship between an adult and a pupil

The school's DSL is Deborah Wylie and the deputy DSL is Melissa Costello.

The reason for the concern may be the actions of a colleague (including a more senior colleague), a Trustee, another pupil or someone outside the school. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.

Law Relating To This Document

Employment Rights Act 1996 (as amended);
Public Interest Disclosures Act 1998.

The legislation protecting individuals who make a protected disclosure applies not only to employees, but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

Contacts

Chair of Trustees:

Patsie Beaton email - patsie.beaton@villageprimary.org

Chair of Cramlington Village Primary School Trust

Ian Wylie email - ian.wylie@villageprimary.org

or via your Professional Association or Trade Union Representative