



# **Banstead Infant School**

## **WHISTLEBLOWING POLICY**



## Safeguarding Children: Whistle Blowing

This guidance is written for staff working with children and young people in education settings. It should be read in conjunction with 'Keeping Children Safe in Education Part four: managing allegations of abuse made against teachers and other staff' September 2016 and Surrey Safeguarding Children Board (SSCB) Procedures Chapter 3.2 Allegations Against Staff, Carers and Volunteers

<http://surreyscb.procedures.org.uk/qkpph/safer-workforce-and-managing-allegations-against-staff-carers-and-volunteers/allegations-against-staff-carers-and-volunteers>

Staff must acknowledge their individual responsibility to bring matters of concern to the attention of the Senior Leadership Team and/or relevant agencies. Although this can be difficult this is particularly important where the welfare of children may be at risk.

You may be the first to recognise that something is wrong but may not feel able to express your concerns out of a feeling that this would be disloyal to colleagues or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable children or young person who are targeted. These children need someone like you to safeguard their welfare.

### Reasons for whistle blowing

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour
- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated yourself

*"Absolutely without fail- challenge poor practice or performance. If you ignore or collude with poor practice it makes it harder to sound the alarm when things go wrong" (reproduced with acknowledgement to "Sounding the Alarm" – Barnardos)*

***Don't think what if I'm wrong - think what if I'm right***

Oaks Academy is committed to the highest possible standards of honesty, openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all its activities are openly and effectively managed, and that the schools' integrity and the principles of public interest disclosure are sustained.

In line with that commitment, all members of staff and those working on behalf of our school who have serious concerns about any aspect of the School's work are encouraged to come forward and voice those concerns to their immediate line manager and/or the Head Teacher. Staff not only have the right but also a duty to report any improper actions or omissions, particularly where the welfare of young people may be at risk. Where any member of staff decides to report a serious incident within the scope of this policy, whether anonymously or otherwise, this will be treated as a 'protected' disclosure. Staff members should feel reassured that they can raise concerns in accordance with this policy without fear of victimisation, subsequent discrimination or disadvantage.

This policy aims to:

- Encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice; and receive feedback on any action taken;
- Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- Reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

The Directors and the local governing boards are mindful of their obligations under the Equality Act 2010 and this policy will be applied fairly and consistently to all staff employed at the school as well as those carrying out work for the school, for example, governors, volunteers, agency workers, contractors or consultants. The term 'member(s) of staff' is used in this document for simplicity but is intended to include this broader range of individuals covered by this policy. Copies of this policy are available to all members of staff from the school office or on the school staff drive and on all our websites/learning platform.

## **2. Scope of the Policy**

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The whistle blowing policy is intended to cover serious concerns that may fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public or pupils as well as other staff
- Damage to the environment
- Information relating to the above issues that has been, or is likely to be, deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse of pupils at the school
- Harassment & bullying of staff
- Breaches of codes of conduct
- Malpractice in assessments.

Therefore any serious concerns that a member of staff has about any aspect of the Schools' service provision or the conduct of staff or others connected with the school can be reported under this whistle blowing policy where that member of staff has a reasonable belief in the validity of those concerns and they relate to one of the specified areas set out above.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

### 3. Key Points About Raising Concerns

#### What stops people from whistle blowing

- Starting a chain of events which spirals
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

#### Safeguarding Against Harassment or Victimisation

##### Legislation

The Public Interest Disclosure Act 1998 is designed to provide protection to workers who raise genuine concerns about specified matters. These are known as “qualifying disclosures”. The specified matters are:

- Conduct which is a criminal offence;
- Breach of any other legal obligation;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public or pupils as well as other staff;
- Damage to the environment; or
- Deliberate concealment of any of the above.

A worker who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detriment or victimised because he/she has made the disclosure. It is recognised that the decision to report a concern can be a difficult one to make. The Academy and its schools will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures) resulting from a member of staff raising a concern in good faith, and will handle any such allegations in accordance with the Academy’s Grievance Procedure.

