



Hillcross Primary School

# Whistleblowing Policy

## Mission, Vision and Culture

At Hillcross we enable our children to think differently, aim high and achieve.

Through our school culture of high aspiration, embracing challenge, collaboration, shared responsibility and respect for each other, we aim for Hillcross to be the number one school of choice for the local community. Our outstanding practice in all we do alongside our dynamic and ambitious curriculum provides all our children with rich opportunities and experiences for high quality learning and wider personal development.

## Introduction

At Hillcross we are committed to the highest possible standards of openness, honesty and accountability and we encourage staff and others working with us to come forward and raise any concerns about any aspect of our work.

The purpose of this policy is to provide a framework for staff to raise serious concerns, without fear of reprisal or victimisation, internally within school rather than over-looking a problem or raising the matter outside the school. This procedure encourages staff to disclose information about any wrong doing at work which may otherwise be seen as confidential.

It applies to all staff, agency workers and supply staff and those contractors working on the premises, for example, cleaners, builders and drivers. It also covers suppliers and those providing services under a contract with the school in their own premises.

A number of things can stop people from whistleblowing such as disruption to work life, fear of getting it wrong or fear of not being believed. It is also 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 the behaviour that is causing concern, continuing.

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

## Other Complaints Procedures

This procedure is separate from the school Complaints Procedures and other statutory reporting procedures.

Personal grievances (e.g. bullying, harassment, discrimination) are covered by whistleblowing law, unless a particular case is in the public interest. This should be reported under the local authority Grievance Policy.

Child Protection issues should be reported according to the specific guidelines laid out in the Safeguarding and Child Protection Policy.

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.

## Behaviour that should cause concern



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The provisions of the Public Disclosure Act 1999 (commonly called the 'Whistleblowing Act') provide the legal context in which this policy operates. Under the terms of this Act, staff should disclose information if a concern falls within one of the following categories:

- A criminal offence has been, or is being, or is about to be committed
- The employer is failing to comply with legal obligations
- A miscarriage of justice has happened or is likely to happen
- An individual's health and safety is being jeopardised
- The environment is, or is likely to be, damaged
- Information falling into any of the above categories has been, is being, or is likely to be deliberately concealed.

The member of staff does not have to show that, for example, a criminal offence has been committed. He or she has to have a reasonable belief that this is so. The belief need not be correct, it might be discovered subsequently that the individual was in fact wrong, but the individual must show that he or she held the belief, and that it was a reasonable belief in the circumstances at the time of the disclosure.

Staff must acknowledge both their individual right and responsibility to bring matters of concern about unacceptable practice or behaviour to the attention of senior leadership and/or relevant agencies. By doing so, staff can protect or reduce risks to others, prevent the problem from worsening or widening and prevent themselves from being implicated.

### **Protection for Whistleblowers**

The school will support staff throughout the process. This will include protecting them from reprisal and victimisation should they be threatened. They should be confident that raising concerns will in no way affect their employment with the school or enjoyment of their job. This also applies if they raise a concern in good faith which after investigation turns out not to be justified.

The school will not tolerate victimisation or harassment against staff who report genuine concerns. This includes any attempt to stop a person from raising concerns. Such conduct will be regarded as a disciplinary offence.

Under the terms of the Public Disclosure Act 1999 (commonly called the 'Whistleblowing Act'), staff receive protection from dismissal if they disclose information under certain carefully defined circumstances. These are called Qualifying Disclosures (see above).

In order to qualify for protection, the disclosures must be made in accordance with the procedure outlined in this policy. Any concerns raised trivially, maliciously or for personal gain will be treated as a disciplinary offence.

### **How to Raise a Concern**

It is not your responsibility to investigate a wrongdoing. There are managers with specialist skills who are responsible for this. It is your responsibility to raise a concern, and it is important for the school that it is able to address any wrong doing that may be occurring. You do not have to be certain that wrong doing is occurring, only to have a reasonable belief that it is so in the circumstances. The aim of the investigation will be to establish what is happening.

