

DOWNVIEW PRIMARY SCHOOL

Lead member of staff	Head Teacher
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Confidential Whistleblowing Policy



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1. Introduction

Downview Primary School, (hereinafter the Trust) is committed to the highest possible standards of operation, probity, openness, honesty, integrity and accountability. As part of this commitment the Trust wants to ensure that, any activity which falls below these standards is reported to the school, in the first instance, so that it can be dealt with promptly.

Employees are often the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking 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 what may just be a suspicion of malpractice. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

This policy document makes it clear that an employee can act without fear of victimisation or subsequent discrimination. It is intended to encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside.

Additionally:

- This policy applies to all employees and those contractors working for the Trust, for example, agency staff. It also covers Trustees, Governors, volunteers, suppliers and those providing services under a contract with the school, for example, cleaning and catering staff
- This policy is in addition to the Trust's Complaints Procedures.
- This policy does not form part of any employee's contract of employment and it may be amended at any time.
- Allegations of child abuse against teachers and other staff and volunteers is be dealt with in accordance with [Keeping Children Safe in Education](#) statutory guidance for schools and colleges
- This policy should be read alongside the following:
 - Complaints Procedure
 - Anti-Corruption and Bribery Policy
 - Conflicts of Interests Policy
 - Expenses Policy
 - Safeguarding and Child Protection Policy

2. Aims and scope of this policy

This policy aims to:

- Encourage the employee to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for the employee to raise those concerns
- Provide for the matter to be dealt with quickly and appropriately
- Ensure that concerns are taken seriously and treated consistently and fairly

- Ensure that the employee receives a response to their concerns and that they are aware of how to pursue them if they are not satisfied with the response
- Reassure the employee 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

A **whistleblower** is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work.

There are existing procedures in place to enable the employee to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damages to the environment
- the unauthorised use of public funds
- possible fraud, corruption or mismanagement
- sexual or physical abuse
- other unethical conduct
- failure to comply with any legal or professional obligation or regulatory requirements
- bribery
- negligence
- conduct likely to damage our reputation
- unauthorised disclosure of confidential information
- public examination fraud
- the deliberate concealment of any of the above matters

Any serious concerns that the employee has about any aspect of the Trust or the conduct of Trust employees or others acting on behalf of the Trust can be reported under this Policy. This may be about something that makes the employee feel uncomfortable in terms of known standards, they experience or the standards they believe the Trust subscribes to;

- is against any Trust policy
- falls below established standards of practice
- amounts to improper conduct.

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated

This policy should not be used for complaints about an employee's personal circumstances, such as the way they have been treated at work. In these cases an employee should use the Trust's Grievance Procedure. If the matter relates to salary, the salary review procedures documented in the Trust's Pay Policy.

3. Safeguards

The Trust recognises that the decision to report a concern can be a difficult one to make. If what the employee is saying is true, they should have nothing to fear because they will be doing their duty to the employer and those employed by the Trust.

The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect the employee when they raise a concern genuinely.

Anonymous Allegations

Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information and it is also more difficult to establish whether allegations are credible. In exercising the 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

All concerns will be treated in confidence and every effort will be made not to reveal the employee's identity if they so wish. At the appropriate time, however, the employee may need to come forward as a witness but this will be discussed with them before their name is disclosed.

However, this policy encourages the employee to put their name to their allegation whenever possible as concerns expressed anonymously are much less powerful. An anonymous allegation will be considered at the discretion of the Headteacher

Confidentiality

We hope that staff will feel able to openly raise a 'whistleblowing' concern under this policy. However, if staff want to raise their concern confidentially, we will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know their identity we will discuss this with the member of staff.

Untrue Allegations

If the employee makes an allegation that they genuinely believe to be true, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, the employee makes an allegation maliciously or for personal gain, disciplinary action may be taken against them.

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee and they will be told that the matter has been concluded and that they should not raise the matter again unless new evidence becomes available.

