



'Improving the quality of family life'

Whistleblowing Policy and Procedure

1. Purpose

In line with the London Safeguarding Children Board and the London Child Protection Procedures, Snowflake School operates a Whistle Blowing Policy.

The purpose of this document is to assist all staff to 'whistleblow' if they have concerns about any adult in the school setting, whether paid or voluntary

This policy reflects the requirements of:

- **Working Together to Safeguard Children 2018**
- **Keeping Children Safe in Education 2022**

This policy and the following procedures apply to all *paid staff, volunteers and trustees* working with or in Snowflake School and should be read in conjunction with **Snowflake School Safeguarding and Child Protection Policy**

2. Principles

All staff should be aware of this policy and feel confident to voice concerns about the attitudes or actions of current colleagues or staff and volunteers or those who have left or no longer work at the school; this includes contact and actions using mobile phones, internet, email and chat, if a member of staff believes a colleague has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child, or children, or another adult in a way that indicates they are unsuitable to work with children;

Report to the Headteacher immediately – Kerry Sternstein

(kerry.sternstein@snowflakeschool.org.uk)

The Head Teacher will report to the LADO on the same working day.

3. Definition

Whistleblowing is specific and means a disclosure of information made by a worker or an external person or body where they reasonably believe that one or more of the following matters is happening now, took place in the past or is likely to happen in the future:

- a criminal offence;

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Kerry Sternstein

- a failure to comply with a legal obligation (e.g. breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, malpractice or breach of a code of conduct);
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- covering up or ignoring a safeguarding concern about abuse or suspected abuse
- a deliberate concealment of information tending to show any of the above
- concerns regarding extremism and radicalisation of a learner/pupil or employee/volunteer

For historic allegations relating to staff or volunteers who have left or no longer work at the school you may be directed straight to the LADO. The school will support the LADO in gathering relevant information and evidence.

If a member of staff is worried about the conduct of the Headteacher, or they believe that a reported allegation or concern is not being dealt with properly they should report the matter, on the same working day, to the **RBKC LADO** (Primary site) on 020 7361 3013/kclado.enquiries@rbkc.gov.uk or the **Ealing LADO** on 020 8825 8930/asv@ealing.gov.uk and to the Chair of Trustees – Faryaneh Akhavan 07795181580

For confidential advice on how to raise a concern about malpractice at work; visit 'Public Concern at Work' www.pcaw.co.uk.

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 to speak 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 report something which after all, may just be a suspicion of malpractice.

Snowflake School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and encourage employees, and others whom we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis (i.e. between the employee voicing the concern and the person to whom the concern is voiced).

This policy document makes it clear that *you can do so without fear of victimisation, reprisal, subsequent discrimination or disadvantage*. This Whistle Blowing/Confidential Reporting policy is intended to encourage and enable employees and others to raise concerns within Snowflake School rather than overlooking a problem or 'blowing the whistle' outside, in line with the Public Interest Disclosure Act 1998 (Whistle Blowing).

Staff are protected under the Public Interest Disclosure Act 1998 should they wish to invoke whistle blowing procedures. Further guidance can be found at:
<https://www.gov.uk/government/publications/the-public-interest-disclosure-act/the-public-interest-disclosure-act>

Staff may also contact the charity [Protect](https://www.protect-advice.org.uk) - formerly Public Concern at Work - which provides free confidential advice to workers who have concerns about wrongdoing in the workplace. The charity can be contacted by telephone on 020 7404 6609 or by emailing whistle@protect-advice.org.uk.

4. Aim and Scope

This section of the whistleblowing policy applies to all employees at Snowflake School (permanent, temporary, casual), contractors and those in partnership roles working for the school on school premises, for example volunteers, agency staff, builders, etc. It also covers historic allegations of staff and volunteers who no longer work at the school.

The procedure is designed to enable employees to notify the Headteacher/Chair of Trustees of any reasonable suspicion of illegal or improper conduct. It is a procedure in which the Headteacher/Chair of Trustees will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.

Concern about a colleague's professional capability should not be dealt with using this procedure

This whistle blowing policy does not apply to pupils. Where applicable, employees are responsible for making pupils aware of the existence of the school's complaints procedure and other appropriate reporting procedures. Where the concerns are about child protection or safeguarding children or young people, the School's Safeguarding and Child Protection Policy must be followed.

5. Roles and Responsibilities

Head Teacher/Chair of Trustees

- The Head Teacher, or where the complaint is about the Head Teacher, the Chair of Trustees, is expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.
- Where concerns are raised with outside agencies the Head Teacher/ Chair of Trustees must fully cooperate with any resulting investigation(s).
- The Head Teacher/ Chair of Trustees will make every effort to meet any request of anonymity where possible
- The Head Teacher/ Chair of Trustees, where possible, should inform the complainant of the outcome of the investigation.

Employees

- All employees are expected to bring to the attention of the Head Teacher/ Chair of Trustees any serious impropriety or breach of procedure.
- All employees who report concerns under the whistle blowing procedure must be prepared to justify and support their claim in writing
- If another member of staff (other than the Head Teacher/ Chair of Trustees) is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Head Teacher/ Chair of Trustees
- Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

6. Legal

Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. If they are, they can claim unfair dismissal when the reason for the 'whistleblowing' meets any of the 'qualifying disclosures' criteria.

