Larkspur Primary School
Whistleblowing Policy and Procedure

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The Policy

1. Introduction

1.1. Larkspur Primary School is committed to conducting its business with honesty and integrity, and expects all employees to maintain highs standards in accordance with their contractual obligations and the school's policies and procedures.

1.2. However, the school recognises that there may be occasions when behaviours or practices are unacceptable and this policy enables employees to disclose their concerns of serious wrongdoing without fear of reprisal.

1.3. This policy has been introduced in line with the Public Interest Disclosure Act 1998 (which is available at http://www.opsi.gov.uk/acts/acts1998 to enable employees to disclose their concerns in accordance with the Act's provisions and to protect employees making disclosures about certain matters.

2. Aim

2.1. This policy sets out the basis on which the Governing Body will investigate whistleblowing concerns raised by employees.

2.2. This policy aims to:

- encourage employees to feel confident in disclosing concerns internally and to question and act upon concerns about unacceptable behaviour or practice within the school;
- establish a fair and thorough investigative procedure;
- establish a procedure for employees to disclose concerns and to receive a response;
- provide employees with awareness of how to pursue concerns if they are not satisfied with the response;
- reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in good faith and in the public interest.

2.3. This policy and procedure cannot be used to raise concerns relating to employment matters where more appropriate procedures are available and where there is no public interest element. For example:

- grievances or matters relating to alleged breaches of the employee's contract of employment;
- child protection matters should be reported in line with the school's child protection/safeguarding policy;
- bullying and harassment.

The Policy

3. Definition

3.1. Whistleblowing is the disclosing of a concern within the workplace that has come to the attention of an employee during the course of their work, about a danger, risk, malpractice or wrongdoing which affects others and is in the public interest.

3.2. The types of practices or behaviours that the school considers should be dealt with by this policy include:

- criminal activity;
- fraud, corruption and bribery;
- negligence;
- health and safety issues concerning the workplace that puts the safety of workers or visitors or the public at risk;
- failure to comply with legal or professional obligations, or regulatory requirements;
- risks to the environment;
- miscarriages of justice;
- the mismanagement of or unauthorised use of public funds or other resources;
- the deliberate concealment of any of the above.

3.3. Where a disclosure relates to fraud, corruption or bribery, employees may also refer to the Council's Counter Fraud and Corruption Policy and Statement on the Prevention of Bribery (available on the Council's internet website).

4. Scope

4.1. This policy applies to all individuals working for Larkspur Primary School whether they are employees, contractors and casual or agency staff.

4.2. For the avoidance of doubt and to ensure clarity the term 'employee' will be used throughout this policy when referring to all individuals working for Larkspur Primary School.

4.3. This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. The school reserves the right to amend its content at any time.

5. Responsibilities

5.1. The Governing Body will:

- conduct the school with a view to promote high standards of educational achievement;

- create a climate of trust and openness;
- ensure the school is committed to the highest standards of openness, probity and accountability;
- abide by all relevant legislation and, in particular, will not discriminate on grounds of race, colour, ethnic origin, religion, belief, gender, marital status, sexual orientation, disability, trade union membership or age;
- encourage employees, who have serious concerns about any aspect of the school, to disclose those concerns;
- have overall responsibility for the maintenance and fair operation of this policy and procedure;
- maintain a record of the concerns raised and the outcomes (but in a format which would not endanger confidentiality);
- take action to protect any employee when they disclose a concern;
- ensure an employee does not suffer any detriment in connection with their employment with the school when they have a reasonable belief that it is in the public interest to disclose a concern;
- ensure that an employee will not face retribution if the concern they disclosed proves to be unfounded.

5.2. The head teacher will:

- communicate the expected standards of behaviour;
- implement the school's policies and procedures to define the level of practice employees are expected to perform;
- ensure that all employees are aware of their duty to disclose any concern of a whistleblowing nature;
- receive any concern responsibly, openly and professionally;
- support any employee who discloses concerns about the school;
- deal with all whistleblowing disclosures effectively in line with this policy and procedure;
- undertake investigations without undue delay;
- maintain confidentiality

5.3. The employee will:

- treat all people with courtesy and respect and be aware how their behaviour and practices can be interpreted by others;
- perform at the level defined by the school's policies and procedures;
- recognise their duty to disclose any concern;
- fully engage in any and all meetings needed to complete investigations into a whistleblowing disclosure.

