



Chafyn Grove School

Whistle-blowing Policy

The School is committed to maintaining a culture of openness, accountability and integrity. This is to ensure that all Chafyn Grove School employees feel secure in raising concerns in confidence about the safeguarding of pupils' welfare, fraud, malpractice, breaches of health and safety regulations, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct. It is not to be used to question financial or business decisions or opinions taken by the School and should not be used to raise any other concerns that have already been addressed through the Grievance, complaint or disciplinary policies. Individuals who disclose any concerns outside of this policy, as set out below, may not be protected under the Whistleblowing Act.

Chafyn Grove School's policy on whistleblowing is intended to demonstrate that the school:

- Has safeguarding children at the centre of its ethos.
- Has a culture of safety for raising concerns, valuing staff and of reflective practice.
- Will not tolerate malpractice.
- Respects the confidentiality of employees raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively.
- Will provide the opportunity to raise concerns outside of the normal line management where this is appropriate.
- Will invoke the school's disciplinary policy and procedure in the case of false, malicious, vexatious or frivolous allegations.
- Will provide a clear and simple procedure for raising concerns, which is accessible to all employees.

Purpose

The whistle-blowing policy and procedure is intended to assist all employees with genuine concerns to voice those concerns without fear of victimisation. Individuals who make disclosures outside the arrangements set out in this policy will not be protected under the Act.

There are existing policies and procedures in place (e.g. Grievance, and Dignity at Work Policies etc) which make provision for staff and workers to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope.

Scope

The School ensures all employees can share concerns without fear of reprisal. It may be appropriate that the concerns are raised orally in the first instance and a record of the conversation is made and agreed with the member of staff. If there is evidence of criminal activity then the Police will, in all cases, be informed. This policy should be used for concerns about:

- any unlawful act, whether criminal or a breach of civil law
- any failure to comply with appropriate professional standards
- fraud, bribery, corruption or dishonesty
- financial irregularities, loss of income to the school or failing to comply with legal obligations
- a miscarriage of justice

- creating or ignoring a serious risk to health, safety or the environment
- actions which are likely to cause physical/mental/psychological danger to any person
- acting contrary to the staff code of conduct and behaviour policy
- 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

Application of policy

All employees have a responsibility for whistleblowing. The purpose of this policy and procedure is to make it clear that concerns can be raised in confidence without fear of victimisation, subsequent discrimination or disadvantage. Staff are encouraged to raise concerns in the first instance verbally through the Head.

The school recognises that staff 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.

Protection

It can be difficult for an employee or worker to make the decision to report a concern. If a concern is raised in good faith and based on reasonable belief, there should be no fear of reprisal.

The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an individual when they raise a concern even if they are genuinely mistaken in their concerns. Any harassment or victimisation of a whistle-blower would result in disciplinary action against the person responsible. Under the Public Interest Disclosure Act 1998, employees are protected from dismissal or other detriment as long as they follow their employers whistle blowing procedure. Any investigations arising from whistleblowing will not influence or be influenced by any other procedures to which an employee may be subject.

If an employee's concern is not confirmed by the investigation, no action will be taken against them. If, however it is determined through an investigation that an employee made an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

How to raise a concern

1. It is hoped that in most cases an employee will feel able to raise any concerns internally in the first instance with their line manager. Where the concern relates to the line manager or if the matter is of a serious nature, all concerns should be raised with the Head in person or putting the matter in writing, if they prefer.
2. Should the allegation be of a safeguarding nature, this concern should be raised directly with the Head.
3. Where the concern relates to the Head the employee should raise this directly with the Chair of Governors by email.
4. The Head (or Chair of Governors) 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.

5. It may not always be possible to maintain confidentiality and the Headmaster (or Chair of Governors) should explain this to the employee/worker. 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.
6. 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.
7. The Head (or Chair of Governors) will take notes and produce a written summary of the concern raised and provide the employee/worker with a copy as soon as practicable after the meeting, along with an indication of how they propose to deal with the matter, where possible.

Concerns relating to Governors

If a concern against a Governor 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 Governors. Where the concern relates to the Chair of Governors, concerns should be raised with the Vice Chair of Governors or another nominated Governor.

Investigating a disclosure

- Once an employee/worker has raised a concern, the Head (or Chair of Governors) will carry out, within 10 working days (during term time), 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 Head (or Chair of Governors) 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 including HR 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 Head (or Chair of Governors) 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 is 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.

Confidentiality

Employees who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although employees are encouraged to express their concern in writing wherever possible. If it is not possible to maintain confidentiality, the employee will be informed and if they wish to retract their concern, they may do so with immediate effect. If there is evidence of criminal activity the Police will be informed.

External Procedures

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes:

- That exceptionally serious circumstances justify it;
- That the School would conceal or destroy the relevant evidence;
- Where they believe they would be victimised by the School;
- Where the Secretary of State has ordered it.

Support and Advice:

- For Safeguarding concerns:
NSPCC whistleblowing helpline 0808 800 5000, email: help@nspcc.org.uk.
Website: <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/>
- Free expert advice on whistleblowing:
Protect (formerly Public Concern at Work) helpline 020 3117 2520.
Website: <https://protect-advice.org.uk/contact-protect-advice-line/>

Protection from Reprisal or Victimisation

No member of the staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and follow the Whistle-blowing procedures.

Other School Policies

- The safeguarding policy including Annex B of the KCSIE. Please refer to Low Level Concerns regarding allegations and concerns regarding behaviour towards children.
- The Staff Behaviour Policy.
- The employment staff handbook regarding disciplinary and grievance procedures.