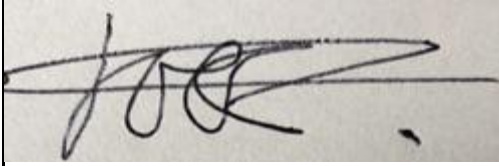




Darell Primary & Nursery School - Whistleblowing policy

Governors' Committee Responsible	Full Governing Body
Status	Statutory
Review Cycle	Every 2 years
Date written/last review	October 2024
Date of next review	October 2026
Approved By: Joe Porter Headteacher	
Approved By: Laura Morgan - Chair of Governors	

At Darell, our values drive everything that we do. As a school, we value:



- Equality - we celebrate our differences and treat everyone equally and fairly.
- Responsibility - we take responsibility for our behaviour. We are kind and caring to ourselves and others.
- Enjoyment - we are passionate about learning and look for enjoyment in everything we do.

- Aspiration - we place no ceiling on what we can achieve. We challenge each other to be the best that we can be.

Aim of policy

Darell Primary & Nursery School seeks to ensure that all of its activities are conducted to a high standard and with integrity **within a climate of trust and openness**. In the event that employees or members of the public become aware of activities that give cause for concern, the following whistleblowing policy, or code of practice, will be followed. This policy acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

Throughout this policy the term whistleblower denotes the person raising the concern or making the complaint.

Darell Primary & Nursery School is committed to tackling fraud and other forms of malpractice and treats these issues seriously.

Darell Primary & Nursery School recognises that some concerns may be extremely sensitive. It has, therefore, developed a system that allows for the confidential raising of concerns within the School environment but also has recourse to an external party outside the management structure of the School.

~~Darell Primary & Nursery School is committed to creating a climate of trust and openness. A person who has a genuine concern or suspicion can raise the matter with full confidence that it will be appropriately considered.~~

What is Whistleblowing?

The definitions are as follows

Whistleblower – any person who, in good faith, reports concerns about wrongdoing, misconduct or unethical behaviour

Public Interest – the welfare and wellbeing of the general public and society at large.

Purpose of this policy

- To encourage the whistleblower to feel confident in raising concerns.
- To provide the whistleblower with a confidential method of raising concerns and receive feedback on any action taken.
- To enable people to confidentially raise concerns within the **Darell Primary** School environment
- To ensure the whistleblower receives a response to their concerns and if not satisfied they are aware of how to pursue them.
- To reassure the whistleblower they will be protected from reprisals or victimisation for whistleblowing in good faith.

Policy summary

Darell Primary & Nursery School is committed to achieving the highest possible standards of service, including honesty, openness and accountability, and recognises that employees have an important role to play in achieving this goal.

All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a danger to the public or colleagues, misconduct or financial malpractice, it can be difficult to know what to do.

You may be worried about raising such an issue, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, to managers or to the School. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next.

Darell Primary & Nursery School has introduced this policy to enable everyone to blow the whistle safely so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must all try to deal with issues on their merits. The school welcomes your genuine concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the school. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.

If something is troubling you, which you think we should know about, or look into, please use this procedure. If, however, you are aggrieved about your personal position, please use the complaints policy procedure or if you are a member of staff the staff grievance procedure. This Whistle Blowing procedure is primarily for concerns where the interests of others or of the School are at risk.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

Scope

Members of the public, School employees including ~~volunteers~~~~schools~~ and contractors are covered by this policy.

The policy applies to contractors working for the School on School premises, for example, agency staff or builders. It also covers any suppliers and those providing services under a contract with the School in their own premises.

This policy is not part of the disciplinary procedures, although disciplinary action may result from the use of this policy.

What types of activity would Whistleblowing apply to?

