



ST MICHAEL'S
C of E PRIMARY
HIGHGATE

Whistle Blowing Policy

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*To nurture and inspire our children to develop a love of learning in a supportive
Christian community and become the best they can be*

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Introduction

1. Background

The Governing Body of St Michael's is committed to the highest standards of openness, probity and accountability. The Governors recognise that it is important that anyone who has a serious concern about any aspect of the School's work is able to voice their concerns. They have therefore adopted the whistle-blowing policy (the Policy) set out below. This Policy provides a framework for raising concerns and offers protection to individuals who report such a concern.

The Policy is based on a policy provided by the Local Education Agency (LEA) and should be read in conjunction with the General Principles set out below. These General Principles outline the principles that will guide the Governors when they apply the Policy.

Paragraph 3 of the Introduction describes changes that have been made to the policy provided by the LEA. If there is any conflict between the terms of the Policy and the General Principles, the Policy will take precedence.

2. General Principles

Background

The Head Teacher and School Governors recognise that staff and others involved with the activities of the school, such as volunteers and contractors, may be the first to realise that something may be wrong in the school.

However, individuals may not want to voice their concerns because they feel that speaking up would be disloyal to colleagues or to the school. The procedures set out in the Policy should allay this fear by encouraging whistle-blowers to come forward, setting out a process for how the School will respond to concerns and protect whistle-blowers from reprisals or victimisation.

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The Policy has been adopted in response to the Public Interest Disclosure Act 1998 (the 1998 Act) which legally protects workers from victimisation when they blow the whistle with good reason and protects them against dismissal.

Who can raise a concern?

The provisions in the Policy for making a disclosure may be used by all of the following (not just to staff members as stated in the Policy):

- employees of the School;
- governors of the School;
- employees of contractors working for the School, for example agency staff;
- employees of suppliers; and
- volunteers within the School, who may include parents.

However, statutory protection will only apply to employees and other “workers” as defined in the 1998 Act. Anyone raising a concern under the Policy who is not an employee should seek advice in relation to whether or not they qualify for protection under the 1998 Act.

Support for anyone raising a concern

The Governors recognise that the decision to report a concern can be a difficult one. If a person raising a concern under the Policy honestly and reasonably believes what they are saying is true, they have nothing to fear and they will be doing their best for the School, colleagues and children. The School will endeavour to ensure that they:

- will be given suitable support by management and Governors of the School;
- will have their concerns taken seriously;
- will be helped by the School to access additional advocacy/support services if they have no access to Union or other support.

If a concern is raised under this Policy and, following discussions with the Head Teacher and/or Governors, it is mutually agreed that redeployment on a temporary basis is appropriate, the School will seek to arrange for this to take place in liaison with Haringey Services & London Diocesan Board for Schools (LDBS) schools.

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Anonymity and confidentiality

The Governors recognise that confidentiality is likely to be an important consideration for whistle-blowers. All concerns will be treated in confidence and any records relating to the case will be handled in accordance with the Data Protection Act. Every reasonable effort will be made not to reveal the identity of the person who raises concerns, should that be their wish.

If the Governors feel it is necessary for a whistle-blower's identity to be revealed (for example, if the whistle-blower needs to stand as witness), the whistle-blower will be asked to agree to this and, if relevant, the School will arrange for appropriate advice and support to be offered.

The Governors encourage any whistle-blowers to put their name to their allegation whenever possible. It may be harder for the School to respond to concerns if they are raised anonymously. For example, it will be impossible to obtain further information from the whistle-blower to facilitate a full investigation and it might be difficult to assess whether an allegation has been made in good faith.

Other policies

This Policy is not intended to be used for minor complaints or general day-to-day matters. The School has a range of other policies and mechanisms in place for receiving and responding to normal operational and management comments, queries and complaints. The Headteacher can give advice on how to access these.

3. Variations of the LEA policy

People to whom disclosures may be made

The Policy states disclosures may be made to the Vicar of St Michael's Church (in addition to the Headteacher, or Chair of the Governors) and any disclosure made to the Vicar shall be subject to the rules and framework set out in the Policy.

Further support

The Policy states that the LDBS (in addition to other sources of advice and information) might be able to support a whistle-blower who is uncertain about how, or to whom, to make a disclosure or if they are not satisfied that a disclosure has been adequately dealt with.

THE POLICY

1. Introduction

The Governing Body of St Michael's is committed to the highest standards of openness, probity and accountability. Accordingly, arrangements have been put in place, which are designed to offer protection to anyone who reports anything s/he considers to be "wrong" in the conduct of Headteacher, Governors, Council officers, advisors or members of the school's teaching, administrative and support staff, which might not or would not come to light if normal reporting lines were the only route available for making concerns known.

The Governing Body has agreed with the LEA that the Confidential Reporting Code adopted by the LEA in response to statutory provisions in the Public Interest Disclosure Act 1998 (which give employees certain protection against unfair dismissal as a result of "whistle blowing") will be available to teaching, administrative and support staff at this school wishing to raise serious concerns.

The Governing Body considers that where possible such concerns should be raised within the school to enable confidential disclosure to be made to the Headteacher or chair of the Governors in any individual case.

