



Whistleblowing Policy

St Cuthbert's Catholic Primary School

Policy For Confidential Reporting Of Concerns ("Whistleblowing") For Staff Employed In Schools

1 Scope

This policy is recommended for adoption by the governing bodies of community, voluntary controlled and voluntary aided schools. It is endorsed by the City Council and the diocesan authorities representing the Catholic Education Service and the Church of England.

2 Purpose

The purpose of this policy is to promote and protect responsible whistleblowing where staff, contractors, suppliers or volunteers have concerns about malpractice in the workplace.

3 Roles and responsibilities

- **Staff, Contractors, Suppliers and Volunteers:** The policy applies to all employees and those contractors working for the City Council (or for the governing bodies of voluntary aided schools) on City Council/school premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing service under a contract with the City Council in their own premises, for example homes. This will include volunteers or governors within schools.
- **Head teacher/managers:** The head teacher and other managers are responsible for investigating and responding to concerns raised including keeping the City Council's Monitoring Officer informed.
- **Governing body:** Members of the governing body may also be involved in investigating and responding to concerns depending on the nature of the matter involved.
- **Trade unions:** Trade union representatives are a useful source of advice for staff. The recognised trade unions in Newcastle are ASCL, ATL, NAHT, NASUWT and NUT for teaching staff and GMB and Unison for support staff. All trade union officials, regardless of whether the union is recognised, may represent their members individually. This policy has been discussed with the relevant trade unions and professional organisations and has their support.
- **External agencies:** A range of external agencies can provide advice and support to individuals with a concern. In specific circumstances individuals can use external agencies to raise concerns outside the internal arrangements set out in this policy.

4 Policy statement

This policy reflects the City Council's and school governors' commitment to safeguarding children and young people, good practice, valuing staff and seeking continuous improvement in service delivery.

Employees are often the first to realise that there may be something wrong in their place of employment. However, they may not express their concerns because they feel that speaking 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 to report what may just be a suspicion of malpractice.

The City Council and school governors are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have concerns about any aspect of the City Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable employees to raise concerns within the City Council or school rather than overlooking a problem or "blowing the whistle" outside.

5 Aims of this policy

This policy aims to:

- make you feel confident to raise concerns and to question and act upon concerns about practice;
- give you avenues to raise your concerns and receive feedback on any action taken;
- guarantees that you receive a response to your concerns and ensures that you are aware of the process to follow if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation.

There are existing procedures in place if you have a grievance relating to your own employment or consider that you are being harassed (due to your race, sex, disability, sexual orientation, religion or belief or age) or if you are concerned about health and safety risks, including risks to the public as well as to other employees. Indeed you are under a legal obligation (as notified to you in Corporate health and safety policy statements) to report to your supervisor or manager any work situation which you consider to represent:

- a danger to the health and safety of yourself, fellow employees or members of the public; or
- a shortcoming in the Authority's arrangements for health and safety.

If you are reluctant to raise such health and safety concerns with your supervisor or manager, or if you have raised them and are concerned about the response, then arrangements exist for you to raise the health and safety concerns with the City Council's Health and Safety Section based in the Human Resources Division and/or with a health and safety or trade union representative.

This policy is intended to cover concerns that fall outside the scope of other procedures or where it is considered that the relevant policy or procedure has not been followed, eg:

All allegations will be investigated thoroughly and as a matter of urgency. They will be dealt with quickly, fairly and consistently. Protection will be provided for the child and the person subject to the allegation will be supported.

We will always ensure that the procedures outlined in the local authority arrangements for managing allegations and Part 4 of *'Keeping Children Safe in Education'*, DfE are adhered to and where appropriate, we will seek advice from the Local Authority Designated Officer (LADO).

Allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in school would apply when staff (including volunteers and supply staff) have (or alleged to have):

- Behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The last bullet point includes behaviour that may have happened outside of school, that might make an individual unsuitable to work with children, this is known as transferable risk.

Where appropriate an assessment of transferable risk to children with whom the person works will be undertaken. If in doubt we will seek advice from the LADO.

Therefore any serious concerns that you have about any aspect of service provision or the conduct of your staff or members of the City Council or others acting on behalf of the City Council or schools/governing bodies can be reported under this policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the City Council or governing bodies subscribe to; or
- is against the City Council's or governing bodies' Standing Orders and policies; or

- falls below established standards of practice as outlined in the Code of Conduct; or
- amounts to improper conduct.

This policy supplements and does not replace the corporate or schools' complaints procedure, the grievance procedure and other procedures established to deal with aspects of harassment and with health and safety concerns.

Low-level concerns

All concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) will be dealt with promptly and appropriately.

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the criteria indicated in the allegations section above.

A low-level concern is any concern, no matter how small, and even if no more than causing a sense of unease or a nagging doubt.

An adult working in or on behalf of the school may have acted in a way that does not meet the expectation in the staff code of conduct, including conduct outside of school and does not meet the allegations criteria or is not considered serious enough to refer to the LADO.