A member of staff making an allegation within the scope of this policy will be supported by the School and the Academy when raising a concern, providing that he/she:

- Believes the concern to be true
- Is not acting maliciously or making false allegations
- Is not seeking any personal gain.

##### Unsubstantiated Allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them.

##### Malicious or Frivolous Allegations

If an allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken.

##### Confidentiality

All concerns will be treated in confidence but, at the appropriate time, the whistle blower may be asked to come forward as a witness and this will be discussed with him/her.

## **Anonymous Allegations**

This policy encourages staff to put their name to their allegation wherever possible.

Where a concern is raised via the external confidential Expolink service (phone number 01249 661600 or [www.expolink.co.uk](http://www.expolink.co.uk)), there is provision to provide Expolink with a name and contact details which will not be passed to the Academy/school without express permission from the individual.

The Academy and School will take all concerns raised seriously. Where relevant to the nature of the complaint, allegations will also be referred to officers of the Council and/or to the Council's Internal Audit Team for further investigation. Concerns expressed anonymously are much less powerful but will still be given consideration at the discretion of the Academy and the Governing Board. In exercising this discretion, the Academy and the Governing Board would consider the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from sources which can be attributed.

## **4. How to Raise a Concern**

As a first step, a member of staff should normally raise concerns with, the Head Teacher. If the allegations involve the Head Teacher, the member of staff should raise the matter with the Chair of the Governing Board, (see p.7 for contact details) or his/her trade union/professional association or the AEO Area Education Officer or Duty LADO via 0300 200 1006, who will refer allegations to other officers of the Council and/or to Babcock 4S, as relevant to the nature of the concerns. While the Academy/school encourages members of staff to raise their concerns internally, the Academy also recognises that some staff may feel unable to do this and that they may therefore wish to contact an independent, external organisation, such as Expolink, to report the concern. Expolink will be responsible for ensuring that concerns are referred on to the appropriate personnel at the Council and at the Academy who will, in turn, contact the school. Where financial impropriety has been alleged, information will be referred to the Academy's Auditor.

### **How to raise a concern**

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken
- Try to pinpoint exactly what practice is concerning you and why
- Make sure you get a satisfactory response - don't let matters rest.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

Concerns may be raised verbally or in writing, but the earlier the concern is expressed the easier it is to take any required action. Members of staff who wish to make a written report are encouraged to include the following information:

- The background and history of the concern, giving relevant dates and providing as much supporting evidence as possible;
- The reason(s) why they are particularly concerned about the situation.

Where a concern is raised verbally, the person hearing it must ensure that a written account of it is made to assist with any subsequent investigation. School leadership will take all concerns raised within the

scope of this policy seriously and identify the appropriate level of investigation. Advice and guidance will be obtained as necessary from the school's Personnel Consultant at Babcock 4S.

The whistle blower may invite a recognised trade union representative or a work colleague to be present during any meetings or interviews held in connection with the concerns raised.

### **Self-reporting**

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

## **5. How the School Will Respond**

### **Initial Enquiry**

In order to protect the individuals involved, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take and who should be appointed to conduct it. The overriding principle is that of the public interest. If urgent action is required, for example if the welfare of pupils may be at risk, this action will be taken before any investigation is conducted. Further to the results of this enquiry, the following steps will be considered:

- Concerns or allegations which fall within the scope of specific procedures, e.g. child protection, bullying or harassment or disciplinary, will normally be referred for investigation and consideration under those procedures.
- Where there are any concerns about financial impropriety or criminal activity, the concern will be referred to the Chair Person of the school's Finance Committee before taking any other action, which may include reporting to the police.
- Concerns indicating unlawful activity should be reported to the Chair of Oaks Academy Trust.
- Suspected incidents of malpractice relating to examinations will be reported to the appropriate awarding body at the earliest opportunity.
- In other cases, an impartial investigator may be appointed and the School will seek advice from the LADO or the school's Personnel Consultant regarding an appropriate person.