2. For the Staff Member

The Confidential Reporting Procedure

The Confidential Reporting Procedure aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns where this does not prejudice other proceedings; and
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

The Procedure covers inappropriate conduct which is:

- A danger to health and safety
- Criminal (i.e. criminal offence to any type, not just theft and fraud)
- Unlawful (i.e. breach of any legal obligation, including those under statute, common law and administrative law)
- Damaging to the environment
- A miscarriage of justice
- A breach of any applicable Code of Practice, policy or procedure
- A breach of proper accounting practices or
- A concealing of information tending to show any of the above matters

Any serious concerns you have about any aspect of the conduct of any members of staff, a Governor, advisor, a Council officer, or a member of the Council or any other action on behalf of the Council, LDBS or school can be reported under the Confidential Reporting Procedure.

Should you wish to make a confidential disclosure to the Headteacher, or if for any reason this would be inappropriate, to the Chair of the Governing Body or the Vicar of St Michael's church (who is also a school Governor), you should arrange to meet him/her or write (marking your letter confidential). You should make it clear in the letter or at the meeting that you are using this Confidential Reporting Procedure.

The Headteacher, Chair of Governors or Vicar will then investigate the matter you have raised if it is appropriate for this procedure. S/he will interview you and investigate the matter further as appropriate and will keep you informed and advise you of when the investigation is likely to be concluded. S/he may instead of investigating personally, or during the course of investigation, refer the matter you have raised to be dealt with under the LEA Code and will consult with you before doing so.

If for any reason it is not appropriate for you to raise the matter with the Headteacher, the Chair of Governors or the Vicar, you may instead make your disclosure under the LEA Code, and may initially contact the Director of Education with your concern. In an appropriate case you might need to consider referring the complaint to the external auditor of the Council.

Where your confidential report is dealt with by the Headteacher, the Chair of the Governing Body or the Vicar, the principle set out in the LEA Code concerning confidentiality, protection of anyone making a disclosure and information about progress and outcome, will apply as if the report has been dealt with under the LEA Code.

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You may also contact the Director of Education, Arts and Libraries (Tel: 020 8937 3130), the Council's Chief Executive (Tel: 020 89371007) or the Council's Whistle Blowing Officer (Head of Audit & Investigations – Simon Lane Tel: 020 8937 1260) if you;

- Feel that the matter has not been dealt with properly within the school
- Fear retribution if the matter is raised within the school
- Fear that related information may be concealed or destroyed if the matter is raised within the school

The LDBS can also provide assistance if you are uncertain about how, or to whom, to make a disclosure or if you are not satisfied that your disclosure has been adequately dealt with (please refer to <http://schools.london.anglican.org/12/l dbs-staff> for contact information).

A confidential report under the Council's Code can be made verbally or in writing to the Director of Education at Chesterfield House, 9 Park Lane, Wembley, Middlesex HA9 7RW or to the Chief Executive or Whistle-blowing Officer at the Town Hall, Forty Lane, Wembley, Middlesex, HA9 9HD.

In most instances the School or Council, as appropriate, will preserve your anonymity unless to maintain this anonymity would involve serious risk to the Council or school or where the Council or school would be obliged to disclose your identity, e.g. disciplinary or criminal / Employment Tribunal proceedings.

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or from personal gain, disciplinary action may be taken against you.

Where a concern is raised under the Council's Code, following an investigation into the matter, the Head of Audit & Investigations will make a report to the Chief Executive. Wherever possible, the Council or the school, as appropriate, will advise you of the outcome of the investigation into your concern.

Taking advice

You may ask for advice / guidance on how to pursue matters of concern, for example from;

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The Headteacher
The Chair of the Governing Body
The Chief Executive (Telephone: 8937 1007)
Borough Solicitor (Telephone: 8937 1292)
Director of Corporate Finance (Telephone: 8937 1424)
Director of Human Resources & Consultancy Services (Telephone: 8937 1089)
Director of Health, Safety and Licensing (Telephone: 8937 5358)
The LDBS

If at any time after making your referral you feel you have been, are being or are likely to be victimised, dismissed, made redundant, or made to suffer some other detriment as a result of using this procedure you should report your concerns to the Director of Education, Chief Executive or the Head of Audit & Investigations who will treat the matter as a new referral under the procedure.

Where the matter is dealt with under the Council's Code, whether or not you make such a referral within 6 months of the date of his report to the Chief Executive the Head of Audit & Investigations will later, unless you request otherwise, ask you whether you consider you have suffered a detriment as a result of using the procedure.

For the Headteacher, Chair of Governors or Vicar

This note sets out key steps to be taken if you receive a report from a member of staff who states he / she is relying on the Confidential Reporting Procedure.

1. Make a written record of the report if it has been made orally
2. Allocate a number to the report and set up a confidential file for the report and all papers received or generated in respect of it
3. Consider whether the complaint is of a nature to be dealt with under the Procedure or is in truth, for example, a grievance and should be dealt with on that basis.
4. Consider whether you need any professional support to investigate the report or should refer it externally
5. Inform the member of staff of the number allocated and how you intend to proceed
6. Carry out an investigation, including interviewing the member of staff making the report if you have not already done so. This person should sign a written statement giving details of the complaint. The

investigation should include interviewing and taking signed statements from any witnesses or affected third parties

7. Seek professional advice as required, referring the report externally if appropriate, normally after discussion with the member of staff making the report
8. Prepare a report

If action is required, take appropriate action where that is within your power or refer the report to an appropriate authority.

3. Matters not covered by this procedure

- Allegations arising from reported harm to children (including physical and sexual abuse) and matters of concern about the care or service given to children will be dealt with under Child Protection Procedures.
- Where the member of staff is aggrieved about her / his own situation and the matter is more appropriately dealt with under the Grievance Procedure.