Such behaviour can exist on a wide spectrum; examples could include, but are not limited to:

- Being over friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Using inappropriate language

Low-level concerns about a member of staff should be reported immediately to the DSL/headteacher. Where the concern is about the DSL it should be reported to the headteacher and where it is about the headteacher it should be reported to the Chair of the Governing Board.

Low-level concerns about a supply teacher or contractor should be reported as above.

The DSL/headteacher will notify the employer so that any patterns of inappropriate behaviour can be identified.

All low-level concerns will be recorded by the DSL/headteacher and stored securely and confidentially.

These records will be reviewed so that any patterns of inappropriate behaviour can be identified and dealt with.

6 Safeguards for complainants

6.1 Harassment or victimisation

The City Council and governing body are committed to good practice and high standards and aim to be supportive of its staff.

The City Council and governing body recognise that the decision to report a concern can be a difficult one to make. However uncovering malpractice will be doing a service to the Authority or School. You will be doing your duty to your employer and those for whom you are providing a service.

The City Council and governing body will fulfil their responsibilities to ensure that you are not harassed, victimised or otherwise disadvantaged when you raise a concern. Any employee engages in any form of victimisation or harassment against you as a result of raising a concern may be subject to disciplinary action. Any governor who engages in any form of victimisation or harassment against you as a result of raising a concern may be subject to the appropriate sanction.

Allegations by an employee who is the subject of disciplinary investigations or proceedings concerning the conduct of those proceedings can only be raised through the disciplinary appeals procedures.

6.2 Confidentiality

All concerns will be treated in confidence wherever possible and every effort will be made to preserve your anonymity if you so wish. You may need however to come forward as a witness, but if you wish to be supported by a representative of your choice then this would be available to you.

6.3 Anonymous allegations

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but they will be considered so far as is possible or practicable by the City Council/governing body.

6.4 Untrue allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you

7 How to raise a concern

When an allegation is made against an adult that meets the criteria in section 5 it should be reported immediately to the headteacher who is the 'case manager'.

This includes allegations made against agency and supply staff, volunteers and contractors. Should an allegation be made against the headteacher, this will be reported to the Chair of the Governing Board.

In the event that neither the headteacher nor Chair of the Governing Board is contactable on that day, the information must be passed to and dealt with by either the member of staff acting as headteacher / the DSL or the Vice Chair of the Governing Board.

The case manager will conduct basic enquiries in line with local procedures and KCSIE to establish the facts to help determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation.

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and / or children's social care will be convened.

Cases of suspected abuse will be referred to children's social care.

The case manager will immediately discuss with the LADO, the nature, content and context of the allegation and agree a course of action. Where the case manager deems there to be an immediate risk to children or a criminal offence has been committed, the police will be contacted immediately. All discussions, agreed actions and communications will be recorded in writing. The LADO should be informed within one day of any allegations made to the case manager and any actions taken.

If the initial discussion leads to no further action, the case manager and the LADO will record the decision and justification for it and agree on what information should be put in writing to the individual concerned.

The case manager will ensure that the individual who is subject to the allegation is informed as soon as possible explaining the likely course of action guided by the LADO, and the police where necessary. The case manager will appoint a named representative to keep the person informed about the progress of the case and consider any appropriate support.

The case manager will ensure that parents of the child or children involved are formally told about the allegation as soon as possible and kept informed of the progress of the case, only in relation to their child. They will be made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress.

The case manager will monitor the progress of the case to ensure that it is dealt with as quickly as possible in a thorough and fair process.

The case manager will carefully consider whether the circumstances warrant suspension from contact with children at the school, or until the allegation is resolved. It will be considered only in cases where there is cause to suspect a child or other children at the school is/are at risk of harm, or the case is so serious it might be grounds for dismissal. The case manager will seek views from HR and the LADO, as well as the police and children's social care where they have been involved. Where an individual is suspended they will be provided with a named contact in school.

The case manager will discuss with the LADO whether a referral to the Disclosure and Barring Service (DBS) and/or the Teaching Regulation Agency (TRA) should be made where an allegation is substantiated and the person is dismissed or the school ceases to use their services, or resigns or otherwise ceases to provide their services. The school has a legal obligation to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; where it considers an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person poses a risk to a child.

In the case of a member of teaching staff, the case manager must consider making a referral to the TRA to consider prohibiting the individual from teaching.

If an allegation is made against a supply teacher, agency worker or contractor, the headteacher will liaise closely with the agency involved. The headteacher will ensure that any allegations are dealt with following the school's procedures and in liaison with the LADO.

If an allegation is made against a governor, the headteacher will follow local authority arrangements for managing allegations, liaising with the LADO.

Details of allegations following an investigation that are found to have been malicious or false will be removed from personnel records, unless the individual gives their consent for retention of the information. For all other allegations a written record of details of the investigation and the outcome will be retained in the individual's personnel file in line with KCSiE and a copy provided to the individual.