4. How to raise a concern (See Appendix 1)

- The earlier the employee expresses their concern, the easier it is to take action
- As a first step, the employee should normally raise concerns with their immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice
- If the employee believes that their manager is involved then they should approach the Headteacher
- If the employee believes the Headteacher is involved the employee should approach the Chair of Governors
- If the employee believes the Chair of Governors is involved the employee should approach the Governance Professional who will approach the Chair of Trustees. If the employee believe the Chief Executive Officer and the Chair of Trustees is involved the employee can raise their concerns outside of the school
- The employee may invite their trade union representative or a friend ('companion') to be present during any meetings or interview in connection with the concerns they have raised or to raise the matter on their behalf. The 'companion' must respect the confidentiality of the disclosure and any subsequent investigation.
- Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation
- If the employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person (as above)
- It is important that, however their concern is raised, the employee makes it clear that they are raising the issue via the whistle-blowing procedure
- Although the employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that they have sufficient grounds for the concern

5. Making an allegation – (See Appendix 2)

The Senior Manager receiving the concern will respond within a reasonable time by arranging to meet with the employee to discuss the concern(s).

The term Senior Manager refers to the manager who initially receives the whistleblowing concern.

6. Receiving the concern

At the initial meeting the Senior Manager will establish that:

- there is genuine cause and sufficient grounds for the concern
- the concern has been appropriately raised via the Confidential Reporting (Whistleblowing) Policy.
- If it becomes clear that the concern is not of a whistleblowing nature, the Senior Manager should handle the concern in line with the appropriate policy
- the Senior Manager will ask the employee to put their concern(s) in writing, if the employee have not already done so. If the employee is unable to do this the senior manager will take down a written summary of their concern/s and provide the employee with a copy after the meeting.
- the Senior Manager will make notes of the discussions with the employee.
- the letter and/or senior manager's notes should make it clear that the employee are raising the issue via the whistle-blowing procedure and provide:
 - the background and history of the concerns
 - names, dates and places (where possible)
 - the reasons why the employee are particularly concerned about the situation

The employee will be asked to date and sign their letter and/or the notes of any discussion.

- the Senior Manager will positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.
- the Senior Manager will follow the policy as set out above and in particular explain to the employee:
 - that the matter will be taken seriously and investigated immediately
 - what steps they intend to take to address the concern
 - that the employee's identity will be protected as far as possible, but should the investigation into the concern require them to be named as the source of the information, that this will be discussed with the employee before their name is disclosed
 - who the employee may need to speak to in order to determine the next steps (e.g. Headteacher)
 - how they will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result and that the employee will receive a written response within ten working days
- if clear evidence is uncovered during the investigation that the employee has made a malicious or vexatious allegation, disciplinary action may be taken against the employee
- the investigation may confirm their allegations to be unfounded in which case the Senior Manager will deem the matter to be concluded unless new evidence becomes available
- in some cases an investigator or team of investigators including staff with relevant experience may be appointed. In some circumstances an external person, or body, may be appointed to investigate the concern. The investigator(s) will collate findings on the matter and may make recommendations for change to enable us to minimise the risk of future wrongdoing
- All concerns raised under the Confidential Reporting (Whistleblowing) Policy must be reported to the Governance Professional on office@downviewprimary.co.uk

Following the initial meeting with the employee, the Senior Manager will consult with the Headteacher (or the appropriate person as per the list in Appendix 1) to determine whether an investigation is appropriate and, if so, what form it should take. A record will be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Senior Managers will take the following factors into account:

- the seriousness of the issue(s) raised
- the credibility of the concern(s)
- the likelihood of confirming the allegation(s) from attributable sources

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for a full investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry
- where any meeting is arranged off site if the employee so wish, the employee can be accompanied as a result of raising a concern and receive advice if necessary

Senior Managers will have a working knowledge and understanding of other school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

7. Dealing with the concern

Within ten working days of a concern being received, the manager receiving the concern must write to the employee:

- acknowledging that the concern has been received
- indicating how they propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling the employee whether any initial enquiries have been made
- telling the employee whether further investigations will take place, and if not why not
- letting the employee know when the employee will receive further details if the situation is not yet resolved

8. The Responsible Officer

- The Chief Executive Officer has overall responsibility for the maintenance and operation of this policy across the Trust and will keep the Trustees informed
- The Governance Professional will maintain a record of any concerns raised and the outcomes (but in a form which does not endanger their confidentiality) and will report as necessary to the Chair of Trustees, and if required the Education and Skills Funding Agency.

- If the concern is about the CEO the Chair of Governors will act as the Responsible Officer.