The type of activity or behaviour that the School considers should be dealt with under this policy includes:

- ~~• Action which is contrary to the code of conduct for employees or members.~~
- ~~• The inappropriate use of the School's standing orders and financial procedures.~~
- ~~• Dangerous procedures risking Health and Safety, including risk to the public as well as other employees.~~
- ~~• Services that fall below approved standards or practice.~~
- ~~• Any form of abuse, including inappropriate behaviour towards other members of staff or towards pupils~~
- ~~• Other unethical conduct, including deliberate concealment of information relating to the above.~~
- ~~• Damage to the school environment.~~
- ~~• The unauthorised use of public funds~~
- ~~• Conduct which is a criminal offence or a breach of law.~~
- ~~• Disclosures related to miscarriages of justice.~~
- ~~• Involves possible fraud or corruption.~~
- That a criminal offence has been committed, is being committed or is likely to be committed
- That financial impropriety, bribery and/or fraud is being, is likely to or has taken place
- That an individual has failed, is failing or is likely to fail to comply with any legal obligation which they are subject;
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health and safety of any individual has been, is being, or is likely to be, endangered.
- That concerns about poor or unsafe practice and potential failures in the school's safeguarding and prevent regime are not being addressed.
- That the environment has been, is being, or is likely to be damaged
- That information tending to any of the above, is being, or is likely to be, deliberately concealed.

This list is not intended to be exhaustive.

Raising unfounded malicious concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, when it appears that there are clear grounds for suggesting that you may have acted frivolously, maliciously or vexatiously, this will be taken seriously and may constitute a disciplinary offence.

Harassment or Victimisation

- The School is committed to good practice and high standards and wants to be supportive of employees.
- The School recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.
- The School will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect you when you raise a concern in good faith.

Principles

The following important principles are contained within this policy:

- The policy is complementary to the School's Code of Conduct for employees.
- The Headteacher has overall responsibility for the maintenance and operation of this policy;
- It contains the provisions that are required from the Public Interest Disclosure Act 1998, and requirements under the common law "duty of care", e.g., to: draw attention to any matter considered damaging to the interest of service users, carers or colleagues;
- Put forward suggestions which may improve quality of service;
- Correct any statutory omission;
- Prevent malpractice;
- That the School is committed to tackling malpractice and that employees know that any matter regarding malpractice and other illegal acts will be dealt with seriously;
- A trade union representative or a work colleague who does not work in the area under investigation may accompany an employee as an observer either whilst the employee is making an allegation or is being investigated as a result of an allegation;
- If a matter raised results in any disciplinary action, the School's disciplinary procedure will apply.

What protection has the whistleblower got?

- The Public Interest Disclosure Act 1998, has given protection to whistleblowers, from victimisation and dismissal. This Act has both the support employers' organisations and Trade Unions.
- The School will not tolerate any harassment or victimisation (including informal pressures).
- Under the Act, the whistleblower will be required to resolve their concerns directly with the School.
- Employees will be protected from victimisation if in the last resort they have to take their concerns to an outside body.
- A disclosure will be protected if the whistleblower has an honest and reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. The whistleblower will also be protected if they make their disclosures to an external

~~body as long as they honestly and reasonably believe that the allegations are substantially true.~~

Support to Employees

- It is recognised that raising concerns can be difficult and stressful. Advice and Support is available via an employee's line manager, Departmental Human Resources or Trade Union representative. It must be recognised that employees who are subject to investigation following concerns being raised will also be entitled to support from the same sources, although not from the same individuals.
- Employees can also discuss their concerns with ~~Public Concern at Work~~ www.pcaw.co.uk ~~or telephone 0207404 6609.~~ Protect, Speak Up, Stop Harm for confidential advice on whistleblowing issues. Contact details are as follows; The Green House, 244-254 Cambridge Heath Road. London E2 9DA. Whistleblowing Advice Line: 020 3117 2520
[Protect - Speak up stop harm - Whistleblowing Homepage](#)
- ~~• The School will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the School will arrange for you to receive advice about the procedure.~~
- ~~• Help will be provided to you in order to minimise any difficulties which you may experience. This may include advice on giving evidence if needed.~~
- ~~• Meetings may, if necessary be arranged off site with you and with you being represented, if you so wish.~~
- An employee who is not satisfied with the action taken by the School and feels it right to question the matter further may consider the following possible contact points:
 - the School's Monitoring Officer – Head Teacher, Joe Porter
 - ~~Internal Audit and/or~~ the AfC Auditor
 - the employee's Trade Union
 - the Citizens Advice Bureau and / or law centre / firm
 - relevant professional bodies or regulatory organisations **including Ofsted**
 - the Local Government Ombudsman
 - the Information Commissioner
 - a relevant voluntary organisation
 - the Police and/ or Health and Safety Executive

