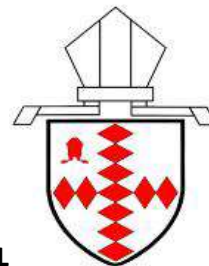




NUTFIELD CHURCH (C OF E) PRIMARY SCHOOL



## Whistleblowing Policy

### Vision

We fully embrace the vision stated in the Church of England's Vision for Education 'Deeply Christian Serving the Common Good' published in July 2016 of educating the whole person. We aim for our children and members of the wider school community to flourish in all they do and '**live life in all its fullness**'. (John 10:10)

### Values

- We are a church school, which believes in the importance of **community**, where people from all races, religions and cultures act in **peace** together.
- Our pupils, staff and families work together as a team, with **wisdom** supporting each other through our learning. We have **hope** in our challenges and in our successes.
- We recognise the **dignity** and ultimate worth of each person, created in the image of God, further shaped by the person, teaching and example of Jesus. We look to the future with **joy**.

**Reviewed:** September 2023

**Next Review:** Summer 2024

### 1. Introduction & Purpose of Policy

Whistleblowing is the reporting, by those working for or on behalf of the School, of suspected wrongdoing on the part of employees, management or the governing body. Such wrongdoing might include fraud, malpractice, breach of health and safety law or some other illegal act.

Nutfield Church (C of E) Primary School is committed to achieving the highest possible standards of honesty, openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all its activities are openly and effectively managed, and that the School's integrity and the principles of public interest disclosure are sustained.

In pursuit of these aims the School encourages all individuals to raise concerns which they may have about the conduct or practice of others.

This policy sets out how such concerns will be dealt with. It applies to all employees whether full-time or part-time, permanent or temporary, and volunteers, including governors. Other individuals performing work on behalf of the School such as agency workers are also encouraged to use it.

It seeks to conduct its affairs in a responsible manner, to ensure that all its activities are openly and effectively managed, and that the School's integrity and the principles of public interest disclosure are sustained.

In line with that commitment, all members of staff and those working on behalf of the School who have serious concerns about any aspect of the School's work are encouraged to come forward and voice those concerns to their immediate manager and/or the Headteacher. Staff not only have the right but also a duty to report any improper actions or omissions, particularly where the welfare of young people may be at risk.

Employees are often the first to realise that there may be something wrong within a school. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. Where any member of staff decides to report a serious incident within the scope of this policy, whether anonymously or otherwise, this will be treated as a 'protected' disclosure. Staff members should feel reassured that they can raise concerns in accordance with this policy without fear of victimisation, subsequent discrimination or disadvantage.

This policy aims to:

- Encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues to raise those concerns and receive feedback on any action taken;
- Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- Reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

The Governing Body is mindful of its obligations under the Equality Act 2010 and this policy will be applied fairly and consistently to all staff employed at the school as well as those carrying out work for the School, for example, governors, volunteers, agency workers, contractors or consultants. The term 'member(s) of staff' is used in this document for simplicity but is intended to include this broader range of individuals covered by this policy. Copies of this policy, which incorporates the key aspects of Surrey County Council's whistle blowing policy, are available to all members of staff from the school office.

A copy of this policy is given to all new members of staff as part of their Induction Programme and to all new governors and other volunteers helping in school.

## **2. Scope of the Policy**

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment; such concerns should be raised under the School's grievance procedures. This whistleblowing policy is intended to cover serious concerns about specified matters that may fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998 (by way of amendment to the Employment Rights Act 1996). These are known as "qualifying disclosures". The specified matters are:

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public or pupils as well as other staff
- Damage to the environment
- Information relating to the above issues that has been, or is likely to be, deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse of pupils at the school
- Harassment & bullying of staff
- Breaches of codes of conduct
- Malpractice in examinations and assessments.

Therefore any serious concerns that a member of staff has about any aspect of the School's service provision or the conduct of staff or others connected with the School can be reported under this whistleblowing policy where that member of staff has a reasonable belief in the validity of those concerns and they relate to one of the specified areas set out above.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

### **3. Key Points about Raising Concerns**

#### **3.1 Safeguarding Against Harassment or Victimisation**

Nutfield Church Primary School is committed to good practice and high standards and wants to be supportive of employees. If a member of staff has a reasonable belief that what they are saying is true, they have nothing to fear because they will be doing their duty to their employer.

It is recognised that the decision to report a concern can be a difficult one to make. The School will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures) resulting from a member of staff raising a concern in good faith, and will handle any such allegations in accordance with the School's Disciplinary and Capability Policy and Procedures

A member of staff making an allegation within the scope of this policy will be supported by the School when raising a concern, providing that he/she:

- Discloses the information in good faith
- Believes the concern to be true
- Is not acting maliciously or making false allegations
- Is not seeking any personal gain.
- Provided the allegations relate to one of the categories covered by the scope of the policy and referred to above.

#### **3.2 Unsubstantiated Allegations**

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken in accordance with the School's disciplinary procedure.