### **Communication**

Within ten working days of a concern being raised, the person who is dealing with the concern will respond in writing either to the employee directly or to Expolink where this was the reporting route. The response will:

- Acknowledge receipt of the concern
- Indicate how the school proposes to deal with the matter

- Give an estimate of how long it will take to provide a final response
- Advise whether any initial enquiries have been made
- Supply information on any staff support mechanisms, and
- Advise whether further investigation or action is required, and if not, why not.

Where Expolink was the reporting route, the person dealing with the concern will provide an additional update after 4 weeks of receipt of the report, advising of additional progress and timescales for a final response.

### **Investigation**

Once preliminary enquiries have established the need for an investigation, an appropriate person will be appointed to conduct the investigation. The person appointed to undertake the investigation is responsible for establishing the facts of the matter, as far as it is reasonably possible to do so, and assessing whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

Written records of all interviews will be kept throughout the investigation together with details of any action taken. The investigation will result in a written report and recommendations for corrective action, which will be passed to the Head Teacher and/or the Chair of the Governing Board, as appropriate to the concerns under consideration, to determine whether formal action shall be taken.

The member of staff raising the concern will, subject to legal constraints, be advised in writing of the outcome of the investigation and, where appropriate, what action is being taken. This may, for example, include changes to working practices to ensure that a similar situation does not occur again. Where the concern was raised via Expolink, the employee will be invited to contact the service for feedback at the appropriate time.

## **6. Taking the Matter Further**

This policy is intended to provide members of staff with an avenue to raise concerns internally. If the member of staff feels that it is right to take the matter outside the school, contact can be made with a recognised trade union, local Citizens Advice Bureau, relevant voluntary or independent organisation or legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the FSA, the Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation such as Public Concern at Work ([www.pcaw.co.uk](http://www.pcaw.co.uk))

## **7. Monitoring & Reporting**

The Governing Board of the school is responsible for overseeing the operation of this policy and for ensuring that appropriate records are maintained regarding concerns raised and the outcomes. It is also responsible for reporting concerns to the Directors of the Academy. If the Directors have suspicions of

financial impropriety they should contact the Engagement Partner of the Academy's Auditors, who would advise on further action. In reviewing this policy from time to time, the Governing Board will have regard to the Council's whistle blowing procedures and DfE statutory guidance in force at the time of review.

### **Further advice and support**

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, HR department and/or your professional or trade union.

### **Expolink – available to all staff**

Expolink is an external and independent organisation which provides a confidential hotline service for whistle blowing. Expolink can be contacted any time, night or day, in complete confidence with any relevant concerns. The call will not be traced or monitored.

Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

General guidance can be found at- [Advice on whistleblowing](#)

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 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.

### **Additional Contact Details:**

Designated Safeguarding Lead: Stephanie Storrar Head Teacher

Deputy Designated Safeguarding Leads: Andy Burbidge Deputy Head Teacher, Ruth Tunnell, Assistant Head Teacher, Sarah Clowes-Pritchard, Teaching Assistant, Natasha Mayor, ELSA

Telephone: 01737 354816

Area Education Officer

Telephone: 01737 737959

Auditor

David Walsh

Telephone: 01689 877081

Babcock 4S

Telephone: 0800 073 4444

Chair of Governors

Mrs Joan Hornsby (Banstead Infant School)

Telephone: 01737 371819 email: [mjt.hornsby@btinternet.com](mailto:mjt.hornsby@btinternet.com)



Richard Wagner (Oaks Academy)  
Telephone: 01737 555091 / 07973 223728

This policy links to

Safeguarding

Staff behaviour policy/code of conduct

Keeping Children Safe in Education Part 4 'Allegations of abuse made against teachers and other staff'