In cases where allegations are proven to be unsubstantiated, unfounded, false or malicious the LADO and case manager will consider whether the person who made the allegation is in need of help or may have been abused by someone else and this is a cry for help. A referral to children's social services may be deemed appropriate. Allegations proven to be unsubstantiated, unfounded, false or malicious will not be included in employer references.

If an allegation is shown to be deliberately invented or malicious, the headteacher will consider whether disciplinary action should be taken against a child, or whether the police should be asked to consider action against an adult.

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

On conclusion of a case in which the allegation is substantiated, the case manager and the LADO will review the case to determine whether there are any

improvements to be made to the school's procedures or practices to help prevent similar events in the future.

Allegations against a teacher who is no longer teaching should be referred to the police. Non recent allegations of abuse should be reported to the LADO who will liaise with other agencies. Abuse can be reported no matter how long ago it happened.

8 How your concern will be dealt with

The governing body, head teacher or manager will respond to your concerns, and it will be necessary to investigate your concerns but this is not the same as either accepting or rejecting them.

Within 3 working days of a concern being raised, you will be sent a written acknowledgement of the concern which has been raised.

Within 10 working days you will receive a further response:

- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any enquiries have been made;
- supplying you with information on staff support mechanisms.

Where appropriate, matters raised may:

- be investigated by the school/LA/governing body, internal audit, or through the disciplinary process;
- be referred to the police or other statutory agencies;
- be referred to the external auditor.

In order to protect individuals and those about whom concerns are raised, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

The amount of contact between you and the individual considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officers will seek further information from you.

Where any meeting is arranged, and this can be off-site if you so wish, you can be accompanied by a trade union or professional association representative or a fellow worker.

The City Council or governing body will take steps to minimise any difficulties which you may experience as a result of realising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the City Council will arrange for you to receive advice about the procedure.

The City Council and governing bodies accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

9 The responsible officer

The Chief Legal Officer (as Monitoring Officer) has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and may report as necessary to the Council, but in such a way that your confidentiality will be preserved.

It is the responsibility of any manager who receives a whistleblowing report to:

- copy the report immediately to the Chief Legal Officer;
- copy the initial written response and any further responses to the Chief Legal Officer; and,
- inform the Chief Legal Officer of the outcome(s) of any investigation and any actions instigated as a result.

10 How the matter can be taken further

This policy is intended to provide you with an avenue within the City Council to raise concerns. The City Council and governing body hope you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential report you can write to the Chief Executive and ask for the investigation and outcome to be reviewed. If you remain dissatisfied, and you feel it is right to take the matter outside of the City Council, you may wish to take advice from your trade union, your local Citizens Advice Bureau or your legal advisor on the options that are available to you.

One possibility is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the City Council who can be contacted in certain circumstances. You should seek advice on the effect of the Act from the persons referred to above.

If you do take the matter outside of the City Council or governing body, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Council (e.g. service users) or where you would commit an offence by making disclosure. In order to ensure that

you do not make any such disclosures you may want to check the position with the Chief Legal Officer.

If for any reason you do not wish to use the internal arrangements set out above, or require additional support and advice, a list of external agencies is given below. This is not exhaustive. A fuller list is available in the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 at www.legislation.hmso.gov.uk.

Audit Commission for England and Wales	0845 0522646	www.audit-commission.gov.uk
Commission for Social Care Inspection	0845 0150120	www.csci.org.uk
Environment Agency	08708 506506	www.environment-agency.gov.uk
Food Standards Agency	0207 2768000	www.food.gov.uk
General Social Care Council	0207 3975100	www.gsccl.org.uk
Health and Safety Executive	0870 1545500	www.hse.gov.uk
Housing Corporation	0845 2307000	www.housingcorp.gov.uk
Information Commissioner	01625 545745	www.informationcommissioner.gov.uk
Occupational Pensions Regulatory Authority	01273 627600	www.opra.gov.uk
Public Concern at Work	0207 4046609	www.pcaw.co.uk
Standards Board for England	0845 0788181	www.standardsboard.co.uk

Advice about your rights is also available from:

Citizens Advice Bureau (Newcastle City)	0191 2320832
Newcastle Law Centre	0191 2304777

11 Publication of the policy

On adoption by the governing body, this policy will be brought to the attention of all school staff. It will be available to all staff on the Schools' Extranet.

12 Relationship with other policies/procedures

These procedures are in addition to the City Council's complaints procedures, grievance procedure, Policy on Fraud and Corruption, other statutory reporting procedures applying to some directorates, and relevant school governing body policies.

13 Monitoring the policy

Feedback is encouraged from governing bodies and head teachers on the effectiveness of this policy and procedure. It will be reviewed on an annual basis to ensure it is appropriate in light of recommended best practice and complies with statutory regulations. In the event of any conflict with statutory regulations, the legal provisions will have precedence over this procedure in all cases.

Governing bodies should monitor the application of this policy and procedure, particularly to ensure that their practices comply with it and are not discriminatory.

This policy will be reviewed annually as part of safeguarding policies.