

Whistle-blowing Policy



RIVERSIDE BRIDGE SCHOOL
'EXCELLENCE FOR ALL'



Ratified by Governors: February 2018

To be reviewed: February 2019



WHISTLE-BLOWING POLICY

Review Frequency: Annually

Date of ratification: February 2018

Date next review due: February 2019

Scope of Plan: This plan applies to all staff, students, governors and volunteers at Riverside Bridge School

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1.0 INTRODUCTION

- 1.1 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.
- 1.2 This policy reflects the requirements of:
- Working Together to Safeguard Children 2015
 - Keeping children safe in education 2015.
- 1.3 This policy and the following procedures apply to all paid staff, volunteers and governors working with or in Riverside Bridge.
- 1.4 This document applies to processes that must be followed in the following circumstances:

- Concerns about the suitability of a member of staff (paid or voluntary) working with children
- Concerns about the conduct of staff and their suitability of working within the local authority

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

- Allegations of harm or possible harm to a child from a staff member or volunteer in the school (Section 2.0)
- Financial irregularity (7.18)
- Adult bullying (not involving children)
- Cheating/changing assessment and exam results
- Health & safety concerns
- Policies and procedures not being followed

2.0 POLICY STATEMENT

2.1 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.

2.2 Riverside Bridge 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).

2.3 This policy document makes it clear that you can do so without fear of victimisation, reprisal, subsequent discrimination or disadvantage. This Whistle-blowing policy is intended to encourage and enable employees and others to raise concerns within Riverside Bridge rather than overlooking a problem or 'blowing the whistle' outside, in line with the Public Interest Disclosure Act 1998 (Whistle Blowing).

3.0 AIMS AND SCOPE

3.1 This section of the whistle blowing policy applies to all employees at Riverside Bridge (permanent, temporary, casual,), contractors and those in partnership roles working for the school on school premises, for example volunteers, agency staff, builders, etc.

3.2 This whistle blowing 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.

3.3 The procedure is designed to enable employees to notify the Headteacher/Chair of Governors of any reasonable suspicion of illegal or improper conduct.

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

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

- 3.6 Where the concerns are about child protection or safeguarding children or young people, the School's Safeguarding Policy must be followed.

4.0 ROLES AND RESPONSIBILITIES

Headteacher/Chair of Governors

- 4.1 The Headteacher, or where the complaint is about the Headteacher, the Chair of Governors, is expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.
- 4.2 Where concerns are raised with outside agencies the Headteacher/Chair of governors must fully co-operate with any resulting investigation(s).
- 4.3 The Headteacher/Chair of Governors will make every effort to meet any request of anonymity where possible.
- 4.4 The Headteacher/Chair of Governors, where possible, should inform the complainant of the outcome of the investigation.

Employees

- 4.5 All employees are expected to bring to the attention of the Headteacher/Chair of Governors any serious impropriety or breach of procedure.
- 4.6 All employees who report concerns under the whistle blowing procedure must be prepared to justify and support their claim in writing.
- 4.7 If another member of staff (other than the Headteacher/Chair of Governors) 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/Chair of Governors.
- 4.8 Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

5.0 LEGAL

- 5.1 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:
- Child protection issues
 - That someone's health and safety is in danger
 - Damage to the environment
 - A criminal offence
 - That the company/school isn't obeying the law
 - That someone's covering up a wrongdoing
- 5.2 The Headteacher/Chair of Governors 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.
- 5.3 The key piece of 'whistleblowing' legislation is the Public Interest Disclosure Act 1998. Other Acts and Statutory Instruments which govern the topic are:
- Police Reform Act 2002 Section 37

- Employment Rights Act 1996 Section 103A
- Employment Rights Act 1996 Sections 43A to 43L
- Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) Regulation 14
- Public Interest Disclosure Act 1998
- Public Interest Disclosure (Compensation) Order 1999 (SI 1999/1548)
- Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 (SI 2003/1993)
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2004 (SI 2004/3265)
- Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2005 (SI 2005/2464)
- The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010 (SI 2010/131)
- Enterprise and Regulatory Reform Act 2013 - will make a number of changes to 'whistleblowing' protection

6.0 CHILD PROTECTION WHISTLE BLOWING

6.1 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.

6.2 If a member of staff believes a colleague has:

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

Please speak to your Headteacher immediately. In the Headteacher absence speak to an Assistant Headteacher – See contact details above.

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

6.4 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 the Local Authority, Designated Officer (LADO), and to the Chair of Governors – Mr Peter McPartland.

6.5 For confidential advice on how to raise a concern about malpractice at work; visit 'Public Concern at Work' (www.pcaw.co.uk)

7.0 RECORDING AND REPORTING

Key Principles

7.1 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.

7.2 Employees who are worried about wrong doing at work do not necessarily have a personal grievance.

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

7.4 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.

7.5 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/Chair of Governors or Public Concern at Work (www.pcaaw.co.uk) for advice.

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

Safeguards

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

7.8 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.

7.9 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.

7.10 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.

Confidentiality

7.11 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

7.12 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.

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

7.14 In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources

Untrue Allegations

7.15 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

7.16 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 Chair of Governors.

7.17 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.

- 7.18 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 relevant parties.
- 7.19 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.