



CROSFIELDS SCHOOL

Whistleblowing Policy

Person Responsible:

HR Manager

Review Date:

September 2022

Next Review Due:

September 2023

Honesty and integrity: is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the school's Grievance Policy and Disciplinary Policy and Procedure.

1 Aims: The aims of this policy are to:

1.1 Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.

1.2 Provide members of school staff with avenues to raise concerns.

1.3 Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.

1.4 Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the Public Interest Disclosures Act.

2 Staff: This policy covers all employees, officers, governors, consultants, contractors, volunteers, work placement students, casual workers and agency workers.

Wrongdoing at work

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

3.1 criminal activity;

3.2 safeguarding concerns (see paragraph 8 below);

3.3 failure to comply with any legal or professional obligation or regulatory requirements;

3.4 miscarriages of justice;

3.5 danger to health and safety;

3.6 damage to the environment;

3.7 bribery;

- 3.8 financial fraud or mismanagement;
 - 3.9 other unlawful or unethical conduct in the workplace;
 - 3.10 the deliberate concealment of any of the above matters.
- 4 Whistle-blower:** A whistle-blower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.
- 5 Grievances:** This procedure should not be used where you have a complaint relating to your personal circumstances in the workplace. The grievance procedure contained in the Employment Manual should be used in such cases.
- 6 Detriment:** Provided that this procedure is used appropriately and correctly, you will not suffer any detriment as a result of reporting a suspected wrongdoing. A failure to follow this procedure may however make the disclosure unreasonable and the protection given to you by this procedure may be lost.
- 7 Advice:** If you are uncertain whether something is within the scope of this policy you should seek advice from the Bursar, Designated Safeguarding Leads, Public Concern at Work or the NSPCC whistleblowing helpline.

Safeguarding

- 8 Safeguarding:** Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with *Keeping Children Safe in Education* (DfE, September 2022). In particular:
- 8.1 **Safeguarding / child protection policy:** You should raise any initial safeguarding concerns about a child with the Designated Safeguarding Lead in accordance with the School's child protection and safeguarding policy and procedures.
 - 8.2 **Safeguarding - member of staff:** You should raise any concerns about another staff member with the Head, or if the concern is about the Head, with the Chair of Governors (without first notifying the Head) in accordance with the procedures of the School's child protection and safeguarding policy and procedures.
 - 8.3 **Whistleblowing policy:** You should follow this procedure to raise concerns about poor or unsafe safeguarding practices at the School or potential failures by the School or staff to properly safeguard the welfare of pupils if you are concerned that the School's child protection and safeguarding policy and procedures are not being followed correctly.
 - 8.4 **Referral:** If a child is in immediate danger or is at risk of harm a referral should be made to Children's Social Care and / or the Police immediately. Anyone can make a referral.
- 9 Exit interviews:** All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with this policy. Safeguarding children is at the centre of the

School's culture and concerns should always be raised in accordance with paragraph 8 above. If issues have not been identified before, safeguarding will always be considered formally during staff performance development reviews and appraisal and finally at exit interviews which are held with all leavers. Staff who raise concerns about working practices at the School to the Designated Safeguarding Lead or an appropriate senior member of Staff will be protected from detriment under this policy.

Confidentiality

- 10 Confidentiality:** We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 11 Anonymous disclosures:** We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.
- 12 Harassment and victimisation of staff :**The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

- 13 Non-employees:** The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.
- Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedures Policy.
- Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

14 Good practice principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent. The school will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the **Procedures** section of this policy, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The school will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

We will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns

14 Procedure

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](#) or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern.

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

Stage one

15 Procedure: You should disclose the suspected wrongdoing in writing first to the Senior Leadership Team (SLT). In the event that the SLT is involved in the suspected wrongdoing, you should proceed directly to Stage Two of this procedure.

16 Response: You can expect a response detailing to whom the disclosure has been notified or any action taken within seven days of the SLT becoming aware of the disclosure.

Stage two

17 Procedure: If no response is forthcoming after seven days from the SLT, if you are not satisfied with the way in which your concern has been handled or if the SLT is involved in the suspected wrongdoing you should notify the Head in writing as appropriate.

18 Response: You can expect a response detailing any action taken within seven days of the Head becoming aware of the disclosure.

Stage three

19 Procedure: If no such response is forthcoming after seven days from the Head if you are not satisfied with the way in which your concern has been handled or if the Head is involved in the suspected wrongdoing you should inform the Chair of Governors in writing of the disclosure.

Relevant external reporting

20 Outside body: The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. The law recognises, as does paragraph 8 above, that in some circumstances it may be appropriate for you to report your concerns to a relevant outside body including:

20.1 the Local Authority's Designated Officer;

20.2 Children's Social Care;

- 20.3 the NSPCC;
- 20.4 the Health and Safety Executive;
- 20.5 the Environment Agency;
- 20.6 the Information Commissioner;
- 20.7 the Department for Education;
- 20.8 the Department for Business, Energy and Industrial Strategy;
- 20.9 the Police;
- 20.10 The LADO
- 20.11 the Charity Commission;
- 20.12 the Independent Schools Inspectorate; or
- 20.13 the Channel Police Practitioner.

Appeal process

21 If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Procedure Policy.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

22 **Advice:** Staff are strongly encouraged to seek advice before reporting a concern to anyone external. In most cases you should not find it necessary to alert anyone external but before you do, as well as considering the internal help and support available which is identified above, please seek external advice from:

- 22.1 **Public Concern at Work:** If you have any concerns about disclosing a suspected wrongdoing the independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. Staff can call 020 7404 6609 for advice.

22.2 **NSPCC:** The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 (8.00 am to 8.00 pm Monday to Friday) or email help@nspcc.org.uk.

23 The media: You should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and / or where your concern is disclosed in a malicious manner or for personal gain this may make the disclosure unreasonable and the protection given to you by this procedure may be lost. Additionally, the School may consider this to be gross misconduct and disciplinary action may be taken against you.

24 Queries: If you have any queries about this procedure, you should contact the Bursar.