Chalkwell Hall Infant School
Whistleblowing Policy and Procedure

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Chalkwell Hall Infant School are easy to interpret and align with best practice. Our values underpin everything that we do, and we are passionate about ensuring our workforce have a positive worker experience.

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1. Introduction

The School is committed to the highest standards of honesty, openness, integrity and accountability and will not tolerate wrongdoing, malpractice, illegality or the concealment of such matters. This policy enables workers and others covered by its scope to raise concerns about suspected wrongdoing connected with the School/Trust/College and explains how those concerns will be considered.

It is intended that this Whistleblowing Policy enables individuals or organisations to disclose information about wrongdoing, malpractice or illegality internally and to provide them with protection from subsequent victimisation, discrimination or disadvantage. This will assist in detecting and deterring malpractice and, by demonstrating the School's/Trust's/College's accountability, maintain public confidence and the School's/Trust's/College's good reputation.

2. Legislative background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to protect workers who make a qualifying disclosure in the public interest through an appropriate reporting route. A worker must reasonably believe that the information disclosed tends to show relevant wrongdoing that has occurred, is occurring or is likely to occur. A worker who makes a protected disclosure is protected from detriment and, where applicable, dismissal because of the disclosure.

3. Aim of this policy

The aims of this Policy are to:

- create a culture of zero tolerance toward fraud and corruption and deter wrongdoing
- encourage workers and others with serious concerns about any aspect of the Council's work to feel confident to come forward and voice those concerns within the Council rather than ignoring a problem or 'blowing the whistle' outside
- ensure concerns are raised at an early stage and in the right way ensuring that critical information gets to the people who need to know and who are able to take action so that the matter can be properly investigated
- provide reassurance that workers who raise concerns they reasonably believe are in the public interest can do so without fear of retaliation, victimisation, detriment or dismissal, whether or not the concern is ultimately substantiated ensure that a response is received when concerns are raised, and it is clear how to pursue the matter if not satisfied with the response

Any serious concerns that workers have about service provision or the conduct of workers in the school or others acting on behalf of the school can be reported under the Whistleblowing Policy.

A concern may qualify for statutory protection where the worker reasonably believes it tends to show:

- a criminal offence;
- breach of a legal obligation;
- miscarriage of justice;

- danger to health or safety;
- damage to the environment;
- sexual harassment; or
- deliberate concealment of information about any of these matters.

School-related examples may include:

- safeguarding failures;
- abuse or risk of harm to children;
- serious breaches of the Code of Conduct;
- fraud;
- bribery;
- serious mismanagement;
- data-security failures; or
- concealment of wrongdoing.

The examples above are not exhaustive.

Where a concern indicates that a child may be at immediate risk of harm, the person raising the concern must follow the School's Child Protection procedures without delay, including contacting the Designated Safeguarding Lead, Headteacher, Chair of Governors, Local Authority Designated Officer, children's social care or emergency services as appropriate. The use of this policy must not delay urgent safeguarding action.

Not all disclosures detailed in this paragraph offer 'protected disclosure' under the law. However, the school undertakes to extend the same protection for all disclosures wherever possible.

4. Scope of the Policy

This policy applies to employees, workers, agency workers and other individuals who fall within the statutory whistleblowing framework. The school will also accept concerns from volunteers, governors, contractors, consultants, service users, parents, carers and members of the public, although those individuals may not have the same statutory protection as workers. Nothing in this policy creates statutory protection where it does not otherwise exist in law.

The Secretary of State for Education is a prescribed person for matters relating to education. Details of prescribed persons and prescribed bodies are available on GOV.UK and are referenced within Section 11: How a Concern Can Be Taken Further.

The Whistleblowing Policy is not intended to replace existing procedures, and it should not be used where other more appropriate reporting procedures are available.

- If the concern relates to treatment as a worker, it should be raised under the existing Grievance or Harassment procedures
- If the concern is about services provided, it should be raised under the Complaints Procedure

- If the concern is regarding the behaviour of a Councillor, it should be raised under the Code of Conduct complaints process

A concern about the conduct of an adult working in or on behalf of the school may also need to be managed under the Child Protection Policy, Code of Conduct, Managing Allegations procedure or low-level concerns arrangements.

The Headteacher or Chair of Governors, as appropriate, will determine the correct route with advice from the Local Authority Designated Officer and HR where required. A matter may be considered under more than one procedure where necessary.

Personal grievances are not covered by this Policy and instead should be dealt with under the school Grievance Procedure.

5. What is Whistleblowing

In this policy, whistleblowing means a worker reporting information about suspected wrongdoing that the worker reasonably believes is in the public interest. A concern may be raised openly, confidentially or anonymously. Confidentiality will be respected so far as reasonably practicable, but it cannot be guaranteed in every circumstance.