6. Record Keeping

6.1. Whistleblowing disclosures will be held on a confidential, secure file within the school along with a record of the outcome and any records of meetings held or other documents complied during the process.

6.2. Details of all whistleblowing disclosures and investigations are retained for 6 years plus the current year from the close of the case, except where separate retention rules apply, e.g. child protection records.

7. Review

7.1. This policy and procedure was agreed by the Governing Body of Larkspur Primary School on 08.11.23

7.2. The Governing Body will monitor the operation and effectiveness of the school's whistleblowing policy and procedure to ensure that employees' have trust and confidence in the school.

7.3. It is a non-contractual policy and does not form part of an employee's contract of employment.

7.4. The school may amend it at any time.

The Procedure

1. Introduction

1.1. 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 speaking up would be disloyal to their colleagues or to the school, or they may fear harassment or victimisation. In these circumstances employees may feel that it is easier to ignore the concern rather than report what may be a suspicion of unacceptable behaviour or malpractice.

1.2. It is in everyone's best interest to ensure that employees have the confidence that any concerns disclosed are dealt with appropriately.

2. Disclosing a Whistleblowing Concern

2.1. The employee should disclose their concern, with their line manager or head teacher, either orally or in writing, as soon as is possible. The earlier the concern is expressed, the easier it is for the school to take action. If the concern is put in writing, the employee should include:

- the background, history and detail of their concern;
- names, dates and places where possible;
- the reason why they are concerned about the situation.

2.2. Where the seriousness or sensitivity of the concern or the head teacher/line manager is implicated by the concern and the employee feels unable to disclose the concern within the school, they should contact the Chair of the Governing Body.

2.3. If the employee does not feel they are able to contact the Chair of the Governing Body they can write to the Service Director responsible for schools, disclosing their concern.

2.4. Whoever receives the concern should contact Human Resources for advice and guidance and forward a copy of the concern to the Chair of the Governing Body for monitoring purposes, where appropriate to do so.

2.5. Employees can ask their trade union representative to accompany them when disclosing the concern or to disclose the concern on their behalf if they feel unable to do this themselves.

2.6. The employee will not be expected to prove the truth of their concern. However, they will need to demonstrate to the person contacted that there are reasonable grounds for the concern.

3. Responding to a Whistleblowing Concern

3.1. The person who receives the concern will make initial enquiries seeking to establish the facts of the matter and assess whether the concern meets the definition of whistleblowing and therefore should be formally investigated.

3.2. It may be determined that some concerns do not meet the definition and therefore may be resolved by agreed action without the need for an investigation or fall within the scope of other existing policies and procedures

The Procedure

3.3. Where disclosures fall within the definition the action taken by the school will depend on the nature of the concern. The school may:

- investigate internally;
- appoint an independent person to investigate the concern;
- refer the concern to the Police;
- refer the concern to the external auditor;
- report the concern to the DfE; or
- any combination of the above.

3.4. Where an investigation is required the school, or the Service Director responsible for schools, will appoint an investigating officer. Within 10 working days of the concern being received, the investigating officer will write to the employee (if they have disclosed their identity) confirming how they propose to investigate the concern and the timescale for providing a final response.

3.5. The investigating officer will then carry out a thorough investigation in order to obtain all the relevant facts and will not make any assumptions. This will usually involve taking a comprehensive record of any meetings that occur and obtaining relevant documentary evidence.

3.6. As part of the investigation further information may be sought from the employee disclosing the concern. If a meeting is arranged the employee has the right to be accompanied by a trade union representative, or work colleague who is not involved in the area of work to which the concern relates. The investigating officer will give careful consideration to the time and location of the meeting and how these arrangements are communicated to the employee. The employee and their representative must respect the need to maintain confidentiality.

3.7. At the conclusion of the investigation the investigating officer will provide a report outlining the findings and make recommendations to the Chair of the Governing Body for consideration and implementation. The school will then confirm in writing to the employee who disclosed the concern information about the outcome of the investigation unless this is not possible for legal reasons.

3.8. If referred to the Police, an internal investigation will be delayed pending the outcome of the Police investigation.

