

Our School Values

Resilience

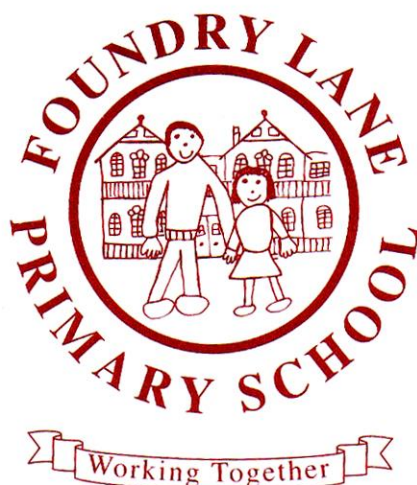
Creativity

Kindness

Community

Critical Thinking

Independence



Whistle Blowing Policy

If you would like to see a signed copy of this policy or speak to a member of staff about its contents, please contact the School on 02380 774814 or at info@foundrylaneprimary.co.uk

This policy was adopted in: June 2023

This policy is to be next reviewed in: June 2024

This policy will be reviewed by: Governing Body

The Senior Leader responsible for the monitoring of this policy is : Headteacher

Our school policies are written with the objective of continuously improving the school in our aim of realising the school's vision:

Our Vision

Our inclusive environment acknowledges and respects children from diverse families and cultural backgrounds where everyone feels they belong. We provide a rich and engaging school experience through inspiring, motivating and challenging our pupils to believe in themselves and to raise and expand their aspirations.

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1. Intent:

At Foundry Lane Primary School we are committed to the highest possible standards of openness, accountability and integrity. We encourage staff and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances concerns may need to be expressed on a confidential basis.

Staff must acknowledge their individual responsibility to bring matters of concern to the attention of senior leadership and/ or relevant agencies. This procedure encourages staff to raise serious concerns, without fear of reprisal or victimisation, internally within the school rather than overlooking a problem or raising the matter outside.

This policy applies to all staff, Governors, agency workers and supply staff and those contractors working on the premises, for example, cleaners, builders and drivers.

It is recognised that whistle blowing may engender feelings of disloyalty to colleagues or that staff may fear harassment or victimisation. These feelings, however natural, must never result in behaviour that is causing concern, continuing. Don't think "what if I'm wrong?", think "what if I'm right?"

2. Other Complaints Procedures:

This procedure is separate from the following policies:-

- Complaints Procedures
- Child Protection Procedures
- Other statutory reporting procedures

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

3. Behaviour that should cause concern:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct that has occurred, is occurring or is likely to occur the result of which the school fails to comply with a legal obligation. For example:
 - unauthorised use of public funds, possible fraud and corruption, waste/frivolous expenditure
 - sexual, physical or emotional abuse,
 - other unethical conduct
 - discrimination of any kind
 - disclosures related to past, current or likely miscarriages of justice
 - health and safety risks, including risks to the public as well as other employees (see below)
 - past, current or likely damage to the environment

It is an allegation if the person (*) has:

- Behaved in a way that has harmed child, or may have harmed a child and / or;
- Possibly committed a criminal offence against or related to a child and / or;
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and / or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children (also includes behaviour outside of school)

(*) Person could be anyone working in the school that provides education for children under 18 years of age, including supply teachers, volunteers and contractors.

Low-level Concerns (subject to agreement with Teaching unions)

Concerns may be graded Low-level if the concern does not meet the criteria for an allegation; and the person* has acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work. Example behaviours include, but are not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

4. 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
- To safeguard members of the school community

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.

5. How to raise a concern:

At Foundry Lane Primary School we recognise the possibility that adults may harm children, including governors, volunteers, supply teachers and agency staff. Any concerns about the conduct of other adults in the school should be taken to the headteacher without delay; any concerns about the headteacher should go to the Chair of Governors who can be contacted in writing (via the school office) or by email: chair@foundrylaneprimary.co.uk.

Low-level concerns should be recorded in writing, including:

- name* of individual sharing their concerns
- details of the concern
- context in which the concern arose
- action taken

(* if the individual wishes to remain anonymous then that should be respected as far as reasonably possible)

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.
- Malicious allegations may be considered as a disciplinary offence.