This includes reporting suspected wrongdoing, malpractice or illegality connected with the school.

The Public Interest Disclosure Act 1998 (PIDA), incorporated into the Employment Rights Act 1996, is designed to encourage workers to report suspected wrongdoing. This is commonly known as "blowing the whistle".

Workers who make a protected disclosure in accordance with the legislation are protected from detriment, victimisation and, where applicable, dismissal because they have raised a concern in the public interest.

6. Whistleblowing by Workers

Who should concerns be raised with?

Concerns should normally be raised with the Headteacher. Where the concern relates to the Headteacher, or it would otherwise be inappropriate to report to the Headteacher, it should be raised with the Chair of Governors.

Where the concern relates to the Chair, members of the Governing Body collectively, or there is a reasonable concern that the school cannot consider the matter impartially, it should be raised with the Local Authority Officer identified in the school published whistleblowing contacts. Safeguarding concerns must also follow the escalation routes in the Child Protection Policy.

Protection for Workers

Under the PIDA 1998, workers are protected when they make a qualifying disclosure. Statutory protection may apply where the worker reasonably believes that the disclosure is in the public interest, reasonably believes that the information tends to show a relevant category of

wrongdoing, and makes the disclosure through an appropriate route. Workers are not required to prove the wrongdoing before raising a concern.

If a worker asks the school to protect their identity, the school will do its best not to disclose it without their consent. If the situation arises where the school cannot resolve the concern without revealing the worker's identity (for instance because their evidence is needed in court), we will discuss with them whether and how we can proceed.

The PIDA 1998 makes it unlawful for the school to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act. The Council recognises that the decision to report a concern can be a difficult one to make. If a worker honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to their employer, their colleagues and those for whom they are providing a service. Indeed, workers are encouraged to report concerns, particularly where a potential criminal offence has been committed.

The school will not tolerate retaliation, victimisation, harassment, bullying, threats, informal pressure or any other detriment because a worker has raised, supported or participated in the consideration of a concern under this policy. Such conduct may be treated as a serious disciplinary matter. Protection will not be withheld merely because a concern is not substantiated.

The raising of a concern under this policy will not automatically prevent or delay any other employment process that is already underway, including disciplinary, capability, attendance, dismissal or redundancy procedures. However, the school will ensure that no worker is subjected to detriment, disadvantage or adverse treatment because they have raised a concern under this policy.

Support to Workers

A worker may wish to consider discussing their concerns confidentially with a colleague first and may find it easier to raise the matter if there are two (or more) workers who have had the same experience or concerns. A worker may discuss their concerns confidentially with their trade union representative. They may also invite their trade union or other representative to be present during any meetings or interviews in connection with the concerns they have raised. Any worker making a qualifying disclosure under this Policy:

- will be given appropriate support by the school; and
- the school will do all it reasonably can to support them throughout the consideration and investigation of the concern.

The school will consider appropriate support and reasonable adjustments for a person raising or supporting a concern, including a named contact, trade union or workplace companion, Employee Assistance Programme, Occupational Health advice, temporary working arrangements and measures to reduce any risk of detriment. Any temporary change will be kept under review and will not be used as a penalty.

This may include consideration of temporary redeployment for the period of the investigation, if appropriate. Any worker thinking about raising a concern can refer to the guidance from the Government or ACAS for further information and obtain confidential advice from Protect (formerly Public Concern at Work).

7. Whistleblowing by Non-Employees

Who should concerns be raised with?

Adults who are not employed by the school, including volunteers, governors, consultants, contractors, sub-contractors, parents, carers, service users and members of the public, may raise concerns regarding suspected wrongdoing, malpractice or illegality under this policy.

Concerns should normally be raised with the Headteacher. Where this would be inappropriate, concerns may be raised with the Chair of Governors or the Local Authority Officer identified within the school's whistleblowing contacts.

Protection and Support

Statutory whistleblowing protection may not apply to all individuals covered by this section.

However, the school will take concerns raised under this policy seriously and will endeavour to provide appropriate advice, support and protection from retaliation wherever reasonably possible.

Any concerns relating to safeguarding, child protection or the welfare of children will be managed in accordance with the school's safeguarding procedures and relevant statutory guidance.

8. Accountability

The Governing Body has oversight of the effectiveness of the school's whistleblowing arrangements. The Headteacher is responsible for day-to-day implementation, unless the concern involves the Headteacher, in which case the Chair of Governors will assume responsibility. The Governing Body will receive anonymised assurance information about the operation of the policy, themes, actions and learning, without compromising confidentiality or an investigation.

The Headteacher maintains a record of concerns raised under the Whistleblowing Policy and Procedure and the outcomes of any investigation undertaken. This is done in a form that does not endanger the confidentiality of the person raising the concern or other workers.