#### **3.3 Confidentiality**

All concerns will be treated in confidence but, at the appropriate time, the whistle blower may be asked to come forward as a witness and this will be discussed with him/her.

#### **3.4 Anonymous Allegations**

This policy encourages staff to put their name to their allegation wherever possible.

The School will take all concerns raised seriously. Where relevant to the nature of the complaint, allegations will also be referred to officers of Surrey County Council and/or to the Council's Internal Audit Team for further investigation. Concerns expressed anonymously are much less powerful but will still be given consideration at the discretion of the Governing Body. In exercising this discretion, the Governing Body would consider the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from sources which can be attributed.

## 4. How to Raise a Concern

As a first step, a member of staff should normally raise concerns with his/her immediate line manager, or if it is believed that such managers are involved, the Headteacher or the School's Designated Safeguarding Lead (DSL) where this is appropriate to the nature of the concern.

**Designated Safeguarding Lead:**

**Imogen Woods**

**Governor in charge of Whistleblowing:**

**Diane Martin**

If the concerns relate to allegations that a member of staff or volunteer may have harmed a child or behaved in a way that indicates he/she poses a risk of harm to children, the allegation should be raised with the Headteacher in the first instance, in accordance with the school's Safeguarding (Safeguarding) Policy

If the allegations involve the Headteacher, the member of staff should raise the matter with the governor with responsibility for whistleblowing; this can be by letter or by using the dedicated email address: [whistleblowing@nutfield.surrey.sch.uk](mailto:whistleblowing@nutfield.surrey.sch.uk). Or, should the whistle blower feel the need to involve a person external to the school, he or she should the Area Schools Officer or the Surrey County Council Area Schools Support Service who will refer allegations to other officers of the Council and/or to Strictly Education 4S, as relevant to the nature of the concerns.

While the School encourages members of staff to raise their concerns internally, the School also recognises that some staff may feel unable to do this and that they may therefore wish to contact an independent, external organisation to report the concern.

Concerns may be raised verbally or in writing, but the earlier the concern is expressed the easier it is to take any required action. Members of staff who wish to make a written report are encouraged to include the following information:

- The background and history of the concern, giving relevant dates and providing as much supporting evidence as possible;
- The reason(s) why they are particularly concerned about the situation.

The earlier the concern is expressed, the easier it is to take action. In order to assist with the investigation employees should provide as much detail and supporting evidence as possible. Employees are not expected to prove that an allegation is true, only to have sufficient grounds for concern.

Where a concern is raised verbally, the person hearing it must ensure that a written account of it is made to assist with any subsequent investigation. School management will take all concerns raised within the scope of this policy seriously and identify the appropriate level of investigation. Advice and guidance will be obtained as necessary from the School's HR Consultant at Strictly Education 4S and/or the School's HR Consultant at the Southwark Diocesan Board of Education. The concerns raised will be treated in confidence, whilst recognising that the individual raising the concerns may need to come forward as a witness at a later date.

The whistle blower may invite a recognised trade union representative or a work colleague to be present during any meetings or interviews held in connection with the concerns raised.

Employees who wish to raise concerns may wish to contact the Public Concern at Work helpline 0207404 6609. This helpline offers independent and confidential advice to workers who are unsure whether or how to raise a public interest concern.

## 5. How the School Will Respond

The School will investigate and respond to all concerns raised by employees or service users through any channels.

While it is not essential that the concerns be provided in writing, the person receiving the concern will ensure that a written account of it is made. This will help with the subsequent investigation by facilitating clear record-keeping.

When a concern is raised directly with the School, they should undertake the following actions:

- Take the concern seriously
- Consider the concerns fully and objectively
- Recognise that raising a concern can be a difficult experience for employees
- Ensure confidentiality
- Refer to a manager of appropriate seniority, to agree the level at which the concern will be investigated and identify who will take responsibility for the co-ordinating the enquiry.

Staff members who are under investigation will not be involved in the investigation.

Advice and guidance on the use of the whistle blowing policy can be obtained from Strictly Education HR (0800 073 4444) or the Diocesan Board of Education (020 7234 9200).

### 5.1 Initial Enquiry

In order to protect the individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether a formal investigation is appropriate and, if so, what form it should take and who should be appointed to conduct it. The overriding principle is that of the public interest. If urgent action is required, for example if the safety or welfare of pupils or others may be at risk, this action will be taken before any investigation is conducted. Further to the results of this enquiry, the following steps will be considered:

- Concerns or allegations which fall within the scope of specific procedures, e.g. child protection, bullying or harassment or disciplinary, will normally be referred for investigation and consideration under those procedures.
- Where there are any concerns about financial impropriety or criminal activity, the concern should be referred to the Governing Body before taking any other action such as referring to Surrey County Council's Internal Audit.
- Matters of a criminal nature should be reported to the Police only after consultation with Internal Audit.
- Concerns indicating unlawful activity should be reported to the Head of Legal and Democratic Services at Surrey County Council, who is the Council's Monitoring Officer.
- Suspected incidents of malpractice relating to examinations will be reported to the appropriate awarding body at the earliest opportunity.
- In other cases, an impartial investigator may be appointed and the School will seek advice from the Area Education Officer or the School's HR Consultant regarding an appropriate person.