Confidentiality

- Wherever possible Darell Primary & Nursery School seeks to respect the confidentiality and anonymity of the whistleblower and will as far as possible protect ~~him/her~~ **them** from reprisals.
- The School will do its best to protect the whistleblower's identity when they raise a concern and do not want their name disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement

by the whistleblower may be required as part of the evidence in criminal proceedings or Employment Tribunals.

- ~~• Where necessary, the School will endeavour to ensure the whistleblower's identity will not be disclosed to third parties without a court order.~~
- ~~• The School will not tolerate any attempt to victimise the whistleblower or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.~~
- The confidentiality of service users will not be compromised as employees have a duty in law and within their professional codes of conduct to maintain this.
- Where the procedure allows a matter to be taken outside the School, the whistleblower should not disclose confidential information unless the information relates to the matter under investigation and until the internal procedures have been exhausted. No confidential information shall be disclosed externally in a frivolous or vexatious manner.

Anonymous allegations

- This policy encourages the whistleblower to give their name when making an allegation. Concerns expressed anonymously are usually much less powerful, but they will be considered at the discretion of the investigating officers.
- 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.
 - the evidence base.

What action should the whistleblower take?

Darell Primary & Nursery School encourages the whistleblower to raise the matter internally in the first instance. This allows staff and those in positions of responsibility and authority the opportunity to right the wrong and explain the behaviour or activity.

As a first step employees should normally raise concerns with **a member of the senior management team** ~~their line manager or the line managers' manager~~. If the circumstances make contacting a **member of the senior management team** ~~line manager~~ not appropriate, then the following officers can be contacted. Members of the public should also contact one of the following officers:

- Head Teacher – Joe Porter
- Chair of Governors ~~—Janet Deboo—~~ via the Clerk to the Governors
clerk@darell.richmond.sch.uk

The whistleblower may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above-named individuals. All matters will be treated in strict confidence and anonymity will be respected wherever possible.

Concerns made in writing should set out the background and history of the concern, giving names, dates and places where possible and the reason why there are particular concerns about the situation. The earlier the concern is expressed, the easier it is for someone to take action.

~~Because of the difficulty of raising a concern, a trade union or work colleague may raise the matter on behalf of the whistleblower, or accompany the whistleblower when making the allegation.~~

~~Employees who are not in a formal line management relationship because of their employment relationship, e.g., agency staff or contractors, should first discuss their concerns with a relevant colleague or manager within the service.~~

How will the School respond?

The ~~individual member of senior management~~ who receives the information or allegation will assemble the information made available to them. ~~The details of the allegation are then immediately passed on to Internal Audit in order that it can be included on the central register.~~ An appropriate investigating officer is then appointed. ~~This may be a member of school staff, an individual governor or an external advisor~~ The investigating officer(s) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance. ~~This could involve for example members of staff, Internal Audit, external audit, legal or HR advisors, or the police.~~ Concerns or allegations, which fall within the scope of specific procedures (e.g., child protection, Health and Safety or discrimination issues), will normally be referred for consideration under those procedures.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), will consider how best to report the findings and what corrective action ~~could be~~ ~~needs to~~ be taken. This may include some form of disciplinary action or third-party referral such as the police.