3.9. Where the disclosure involves, or is thought to involve, irregularities concerning cash, stores or other property of the school, misuse of school ICT systems, or any suspected irregularity in the exercise of school's functions, the Council's Internal Audit Section or external auditor will be notified immediately. The audit report will contribute to the internal investigation processes.

3.10. Where the disclosure involves, or is thought to involve, maladministration, malpractice or poor quality of education then the matter may be referred to the relevant department within the DfE. This could lead to a joint investigation between officers from the DfE and the appointed investigating officer.

The Procedure

4. Taking the Disclosure Further

4.1. If the employee is not satisfied with how their concern has been investigated or with the outcome, or feel it is right to take matters outside the school in the first instance, they are able to disclose their concerns externally. The school would rather an employee disclose a concern with the prescribed external body/appropriate regulator, than not disclose it at all.

4.2. Employees are recommended to contact the external bodies below for advice before taking the matter further or referring external in the first instance:

- their trade union;
- the independent charity Public Concern at Work;
- a legal adviser (who can give free confidential advice at any stage about how to raise a concern about serious malpractice at work);
- the Citizens Advice Bureau;
- their MP.

4.3. Employees can disclose concerns externally with a prescribed person or body, the list of these can be found at http://www.gov.uk. Employees can only disclose to a prescribed person/body provided that:

- they make a disclosure with the reasonable belief that it is in the public interest;
- they reasonably believe that the information disclosed, and the concern contained is substantially true;
- they do not make the disclosure for personal gain.

4.4. It is important that disclosures are not made directly to the media but are internally or externally directed through this policy and procedure. Failure to do so may result in the exposure of confidential information which could lead to the employee making the disclosure being subject to disciplinary action.

5. Protection for Whistleblowers

5.1. If an employee makes a disclosure and they have reasonable belief that the concern is real, the employee will not suffer any detriment, even if after investigation it is concluded the concern is unfounded. The school will not tolerate the harassment or victimisation of any employee raising a genuine concern, this may include the harasser being subject to disciplinary action.

5.2. Subjecting an employee to a detriment means subjecting them to any disadvantage because they blew the whistle. This could include (but is not limited to) any of the following:

- failure to promote;
- denial of training;
- closer monitoring;
- blocking access to resources;
- demotion;
- disciplinary action including suspension;
- victimisation, bullying or harassment;
- failure to provide an appropriate reference;

- failing to investigate a subsequent concern disclosed.

5.3. If an employee believes that they are suffering a detriment for having disclosed a concern they should report this immediately either orally or in writing to the Chair of the Governing Body as they have overall responsibility for this policy and procedure. The Chair of the Governing Body will appoint an appropriate person to investigate this allegation.

6. Confidentiality

6.1. The School recognises employees may want to disclose a concern in confidence. If confidentiality is requested, all reasonable efforts will be made to avoid revealing the employee's identity, unless disclosure is a requirement by law.

6.2. It may not be possible to keep an employee's identity confidential whilst carrying out a thorough investigation and they may need to be identified as a witness at an appropriate time. If it becomes necessary to reveal the employee's identity the investigating officer will inform the employee in writing prior to completing the investigation report. The employee will also be informed of the reasons why it is necessary to identify them.

7. Anonymous Allegations

7.1. Employees are encouraged to put their name to their disclosure. Concerns expressed anonymously are less powerful and more difficult to investigate. However, they may be considered at the discretion of the Chair of the Governing Body. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the concerns disclosed;
- the credibility of the concerns;
- the evidence base;
- the difficulty of the investigation;
- the likelihood of confirming the concerns from other named sources.

7.2. Anonymous allegations, if taken forward, will be investigated by following the steps outlined above.

8. Untrue or Malicious Allegations

8.1. If an employee makes a disclosure in the reasonable belief that it is in the public interest (in good faith), but the concern has not been proven by the investigation, no action will be taken against the employee.

8.2. However, if there are clear grounds that the employee may have made a malicious or vexatious disclosure, this will be taken seriously and appropriate action, including disciplinary action, may be taken against the employee. If the investigating officer believes the disclosure is malicious or vexatious they will include this in their report and the Governing Body will determine what, if any, appropriate action is to be taken.