They include when someone reports:

- Child protection issues
- That someone's health and safety is in danger
- Damage to the environment
- A criminal offence
- That the school isn't obeying the law i.e. not have the right insurance etc.
- That someone's covering up a wrongdoing

The Head Teacher/ Chair of Trustees should ensure that, where this procedure has been used in the public interest, employees are not subjected to harassment and/or victimisation for doing so.

The key piece of 'whistleblowing' legislation is the Public Interest Disclosure Act 1998. Other Acts and Statutory Instruments which govern the topic are:

Police Reform Act 2002 Section 37

Employment Rights Act 1996 Section 103A

Employment Rights Act 1996 Sections 43A to 43L

Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) Regulation 14

Public Interest Disclosure Act 1998

Public Interest Disclosure (Compensation) Order 1999 (SI 1999/1548)

Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)

The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010 (SI 2010/131)

Enterprise and Regulatory Reform Act 2013 – includes a number of changes to 'whistleblowing' protection

This policy has also been developed in line with the London Safeguarding Children Board and the London Child Protection Procedures.

7. Procedure

7.1 Key Principles

This procedure is not designed to replace or be used as an alternative to the schools' grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Employees who are worried about wrong doing at work do not necessarily have a personal grievance.

Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate. No employee who uses this procedure in the public interest will be penalised for doing so. The school will not tolerate harassment and/or victimisation of any employee raising concerns.

An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact the Headteacher/ Chair of Trustees or Public Concern at Work (www.pcaw.co.uk) for advice.

7.2 Safeguards

The school is committed to good practice and high standards and wants to be supportive of employees. The school recognises that the decision to report a concern can be a difficult one to make. If you have a reasonable belief that what you are saying is true, you will have nothing to fear. The school will not tolerate any harassment or victimisation (including informal pressures) upon you as a result of making a disclosure in accordance with this policy and will take appropriate action to protect you when you raise a concern in the public interest. The school in the event of reprisals or victimisation against you because you have acted in accordance with this policy, will consider and may take disciplinary action against the employee responsible for such victimisation and/or reprisal.

7.3 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

7.4 Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made, anonymously, the concern will be considered at the discretion of the school. In exercising this discretion the factors to be taken into account would include:

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

7.5 Untrue Allegations

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

A whistleblower is entitled to be accompanied by a relevant accredited union representative (if any) or a work colleague throughout the procedure when reporting your concerns.

The person who received the concern will investigate (or delegate to an appropriate individual or third party if appropriate) your concern/s as follows:

- If appropriate, arrange an initial interview with the whistle-blower normally within two weeks of complaint to ascertain area/s of concern. This interview will remain confidential if requested.
- The notes taken during the interview will be sent to approve as an accurate record of what was discussed.
- They will be asked whether they want their identity to be disclosed and will be reassured about protection from possible victimisation or possible reprisals.
- They will be asked if they are prepared to make a verbal or written statement (if they have not already done so).
- A senior member of staff or an external person or body as appropriate, will then conduct further investigations. The investigation may be conducted by the auditors, for example in the case of financial irregularity or suspected fraud. They will aim to complete the investigation within seven working days although in serious or complicated cases, this may not be possible.

- The person against whom the disclosure is made will normally be told at an early stage, provided with supporting evidence and allowed to respond. However, it may be necessary to conduct the investigation in confidence (i.e. without informing the subject of your allegation/s) until (or if) it becomes necessary to do so. Alternatively, depending on the nature and seriousness of the complaint, the person/s against whom the allegation/s is made may be suspended while investigations are undertaken.

7.6 Mechanism for Raising Concerns against the Headteacher

- Where the issue concerns your Head Teacher or, having made the report, there is a belief that he/she has failed to take appropriate action, they should bring it to the attention of the Chair of Trustees. Depending on the nature of the concern the complainant will be asked to justify and support their claim.
- In all cases, the complainant will be asked to do this in writing. It will, therefore, be helpful to note down any facts and dates as they happen

Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the school's auditor for a possible investigation. Normally you must first report any suspicion of such irregularities to the Headteacher.

Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a colleague or trade union representative along to any discussions, so long as the third party is independent of the issue. The earlier and more open the expression of concern the easier it will be to take appropriate action

Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.

Appendix 1

Don't think what if I'm wrong – think what if I'm right?

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.

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.

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.
- Approach your immediate manager, Headteacher, or the Designated Safeguarding Lead if the concern is relating to a welfare concern.
- If your concern is about your Headteacher, or you feel you need to take it to someone outside the school, contact The Local Authority Designated Officer (LADO) (Contact details on page 2).
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self reporting

There may be occasions where a member of staff has a personal difficulty, or 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 situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of pupils.

Further advice and support

It is recognised that whistle-blowing can be difficult and stressful. Advice and support is available from your line manager, Assistant Headteacher or Headteacher.

Staff may also contact the charity [Protect](#) - formerly Public Concern at Work - which provides free confidential advice to workers who have concerns about wrongdoing in the workplace.

The charity can be contacted by telephone on 020 7404 6609 or by emailing whistle@protect-advice.org.uk.

Snowflake school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.