9. Raising Concerns Outside the School

This policy is intended to provide the employee with an avenue within the Trust to raise concerns. The Trust hopes they will be satisfied with any action taken. If the employee is not, and if they feel it is right to take the matter outside the Trust, the following are possible contact points:

- 'Protect-Advice*' - Tel: 0207 404 6609
- Your Trade Union
- Relevant professional bodies or regulatory organisations
- The Department for Education

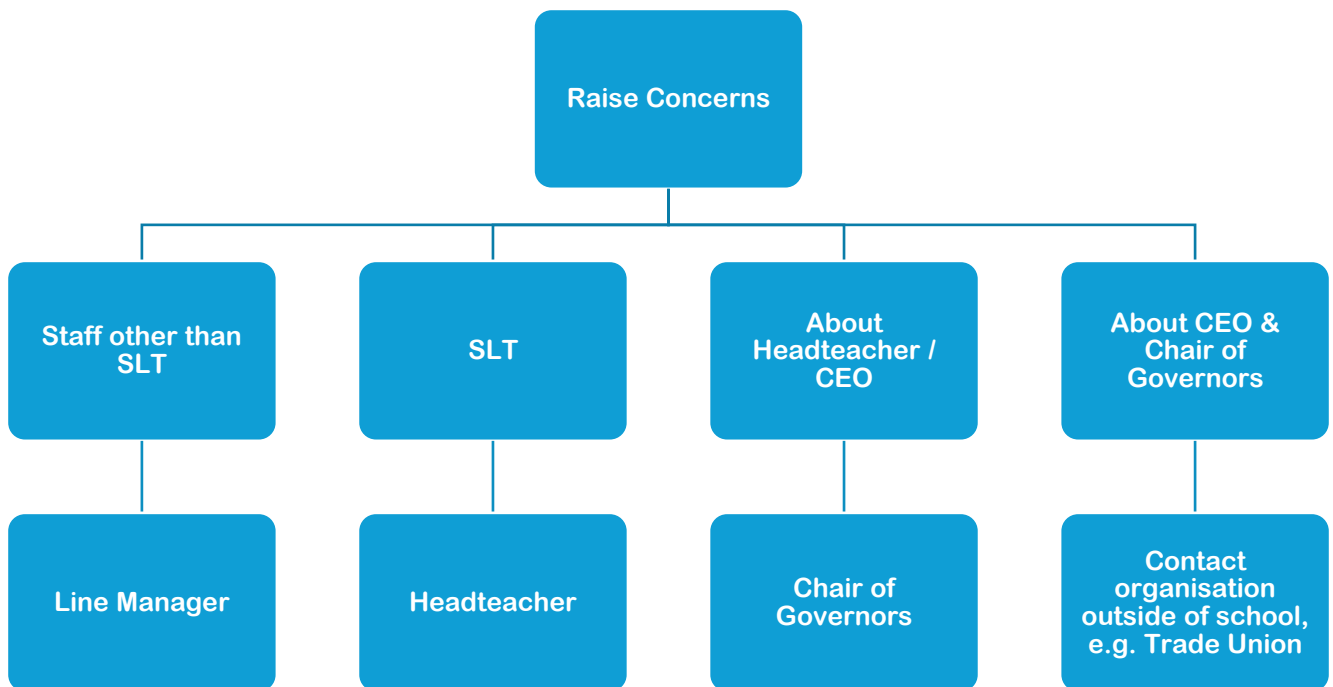
- The Education Funding and Skills Agency
- the Trust’s insurers
- the Trust’s legal advisers
- the Trust’s auditor
- The Police
- Your local MP
- Your local Citizens Advice Bureau

If the employee takes the matter outside the Trust, the employee should ensure that they do not disclose confidential information.