Information and records created under this policy will be handled confidentially, stored securely and processed in accordance with UK GDPR, the Data Protection Act 2018 and the school's records retention schedule. Information will be shared only where there is a lawful and legitimate reason, including safeguarding, regulatory, audit, criminal or legal requirements.

The Headteacher will consult with the LA officer as they consider necessary and may arrange for any investigation to be conducted and dealt with in such manner as they decide is necessary.

The Headteacher will notify the Governing Board/Board of Trustees of any allegations reported using the Whistleblowing Policy.

If it is inappropriate to raise concerns with the Headteacher, the matter should be raised with the Chair of Governors who will then be responsible for ensuring this policy is complied with.

9. How to raise a concern

A concern may be raised verbally or in writing, including by letter, approved confidential email address or another reporting route published by the school. Written concerns should be marked "Whistleblowing: confidential". A person who raises a concern verbally will be given the opportunity to check an accurate written record of the concern. Urgent safeguarding concerns must be reported immediately and must not be delayed while a written account is prepared. The school recognises that there may be circumstances where individuals are concerned about being identified when raising a concern. Individuals are encouraged to provide their name and contact details wherever possible, as this can assist the investigation, communication and provision of appropriate support.

However, concerns raised anonymously will still be considered on their merits. In determining whether an anonymous concern can be investigated, consideration will be given to:

- the seriousness of the issues raised;
- the credibility of the information provided;
- the likelihood of obtaining corroborating evidence; and
- the practical ability to investigate the concern.

The school may not be able to provide feedback or fully investigate a concern where the source cannot be contacted. Individuals who wish to remain anonymous are therefore encouraged to provide sufficient information to enable the concern to be properly considered and investigated. The earlier workers express a concern, the easier it is for the school to take action.

Workers may be supported by a trade union representative or work colleague.

Any individual reporting a concern should provide as much information as possible, including:

- their name and contact details
- who the concerns relate to (e.g. name(s), job title(s))
- full details on the nature of the alleged wrongdoing and why it is believed to be true; and
- evidence in support (including copies of any documents, dates and information relating to relevant events, details of any witnesses).

It is not expected that the individual proves their suspicions beyond doubt, however they will need to demonstrate that they have a genuine concern relating to suspected wrongdoing or malpractice within the school and there are reasonable grounds for that concern.

In exercising the discretion, the factors to be considered would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation

No action will be taken against a person who raises a concern they reasonably believe to be true or in the public interest merely because it is not substantiated. Knowingly providing false information, fabricating evidence or acting dishonestly may be considered under the appropriate conduct procedure. A decision to consider conduct action must be separate from, and must not be used to deter, the raising of genuine concerns. Any concerns raised under this Whistleblowing Policy relating to fraud, financial irregularity, corruption, bribery, theft, misuse of public funds or other financial misconduct will be notified to the school's internal audit provider and the relevant Local Authority officer, as appropriate.

10. How the school will respond

The school will endeavour to respond to concerns raised as quickly as possible. If a name and contact details have been provided, the person with whom the concerns are raised will formally acknowledge receipt within 5 working days of the concerns being received. It may be that a meeting will need to be held with this person to seek clarification on any points on the concerns raised, gather further information e.g., dates of any incidents, supporting evidence or details of any witnesses.

To be fair to all workers, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Where appropriate, the concerns raised may be:

- investigated by management, by Audit Services, or through the disciplinary process
- referred to the Police
- referred to the external auditor
- the subject of an independent inquiry
- resolved by agreed action without the need for investigation or
- deemed not to be sufficient to warrant an investigation

Where relevant, the concern may also be referred or notified to the Local Authority Designated Officer, children's social care, the Disclosure and Barring Service, the Teaching Regulation Agency, the police, the Local Authority, the school's internal or external auditors or another appropriate regulator. The school will not use an internal whistleblowing investigation to delay or replace a required safeguarding or statutory referral.

Disclosures for which there are other specific procedures (for example, child protection, safeguarding or discrimination issues) will normally be referred for consideration under those procedures.

If a name and contact details have been provided, the person with whom the concerns are raised will within 10 working days of a concern being received, confirm in writing:

- what initial enquiries have been made
- how the matter is going to be dealt with
- an estimate of how long it will take to provide a final response
- worker support mechanisms (where appropriate)
- why there is to be no further investigation, if appropriate

The person considering the concern will explain, so far as confidentiality and legal restrictions allow the proposed next steps and how contact will be maintained. Where the matter cannot be concluded promptly, reasonable progress updates will be provided. The person raising the concern will be told when consideration of the concern has concluded, although details of action relating to another individual may remain confidential.

It is recognised that the individual who raised concerns will need to be assured that the matter has been properly addressed. Therefore, subject to legal and data protection constraints, they will be informed of the outcome of any investigation. Once a relevant worker has raised their concern under the Whistleblowing Policy with the Headteacher or the Chair of Governors/Trustees, initial enquiries will be made to decide if an investigation is appropriate and if so, what form the investigation should take.