6. Confidentiality

Records must be kept confidential, held securely and comply with the Data Protection Act 2018. Schools and colleges should decide how long they retain such information, but it is recommended that it is kept at least until the individual leaves their employment.

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

Anonymous Allegations

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However, anonymous allegations will be considered and investigated at the school's discretion.

In exercising 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. Self-reporting

There may be occasions where a member of staff has a personal difficulty, 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 the Line Manager, Head Teacher or Senior Leadership Team so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

8. Further advice, support and contact details

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from the Line Manager, Head Teacher or Senior Leadership Team. Further advice can be sought

from the Chair of Governors through a sealed letter marked confidential handed in to the school office.

Legislative Context

The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures about malpractice. The Act makes it unlawful for the council 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.

Our Assurances to You

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you reasonably believe what you are reporting is true, and that the disclosure is in the public interest, it does not matter if you are mistaken. Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. In that case, disciplinary action may be taken against you.

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Taking reprisals against an employee who has raised a concern in good faith is unacceptable, and may give rise to disciplinary proceedings. If you have raised a concern and feel at any stage subsequently that you are suffering as a result of doing so, please let the Service Director: Legal & Governance know so that appropriate action can be taken.

However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

Procedures

Raising a concern

In the first instance, concerns under this procedure should be raised with the worker's immediate line manager, who should then deal with the problem as quickly as possible. If the worker believes that their immediate line manager is involved in the malpractice, they may raise their concerns with a more senior member of staff, including the Headteacher. If the worker believes it is not appropriate to raise the matter with the Headteacher, he/she may approach the Chair of Governors.

Within ten working days of a concern being raised, the person who has received the concern will write to the worker to acknowledge that the concern has been received. They should also indicate what initial steps they intend to take to deal with the matter and, where possible, provide an estimate of the time it will take to provide a final response. Concerns may be raised orally or in writing, although written submissions are preferred wherever possible. These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information, etc. Workers must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Although workers who wish to make an anonymous disclosure may do so, it may be important for the investigating manager to know the source of the information for a full and appropriate investigation to be possible. Furthermore, the manager would need to take into account the nature and credibility of an allegation before deciding whether to proceed with an investigation. However, workers should be re-assured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity. The Public Interest Disclosure Act 1998 provides protection against victimisation of anyone who makes a protected disclosure in good faith.

Investigation

A preliminary investigation will need to be undertaken to establish whether the allegation could actually have occurred, be occurring or be likely to occur in the future. The investigation is not, at this stage, to determine whether the allegation has actually occurred, but to determine the facts of the case.

Allegations that have some foundation to them should be followed up with a full internal investigation, which may result in one or more of the following:

- No case to answer
- Disciplinary action taken against the alleged individual
- Referral to Social Services or the Police, or other relevant organisation
- Referral to Internal Audit or other City Council departments (for City Council maintained schools).

If the allegations are found to be unfounded (no evidence or proper basis that supports the allegation), or unsubstantiated (can neither be proven nor disproven), no action need be taken by the school, although it would be pertinent to determine why the worker felt the need to raise the allegation in the first place, e.g. is there a training need within the school?

If it is found that the allegation was made for malicious purposes or for personal gain, the school should deal with this under the disciplinary procedure.

Communication

Subject to legal constraints and the need to protect the rights of individuals, the worker raising the concern will be informed of the outcome of any investigation at the earliest practicable opportunity, to reassure them that appropriate action has been taken. Such information will not include confidential details about formal action taken against another worker.

For reasons of sensitivity and confidentiality, all communications with a worker who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

Taking the matter further

In the event that a worker feels that their concerns have not been resolved through the above process, they may write to the Chair of the Governing Body, if he/she has not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of Governors will write to the worker to acknowledge that the concern has been received and indicate what steps will be taken to deal with the matter, as well as providing an estimate of the time it will take to provide a final response. The Chair of Governors may decide to set up a small group of governors, where appropriate, to investigate the concerns. The Chair of Governors will then inform the worker of the outcome of this process on the same basis as required of the manager above.

Failure to follow this procedure

Any worker who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

