



St Nicolas CE Primary School
WHISTLEBLOWING POLICY & PROCEDURE

HEADTEACHER SIGNATURE:

A handwritten signature in black ink, appearing to read 'A. Spoon'.

GOVERNOR SIGNATURE:

DATE ADOPTED:

October 2018

DATE FOR REVIEW:

October 2019

Additional notes:

Cross reference with the following policy/ies:

St Nicolas CE School Whistleblowing Policy & Procedure

Introduction

All schools are required to have appropriate procedures in place for handling whistleblowing and for ensuring school employees know whom they can contact if they wish to raise a concern. This policy explains the types of concerns that can be raised under this procedure, the legal protection for whistleblowers and how whistleblowing concerns will be handled. This procedure should be followed for any whistleblowing matters raised by employees of the school, supply staff and agency workers.

This policy and procedure has been written for St Nicolas School with reference to the model policy provided by Oxfordshire County Council (August 2015) which was drawn up following consultation with all the recognised Trade Unions and Associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.

Scope

This procedure applies to all employees working at St Nicholas School including permanent staff members, agency workers, self-employed contractors and volunteers.

Statement

St Nicolas School is committed to the highest possible standards of:

- openness and inclusiveness
- accountability
- integrity
- upholding fundamental British values

Aim of the Policy & Procedure

- To encourage those working in the school to report suspected wrongdoing promptly, in the knowledge that it will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
- To provide guidance on how to raise concerns.
- To reassure those raising concerns that they are able to raise genuine concerns *made in the public interest* without fear of reprisals, even if they turn out to be mistake

Legal protection for whistleblowers

- Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'.
- Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.
- The school's governing body will provide all reasonable protection for those who raise concerns made in the public interest.
- The school's governing body will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure.

- Although an employee has certain legal obligations of confidentiality to the school, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.
- School employees who wish to raise a concern or grievance about their own employment, should refer the school's grievance procedure unless the employee believes the concern is in the public interest. This includes for example, concerns related to working conditions, working relations, employment rights or bullying or harassment.

Definition

'Whistleblowing' is defined as 'raising concerns about misconduct within an organisation or within an independent structure associated with it' (Nolan Committee on Standards in Public Life). In the legislation it is called a protected disclosure. The Public Interest Disclosure Act 1998 (PIDA 1988) protects employees from suffering a detriment in their employment or being dismissed by their employer if they make disclosures in accordance with the legislation.

An employee has certain common law confidentiality obligations to their employer. However, in a limited set of circumstances whistleblowing may override these obligations if an employee reveals information about their employment or the work of the School. This guidance sets out the circumstances under which these disclosures may lawfully be made

The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. pupils, general public. The wrongdoing must relate to or show one of the following:

- a) is a breach of the school's policies; or
- b) falls below established standards or practice; or
- c) amounts to improper conduct, including something that may be:
 - a breach of the law (i.e. a criminal offence)
 - a failure to comply with a legal obligation
 - a possible miscarriage of justice
 - a Health & Safety risk
 - damaging the environment
 - misuse of public money
 - corruption or unethical conduct
 - abuse of pupils, students or other users, including undermining of fundamental British values or promoting radical and extremist views
 - deliberate concealment of any of these matters
 - any other substantial and relevant concern
 - breach of the teachers standards

These issues could have arisen in the past, be currently happening or likely to happen in the future. The law does not protect an employee who would be breaking the law in making the disclosure.

If an employee has a serious concern it should be reported using the following procedure.

Procedure for raising a whistleblowing concern

Whistleblowing anonymously or confidentially

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect the identity of the employee who raises the concern if desired. Where concerns are expressed anonymously the head teacher in consultation with Chair of Governors will decide how to proceed. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented.

Step 1- Deciding who to report the concern to

- Concerns can be raised verbally or in writing.
- An employee can raise their concern with their line manager. Alternatively, they can raise the matter with the head teacher or the Chair of Governors.
- Should an employee wish to report the matter to someone outside of the school they can contact the Director of Children, Education and Families, Oxfordshire County Council or any of the other local authority officers listed in Annex 1 or one of the external bodies/organisations listed in Annex 2.
- Reporting concerns to the media, in most cases will lead to the loss of an employee's whistleblowing law rights.
- Although employees are not expected to prove beyond doubt the truth of their concerns they will need to demonstrate that they have sufficient evidence or other reasonable grounds to raise them.
- An employee considering raising a concern may wish to obtain advice from a trade union representative, the Citizen's Advice Bureau or Public Concern at Work on 020 7404 6609 and www.pcaw.co.uk.
- Employees may be accompanied by a trade union representative or colleague to any meetings that are required.

Step 2 – Deciding what action is needed

The person with whom the concern has been raised will decide what action is needed. They may ask the employee to provide further information. They will write to the employee within 10 days to confirm that the concern raised will be dealt with. This response should include:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not why not
- information about support available for to the employee

The person with whom the concern was raised will, at the same time, notify the schools' HR Adviser that a whistleblowing allegation has been made. Advice on dealing with concerns is available from the school's HR Adviser who is provided through Oxfordshire County Council (OCC) buyback from Education Personnel Services (EPS) via Hampshire County Council or Legal or Financial Advisor (See Annex 1).