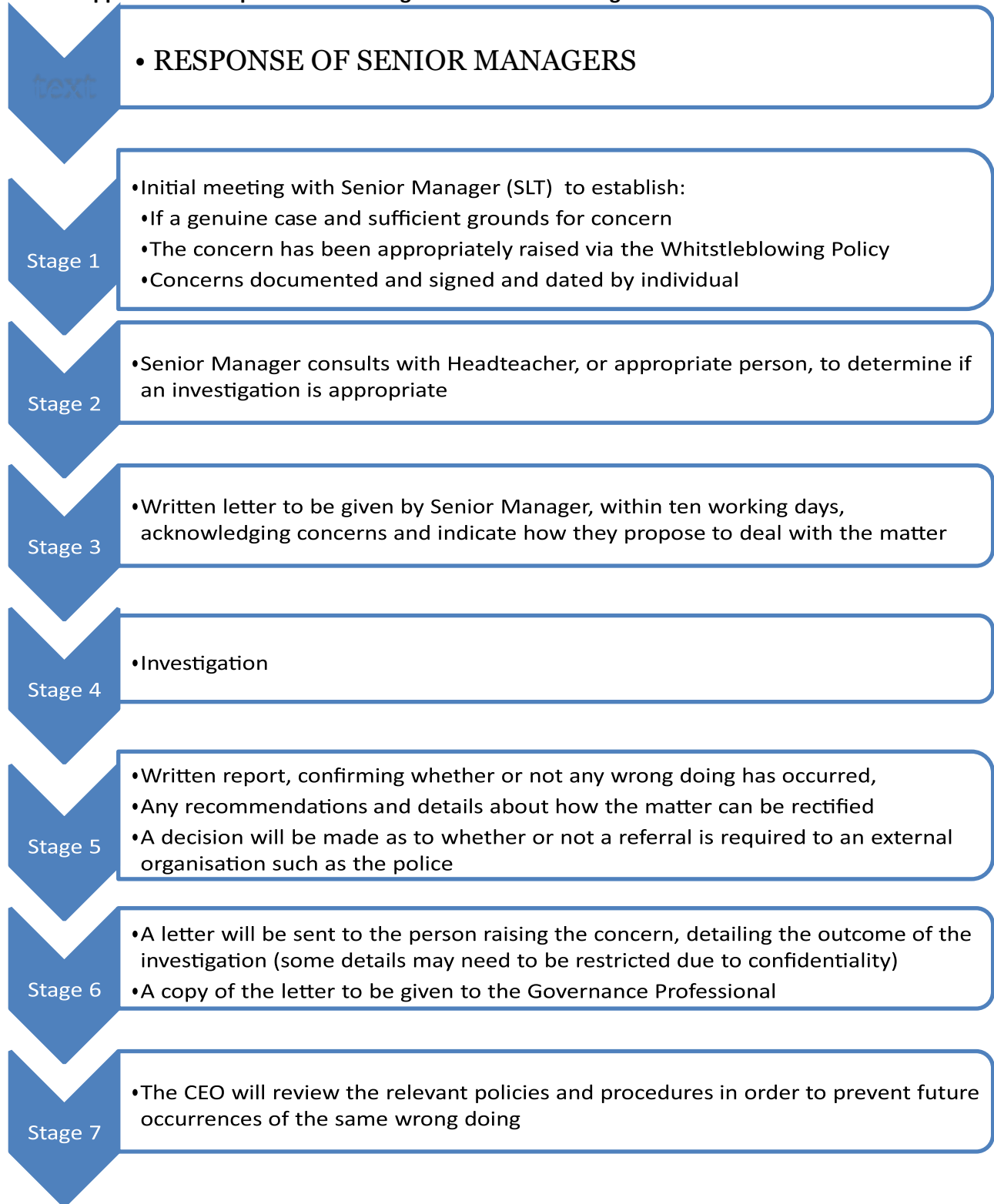
**Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 from 8.00am – 8.00pm Monday – Friday or email help@nspcc.org.uk

10. Appendix 1 – Raising Concerns – Flow Diagram



11. Appendix 2 – Response to receiving a concern – Flow Diagram



CONTACTS

Downview Office	office@downviewprimary.co.uk
Chief Executive Officer	Emma Purkis head@downviewprimary.co.uk
Chair of Governors	Claire Youdell office@downviewprimary.co.uk
Chair of Audit & Risk Committee	Georgia Harmsworth office@downviewprimary.co.uk
Governance Professional	Sharon Ivall office@downviewprimary.co.uk
Other useful contacts	www.gov.uk/whistleblowing
Advisory, Conciliation and Arbitration Service (Acas)	0300 123 1100
Protect-Advice (Independent whistleblowing charity)	Helpline: 0203 117 2520 Website: www.pcaw.co.uk