### 5.2 Communication

Within ten working days of a concern being raised, the person who is dealing with the concern will respond in writing either to the employee directly or to an independent external organisation where this was the reporting route. The response will:

- Acknowledge receipt of the concern

- Indicate how the School proposes to deal with the matter
- Give an estimate of how long it will take to provide a final response
- Advise whether any initial enquiries have been made
- Supply information on any staff support mechanisms (e.g. EAP), and
- Advise whether further investigation or action is required, and if not, why not.

Where an independent external organisation was the reporting route, the person dealing with the concern will provide an additional update after 4 weeks of receipt of the report, advising of additional progress and timescales for a final response.

### **5.3 Investigation**

Once preliminary enquiries have established the need for an investigation, an appropriate person will be appointed to conduct the investigation (section 5.1). The impartial investigating person appointed to undertake the investigation is responsible for establishing the facts of the matter, as far as it is reasonably possible to do so, and assessing whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

Written records of all interviews will be kept throughout the investigation together with details of any action taken. The investigation will result in a written report and recommendations for corrective action, which will be passed to the Headteacher and/or the Co-Chairs of the Governing Body, as appropriate to the concerns under consideration, to determine whether formal action shall be taken.

Where any meeting is arranged involving an individual member of staff, which can be off-site, a recognised Trade Union representative or a work colleague may also attend. The School will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, the School will arrange for them to receive appropriate procedural and/or legal advice.

The member of staff raising the concern will, subject to legal constraints, be advised in writing of the outcome of the investigation and, where appropriate, what action is being taken. This may, for example, include changes to working practices to ensure that a similar situation does not occur again. Where the concern was raised via an independent external organisation, the employee will be invited to contact the service for feedback at the appropriate time.

If a formal investigation is not to be undertaken, the reasons why will be explained to the individual as soon as possible. If an investigation is undertaken, this will normally be conducted by an appropriate senior individual with no previous involvement with the concerns raised. In certain cases, this may involve governors and/or an external independent investigator. The investigation will be conducted, where appropriate, in accordance with the School's other relevant internal procedures which could involve the suspension of staff on full pay whilst the investigation is being carried out. Investigations involving child protection issues will not commence until external advice has been sought from the local authority designated officer.

Written records will be taken throughout the investigation and the employee will be kept informed of the likely timescale and progress of the investigation. The investigator will be responsible, where possible within 28 days, for reporting formally to the Headteacher and/or Governing Body on the outcome of the investigation. The Headteacher and/or Governing Body will be responsible for taking any necessary action, which may include reporting the matter to the local authority, appropriate government department, regulatory agency or the police, and/or taking action under internal procedures (e.g. disciplinary or bullying and harassment). On conclusion of the investigation, the worker will be informed of the outcome and the proposed action to be taken, whilst respecting the confidentiality of individuals and any legal constraints.

## **6. Taking the Matter Further**

The School encourages all staff to make use of the internal procedure before considering referring concerns outside the School; however the School also recognises that some staff may feel unable to do this and they may therefore wish to contact an independent external organisation. If the member of staff feels that it is right to take the matter outside the School, contact can be made with a recognised trade union, local Citizens Advice Bureau, relevant voluntary or independent organisation or legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, The Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action as a result. An employee considering such a course of action is strongly advised to take prior advice from their trade union or an independent organisation such as Public Concern at Work ([www.pcaw.co.uk](http://www.pcaw.co.uk)).

## **7. Data Protection**

When an individual makes a disclosure, the School will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

## **8. Monitoring & Reporting**

The Governing Body of the School is responsible for overseeing the operation of this policy and for ensuring that appropriate records are maintained regarding concerns raised and the outcomes. It is also responsible for reporting concerns to officers at Surrey County Council and to other external bodies as appropriate to the circumstances. In reviewing this policy from time to time, the Governing Body will have regard to the Council's whistle blowing procedures in force at the time of review.

## Contact Details:

**Designated Safeguarding Lead – Miss-Imogen Woods - [head@nutfield.surrey.sch.uk](mailto:head@nutfield.surrey.sch.uk)**

**Chair of the Governing Body – Mr Sam Nicholls [sam.nicholls@nutfield.surrey.sch.uk](mailto:sam.nicholls@nutfield.surrey.sch.uk)**

### **Surrey County Council Area Schools Support Service (South East)**

Telephone 01737 737960/737961                      07976 924186

### **Surrey County Council's Internal Audit Team**

**Telephone 020 8541 9299**

**Email: [internal.audit@surreycc.gov.uk](mailto:internal.audit@surreycc.gov.uk)**

### **Strictly Education 4S**

Telephone: 0800 073 4444

### **Southwark Diocesan Board of Education**

Telephone: 020 7234 9200

### **Protect (*was Public Concern at Work*)**

The Green House

244-254 Cambridge Heath Road

London E29DA

<https://protect-advice.org.uk/>

Whistleblowing Advice Line: 020 7404 6609

Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)