The worker will be advised of the following:

- who is considering the issue
- how that person can be contacted
- whether their further assistance may be needed
- requested to state any personal interest they may have in the matter

The overriding principle which the school will have in mind is the public interest. 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.

The amount of contact between the worker and those investigating the concerns will depend on the concerns raised, but the school may need to seek further information from the worker. Any meetings may be arranged on or off site and a worker may be accompanied by a friend, union or professional body representative.

While the purpose of this Whistleblowing Policy is to enable the school to investigate possible malpractice and take appropriate steps to deal with it, they will provide as much feedback to the worker as they properly can. If requested, confirmation of the response may be provided in writing. It may not, however, be possible to advise the precise action that will be taken where this would infringe a duty of confidence owed by the school to someone else.

All concerns raised under the Whistleblowing Policy will be notified to the LA Officer who is responsible for this Whistleblowing Policy and maintains a register of all concerns raised and their outcomes.

All concerns of a financial nature will also be notified to the school's Head of Internal Audit.

11. How a concern can be taken further

This Policy is intended to provide an avenue within the school to raise concerns. The school hopes any individuals who raise concerns will be satisfied with any action taken.

If the concern is not resolved internally, or the worker reasonably believes an external disclosure is appropriate, independent advice should be sought before disclosure. Possible routes include Protect, a trade union, a legal adviser, an MP, the police, the relevant ombudsman, the Health and Safety Executive, the appropriate auditor or another prescribed person or body. The current statutory list of prescribed persons and the matters for which they are prescribed is published on GOV.UK. The worker is responsible for selecting a body whose remit covers the concern.

If concerns are raised outside the Council, it should be to one of these prescribed contacts. A public disclosure to anyone else could take an individual outside the protection of the PIDA 1998 and of this Policy. Information that is confidential to the Council or to anyone else, such as a client or contractor of the Council, should only be shared with those included in the above list of prescribed contacts. This Policy does not prevent an individual from taking their own independent legal advice.

If employees, workers or contractors take their concerns outside the school they should take care not to disclose any confidential information.

If a concern relates to the safety or welfare of a child and the person does not feel able to use the school's internal safeguarding route, the person may contact:

- the Local Authority Designated Officer,
- children's social care,
- the NSPCC Whistleblowing Advice Line or
- the police, as appropriate.

Referrals to Local Authority Children's Social Care	Where schools have concerns for the safety and welfare of a child or young person – a referral should be made through the Southend Children's Services Portal to the Children's Single Point of Contact/C-SPOC Out of Hours: 0345 606 1212
Local Authority Designated Officer (LADO)	Where school have concerns about the behaviour of an adult towards a child – they should contact the Local Authority Duty Officer (LADO): Email: LADO@southend.gov.uk Tel: 01702 534539

Essex Police	• 999 for emergencies or 101 for non-emergencies • Mandatory reporting of Female Genital Mutilation (FGM) via 101 • Also see *When to call the police – guidance for schools and colleges*
NSPCC helpline for adults	Helping adults protect children 24 hours a day. For help and support, including anyone needing advice about female genital mutilation, young people affected by gangs, concerns that someone may be a victim of modern slavery contact the NSPCC trained helpline counsellors on: • Text 88858 • 0808 800 5000 • help@nspcc.org.uk
NSPCC helpline Report Abuse in Education	Bespoke helpline for children and young people who've experienced abuse at school, and for worried adults and professionals who need support and guidance including for non-recent abuse: • 0800 136 663 • help@nspcc.org.uk
NSPCC Whistleblowing Advice	Free advice and support for professionals concerned about how child protection issues are being handled in their organisation: a) 0800 028 0285 b) help@nspcc.org.uk

If a child is in immediate danger, call 999.

12. Related Policies and Documents

This policy should be read alongside the:

- Child Protection Policy;
- Code of Conduct;
- Managing Allegations and low-level concerns arrangements;
- Discipline and Dismissal at Work Policy and Disciplinary Procedure;
- Grievance and Dignity at Work Policy;
- Complaints Policy;
- Data Protection and Records Retention policies;
- Anti-Fraud, Bribery and Corruption arrangements;
- and relevant Local Authority safeguarding procedures.

13. Monitoring and Review

Southend-on-Sea City Council's HR Service will review this model policy at least annually, or earlier where legislation, statutory guidance, prescribed-person arrangements or local

procedures change, and will issue revised model documents through the school's Learning Network. The Governing Body is responsible for considering and adopting the model policy for the school, completing school-specific contacts and ensuring effective implementation. Appropriate consultation with recognised trade unions and professional associations will be undertaken where substantive changes affect employment policy or procedure.