Where possible make notes on what you have heard, seen or felt. Date your notes and keep copies of all relevant information. This will help you report your concern.

If you are a member of a professional organisation or trade union you can ask them for help, advice and support.

### **The Procedure and Process**



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1. Individuals should voice their concerns, suspicions or uneasiness as soon as possible with their line manager or member of the Senior Leadership team. This can be verbally or in writing.
2. If the concern is about an individuals' line manager, a member of the Senior Leadership team or a governor, staff should approach the Headteacher. If your concern is about the Headteacher, or you feel you need to take it to someone outside the school, contact the Chair of Governors, or a member of Merton Council's School Improvement Team.
3. The person receiving the information will bring the concerns to the attention of the appropriate people. This will usually involve consulting the Headteacher and/or the Chair of Governors.
4. A suitable investigating officer will be nominated who will meet with the individual to discuss the details of their concern. If the person is an employee they are entitled to bring a work colleague or trade union representative to the meeting.
5. During the meeting the employee will be told what will happen next and if anything more is expected of them. They will be given information about their rights, safeguards and access to staff support mechanisms. They must at this stage be ready to hand over any written information they have to support their concerns. All those present at the meeting will uphold confidentiality in the usual way.
6. An investigation should normally be completed within one month. Following the investigation the employee should be told the outcome and any action to be taken to resolve their concern. Where it is decided that a concern is groundless and no action is to be taken this should be explained to the employee.
7. All necessary steps will be taken to ensure everyone involved returns smoothly to normal working. This could involve arranging counselling and/or team building.
8. If the employee is not happy with the outcome of any investigation they should contact Merton Council, their trade union or the Whistleblowing charity Public Concern at Work for more guidance.

There is a whistleblowing helpline at Merton council

<http://www.merton.gov.uk/council/plansandpolicies/whistleblowing>

**Confidential hotline: 020 8545 3223**

### **Confidentiality**

Confidentiality will be respected, however there may be some cases where the school or the Authority has no alternative but to take action which would break that confidence. This might happen for instance where the school or the Authority has a duty of care to its client and the evidence given by a whistleblower is the only means by which they can take proper action. There may therefore be cases where the whistleblower will be required to make a statement or give evidence at a formal hearing. If this is the case, the position will be discussed with them before any action is taken. All necessary steps will be taken to protect them from any difficulties that they may face from the action.

### **Anonymous Allegations**

Whenever possible staff should put their name to their 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 the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised



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- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### **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 Headteacher so that 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.

### **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. We are committed to treating all members of the school community fairly and challenging negative attitudes about disability and accessibility and to developing a culture of awareness, tolerance and inclusion. This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any member of the school community and it helps to promote equality and accessibility at our school. The curriculum is planned to be inclusive and meet the needs and interests of a full range of learners. Activities and resources will be differentiated and adult support used to ensure that children access the curriculum and make the best possible progress.

### **Safeguarding Commitment**

The school is committed to safeguarding and promoting the welfare of children, in line with the most recent version of Keeping Children Safe in Education, and expects all staff and volunteers to share this commitment. We take seriously our duty of care to our pupils and staff which includes safeguarding them from the risk of being drawn into terrorism - this includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. We work closely with social care, the police, health services and other services to promote the welfare of children and protect them from harm. Radicalisation is recognised as a specific safeguarding issue and is addressed in line with the Government Prevent Strategy and The Counter-Terrorism and Security Act 2015.

### **Privacy Policy**

Hillcross School is committed to ensuring protection of all personal information that we hold. We recognise our obligations under the GDPR and Data Protection act 2018. Our practice is documented in our Data Protection Policy.

### **Monitoring and Evaluation**

**Reviewed:** Oct 2018, Oct 2019

**Written & Approved:** Sep 2015

**Date of next review:** This policy will be monitored regularly to ensure that it reflects legislation at all times and will be evaluated in the light of any concerns that arise.