The whistleblower will be informed that an investigation is being undertaken and (if appropriate), the action taken to address the matter. The School will write to the whistleblower acknowledging that the concern has been received and the name of the investigating officer **within 5 working days of the concern being received**

The amount of contact between the officers considering the issues and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the whistleblower as part of the investigation process. If the whistleblower is a School employee, and the investigating officer has invited him/her to attend a meeting, he/she will have the right to be accompanied. This should be a representative of a recognised trade union, or a work colleague who is not involved in the area of work to which the concern relates.

The Investigating Officer will produce a written report with the outcome of their investigation including details of any interviews completed and recommendation for further action. This will be completed within 20 working days and will be presented to the Headteacher (or a Governor complaints panel) who will decide on any further action. Further action may include referral to an independent, external body or to another school policy or procedure which may be more appropriate.

~~The School will take steps to minimise any difficulties that the whistleblower may experience as a result of raising a concern. For instance, if the whistleblower is required to give evidence in criminal or disciplinary proceedings, the School will advise on the procedure.~~

The School accepts that the whistleblower needs to be assured that the matter has been properly addressed. Subject to legal constraints, the whistleblower will receive information about the outcomes of any investigations ~~and the action that is to be taken against those whose actions caused concern.~~ Also, if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

If the whistleblower is dissatisfied with the conduct of the investigation or outcome of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the ~~investigating officer(s) and/or directed to the Chief Executive or appropriate nominated officer.~~ **Chair of Governors via the Clerk**
clerk@darell.richmond.sch.uk

How the matter can be taken further

This policy is intended to provide the whistleblower with a way in which concerns can be raised and resolved within the School.

In exceptional circumstances the whistleblower may consider the matter too serious or sensitive to raise within the internal environment of the School. In this instance depending on the nature of the concern, the matter could be directed to **Ofsted**, the police or local MP.

The Local Government Ombudsman can also be contacted, they will not however, take any action until the allegation has been dealt with internally first.

In addition, information and advice can be obtained from the charity **Protect, Speak Up, Stop Harm. Public Concern at Work**. This charity provides free advice for employees who wish to express concerns about fraud or other serious malpractice. They can be contacted at:

Protect, Speak Up, Stop Harm
The Green House
244-254 Cambridge Heath Road
London
E2 9DA
0203 117 2520

Relationship with other employee procedures

An issue considered under the Whistleblowing Policy may lead to action under the School's Disciplinary Procedure and/or action by the police.

The School's Code of Conduct outlines the approach employees must take regarding contact with the media. It is particularly important that disclosures are not made directly to the media but are initially directed through the Whistleblowing Policy if appropriate. Failure to do this may expose vulnerable clients to public view and may expose the employee to disciplinary action.

Conclusion

~~Existing good practice within the School in terms of its systems of internal control both financial and nonfinancial and the external regulatory environment in which the School operates ensures that cases of suspected fraud or impropriety rarely occur. This Whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the School. This document is a public commitment that concerns are taken seriously and will be actioned.~~

In Summary

Do

- ~~Make an immediate note of your concerns~~
 - ~~Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of parties involved.~~
 - ~~Note any documentary evidence that may exist to support your claim but do not interfere with this evidence.~~
- ~~Report your concerns to your line manager (or those listed above if this is not appropriate)~~
- ~~Deal with the matter quickly. Any delay could allow the problem to continue and escalate and evidence to disappear~~
- ~~Follow the guidance provided and contact the appropriate officer~~

Don't

- ~~Do nothing and let it go unreported~~
- ~~Be afraid of raising concerns~~
- ~~Approach and accuse individuals directly~~
- ~~Try and investigate the matter yourself~~
- ~~Don't convey your suspicions to anyone except those of the proper authority as set out in our policy.~~
- ~~Use the whistleblowing procedure to pursue a personal grievance~~