

## WHISTLE BLOWING POLICY

Date: May 2021

### Definition

Whistleblowing is the term used when a worker passes on information concerning wrongdoing.

### Aims and Objectives

At Meadowpark School we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every child as their paramount objective.

We recognise that there may be occasions where this may not happen and we have in place a procedure for staff to disclose any information that suggests children's welfare and safety may be at risk.

We expect all team members to talk through any concerns they may have with a member of the SLT or Headteacher at the earliest opportunity to enable any problems to be resolved as soon as they arise.

We aim to encourage all our employees to feel confident in raising serious concerns and provide appropriate avenues for dealing with them. We feel that any employee who has a serious concern about any aspect of our work should voice their concerns through established internal and external channels, without fear of harassment or victimisation. We aim to ensure that employees are protected from possible reprisals or disadvantage where they have raised a concern or disclosed information in good faith. This policy is not intended to be a substitute for, or an alternative to, our formal Grievance Procedure, which relates to individuals concerns about their own employment.

### Legal framework

The Public Interest Disclosure Act 1998, commonly referred to as the 'Whistleblowing Act', amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one of the following has been, or is likely to be, committed:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation or
- Concealment of any of the above
- Any other unethical conduct
- An act that may be deemed as radicalised or a threat to national security is being, has been, or is likely to be, committed.

Disclosures do not have to be made 'in good faith'; however, they must be made in the public interest. This is essential when assessing a disclosure made by an individual.

The Public Interest Disclosure Act has the following rules for making a protected disclosure:

- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed; a reasonable belief is sufficient.

### **Disclosure of information**

If, in the course of your employment, you become aware of information which you reasonably believe indicates that a child is/may be or is likely to be in risk of danger and/or one or more of the following may be happening, you **MUST** use Meadowpark's disclosure procedure set out below:

- That a criminal offence has been committed or is being committed or is likely to be committed
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject (e.g. EYFS, Equalities Act 2010)
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health or safety of any individual has been, is being, or is likely to be endangered
- That the environment, has been, is being, or is likely to be damaged
- That information tending to show any of the above, has been, is being, or is likely to be deliberately concealed.

### **Disclosure procedure**

- If this information relates to child protection/safeguarding then our Child Protection and Safeguarding Children policy should be followed
- Where you reasonably believe one or more of the circumstances listed above has occurred, you should promptly disclose this to your Headteacher so that any appropriate action can be taken.
- If it is inappropriate to make such a disclosure to your Headteacher (i.e. because it relates to the Headteacher) you should speak to the Nominated safeguarding Governor or DoFA as appropriate
- Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees should speak in confidence to the Headteacher
- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner
- Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations in bad faith will be subject to potential disciplinary action which may result in dismissal
- Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal
- Any management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal
- The telephone numbers of the DoFA, the local authority children's social care team and Ofsted telephone numbers are all clearly displayed in the staff room, so all staff

may contact them if they cannot talk to anyone internally about the issues/concerns observed.

This policy applies to all employees of our setting, including those employed on a temporary basis, casual or agency workers, trainees or volunteers.

## **Safeguards**

### **Harassment or Victimisation**

We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for, or suspected of, the malpractice. We will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of their 'whistleblowing'.

### **Confidentiality**

We will do our utmost to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be realised and appreciated, however, that the investigation process itself may well reveal the source of the information, and, depending on the outcome, a formal statement by the individual may be required as part of the evidence.

### **Anonymous Allegations**

This policy is designed to encourage staff to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the management's discretion. In exercising this discretion, the factors to be taken into account would include:

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

### **Untrue Allegations**

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered and implemented.

### **Raising a concern**

Employees must report their concerns to the headteacher.

If a staff member feels unable to raise an issue with the Headteacher in school or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them:

- The NSPCC whistleblowing helpline. Staff can call: 0800 028 0285 from 08:00 to 20:00, Monday to Friday, or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- An external member acting as the Nominated Safeguarding Governor.

Where relevant, employees may also invite their Trade Union or professional association to raise the concern on their behalf.

Concerns are better raised in writing. The background and history of the concern, giving names, dates and places where possible, should be set out and the reason why the individual

is concerned about the situation. Those who do not feel able to put their concerns in writing may raise the matter verbally.

Although staff are not expected to prove the truth of their concern, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

Where possible, all employees should endeavour to raise concerns internally, however should any employee have a concern that a child is at risk of significant harm, our Safeguarding Policy should be implemented, and the relevant agencies notified as a priority.

Should there be concerns that our setting is not meeting Ofsted registration and inspection requirements, ideally these should be addressed internally, however if an employee feels that they are unable to raise the concerns with an appropriate internal colleague, and feels the safety and well-being is significantly compromised, s/he should contact Ofsted on 0300 123 1231 for further advice.

### **How we will respond**

Within ten working days of a concern being received, we will write to the employee

- Acknowledging that the concern has been received;
- Indicating how we propose to deal with the matter;
- Telling the employee whether any initial enquiries have been made;
- Telling the employee whether further investigations will take place, and if not, why not.

The action we take will depend on the nature of the concern.

The matters raised may:

- be investigated internally
- be referred to the Police
- be referred to Children's Social Care
- be referred to Ofsted
- be referred to any other relevant organisation.

The amount of contact between the manager considering the issues raised and the complainant will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

When any meeting is arranged, employees have the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

We will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if employees are required to give evidence in criminal or disciplinary proceedings, we will advise them about the procedure.

We accept that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, members of staff will receive information about the outcomes of any investigations.

If an employee is not assured that the matter has been properly addressed, they should contact the next most senior manager, or consider an alternative external method of taking forward a complaint.

### **Following up concerns raised**

Whatever method of raising a concern has been chosen, effective and efficient communication and support systems are fundamental to the success of this policy and in

giving employees confidence that issues which they raise will be thoroughly and conscientiously investigated.

### **Alternative methods of taking forward a complaint**

This policy is intended to provide staff with an avenue to raise concerns internally. If an individual feels it is right to take the matter outside this process, the following are possible contact points:

- Ofsted
- NSPCC
- Early Years, Children's Services
- Children's Social Care
- Independent solicitor
- ACAS
- The Police.

If an employee does take the matter outside the setting, s/he needs to ensure that they do not disclose confidential information or that disclosure would be privileged (other than information which would constitute a child protection concern, where the issue of confidentiality is over-ridden)

### **9. Overall responsibility**

The headteacher/other where appropriate has overall responsibility for overseeing and/or undertaking any investigation. A written record of the concern raised, the resulting investigation and outcome will be maintained confidentially.

### **Approval and Review**

The policy was approved by the Headteacher on 12th May 2021.  
The renewal date is annually or earlier if there is a change in legislation.