Step 3 – Deciding whether an investigation is appropriate

Initial enquiries will be made to decide whether an investigation is appropriate. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented.

Full details of the investigation may be withheld from the employee who raised the concern to protect the confidentiality of other people.

Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for the employee to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with the employee first.

Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the head teacher or a governor, which may, for example, take the form of a disciplinary investigation
- an investigation by the Internal Audit Service
- a referral to the Police
- the setting up of an external independent inquiry.

Step 4 – Outcome of any investigation

The employee who raised the concern will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

If s/he does not feel that their concern has been addressed adequately they may raise it with an independent body such as one of the following as appropriate:

- trade union
- the Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police
- the Local Government Ombudsman
- Oxfordshire Racial Equality Council
- Equality and Human Rights Commission

(See Annex 2 for further details).

If there is an issue of an exceptionally serious nature which the employee believes to be substantially true, then they may disclose the issue to someone other than those listed above. In determining whether it is reasonable for them to have made a disclosure, the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies listed in this document may not be protected disclosures under the Act.

All employees have a duty to the school not to disclose confidential information. This does not prevent them from seeking independent advice at any stage or from discussing the issue with the charity Public Concern at Work on 020 7404 6609 and www.pcaaw.co.uk in accordance with the provisions of the Public Interest Disclosure Act 1998.

Review and Reporting of the Policy

As St Nicholas School is a Voluntary Controlled school, Oxfordshire County Council's Chief Executive, as Head of Paid Service, and the County's Solicitor, as the Council's Monitoring Officer, have overall responsibility for this procedure. The Governing Body is responsible for the management of services and employees within the school.

This policy has been reviewed with reference to equalities, human rights and discrimination legislation. Confidential monitoring of the procedures is undertaken in order to gather data to help establish whether the procedure is operated in a fair and consistent manner. In undertaking monitoring the school will not identify individuals.

This procedure will be regularly reviewed by Council's Monitoring Officer (externally) as well as the Headteacher and nominated Governor (internally) to ensure that it continues to remain compliant and meets the needs of St Nicolas School and those working in the school.

Annex 1 - Contact list for Oxfordshire County Council

Address: Oxfordshire County Council, County Hall, New Road, Oxford, OX1 1ND

Education Personnel Service - Professional HR Advice for Schools	Eps.consultants@hants.gov.uk 02380 383500
Local Authority Designated Officer for Safeguarding Children	Alison.beasley@oxfordshire.gov.uk 01865 815956
Health and Safety Team for Schools	healthandsafetyhelp@oxfordshire.gov.uk 03300 240849
Chief Finance Officer	lorna.baxter@Oxfordshire.gov.uk 01865 323971
Chief Internal Auditor	Sarah.cox@oxfordshire.gov.uk 01865 323875
Director of Law and Governance & Monitoring Officer	nick.graham@oxfordshire.gov.uk 01865 323910
HR Business Partner for Children, Education, and Families	Andrew.butler@oxfordshire.gov.uk 01865 815472
Chief Executive and Head of Paid Service	peter.clark@oxfordshire.gov.uk 01865 323907
Director of Children, Education & Families	Lucy.butler@oxfordshire.gov.uk 01865 815122
Director of Public Health	Jonathan.mcwilliam@oxfordshire.gov.uk 01865 810163
Acting Director of Environment & Economy	Bev.hindle@oxfordshire.gov.uk 01865 815827

Annex 2 - External bodies and Organisations

You can blow the whistle to an external organisation rather than your employer. There is a list of prescribed people or bodies that you can go to. Choose the correct one for your issue. A full list can be found online at Gov.Uk:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf. Some of the bodies that may be relevant for school employees are:

Ofsted

Piccadilly Gate, Store Street, Manchester, M1 2WD
Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk

Office of Qualifications and Examinations Regulation Casework Manager

Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry CV5 6UB
Tel: 0300 303 3346
Public.Enquiries@ofqual.gov.uk

National Society for the Prevention of Cruelty to Children (NSPCC)

The NSPCC Whistleblowing Advice Line is for anyone with child protection concerns in the workplace. The helpline provides support and advice to those who feel unable to get a child protection issue addressed by their employer. It can be contacted anonymously on 0800 028 0285.

Health and Safety Executive

Tel: 0300 003 1647
Web: www.hse.gov.uk

The Local Government Ombudsman

Data Protection and Freedom of Information
Address: PO Box 4771, Coventry. CV4 0EH
Web: www.lgo.org.uk
Tel: 0300 061 0614

Equality Advisory Support Service

Address: FREEPOST Equality Advisory Support Service FPN4431
Web: <http://www.equalityadvisoryservice.com/>
Tel: 0808 800 0082

Oxfordshire Racial equality Council

Address: 1 Tidmarsh Lane, Oxford, OX1 1PE
Tel: 01865 815239

The Health and Safety Executive (Regional Office)

Address: Priestley House, Priestley Road, Basingstoke, Hampshire, RG24 9NW
Web: www.hse.gov.uk

The Environment Agency (South East Regional Office)

Address: Kings Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Web: www.environment-agency.gov.uk

Tel: 0370 8506506

The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.gsi.gov.uk

