

Whistleblowing including Safeguarding Whistleblowing Policy

Approved at Full Governing Body Meeting

April 2017

Frequency of Review: 3 years

Policy based on LEA Whistleblowing Policy – June 2016

Also

Staffordshire Safeguarding Children Board (SSCB) – Safeguarding Whistleblowing Policy May 2015

Amendments

2016 – NF/DS/HJ/JA/PJT – Federation SLT 17/02/2017

Aim

Penk Valley Federation is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to the School's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The aim of this policy is to encourage colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

This policy is intended to encourage and enable our staff to raise their concerns and to do so without fear of victimisation or discrimination.

The Public Interest Disclosure Act (PIDA) protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about child safeguarding and welfare systems, financial malpractice, danger, illegality, or other wrongdoing. The concern may relate to something that is happening or has happened in the past. The PIDA covers all workers, including temporary agency staff. It does not cover the self-employed or volunteers. The Act also provides protection should individuals have difficulty gaining a reference from an employer because they have raised a concern. It makes it clear that any clause in a contract that purports to gag an individual from raising a concern that would be protected under the Act is void.

This policy applies to employees of Penk Valley Federation, referred to in this policy as colleagues including agency workers, trainees or anyone working on a casual basis.

What is whistleblowing?

Whistleblowing is when a worker reports suspected wrongdoing at work.

For example:

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above

A colleague can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistleblower and is protected under this policy.

All Schools' within the Federation will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Federation will also treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action).

Rights of the Whistleblower

All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter with the named Monitoring Officer.

Victimisation of a whistleblower by any other colleague for raising a concern under this policy will in itself constitute a disciplinary offence.

Where the Federation believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or the Bullying and Harassment procedure, as appropriate.

An exception to this will be when the matter of concern arises from the colleagues own treatment at work that is arising from the whistleblowing matter they have raised previously.

Making a Whistleblowing Complaint

To make a whistleblowing complaint the whistleblower has to meet certain conditions.

If the disclosure is made to the school it must be in the public interest and the person making the complaint ("the whistleblower") has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.

If the disclosure is made to a regulatory body then as well as satisfying the conditions required for disclosure to the school, the whistleblower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true.

For example, a colleague will be eligible for protection if:

- they honestly think what they're reporting is true
- they think they're telling the right person
- they believe that their disclosure is in the public interest

If the disclosure is made to other external bodies then as well as satisfying the conditions required for the Federation, in all circumstances of the case it must be reasonable for them to make the complaint. Furthermore the whistleblower must:

- reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body or,
- reasonably believe that evidence is likely to be concealed or destroyed or,
- have already raised the concern with the Federation and/or relevant regulatory body and no appropriate action has been taken,
- reasonably believe that the information they provide and any allegations contained therein are substantially true.

If the disclosure is made to other external bodies and is of an "exceptionally serious" nature – which in a local government setting could include, say, the alleged abuse of children or vulnerable adults in an authority's care or corruption then the whistleblower will not be required to:

- have raised the matter concerned internally first
- believe that they will be subject to a detriment for raising the disclosure internally
- believe that the evidence is likely to be concealed or destroyed.

A colleague who wants to raise a wrongdoing should in the first instance inform any one of the Contact Officers whose details are given in Appendix A. Appendix B is a form which should be used in order to submit a whistleblowing report.

The initial contact can be by telephone or in writing, and if the latter should be in a sealed envelope addressed to the officer concerned and marked: 'PIDA – Strictly Private and Confidential'. E-mail cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.

The Contact/Responsible Officer who has received a disclosure will:

- acknowledge its receipt, in writing, within 5 working days;
- seek further information if required, which may include a personal interview, at which the colleague (whistleblower) can be accompanied by a representative of their trade union or professional association, or by a fellow employee;
- when the precise nature of the alleged wrongdoing is established, refer the disclosure to the Monitoring Officer, as detailed in Appendix A.;
- in liaison with the Monitoring Officer keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.

On receipt of a disclosure from a Contact Officer the Monitoring Officer will determine what further action, if any, is needed, which may comprise:

- internal investigation
- report to the Police
- report to external audit
- independent enquiry
- any combination of the above

The Monitoring Officer will also ensure that the Contact/Responsible Officer is advised of progress and outcome.

If the colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the prescribed regulator or our external auditors. The charity, Public Concern at Work, can advise the colleague about raising the concern externally. This will include advising who the appropriate prescribed regulator is. The website for Public Concern at Work is <http://www.pcaw.co.uk/>

Levels of Authority

Throughout this policy document, there are many references to Contact Officer. For the purposes of this policy 'Contact Officer' is the person delegated by the Governing Body to perform the task. The Contact Officers are listed in Appendix A.

Whistle Blowing Policy to Safeguard and Promote the Welfare of Children

Penk Valley Federation is committed to the highest standards of openness, integrity and accountability. All persons working for, or with this organisation, must feel safe and supported in order to express their concerns.

What does the safeguarding whistle blowing policy cover?

This policy is designed to cover concerns that staff have about the conduct of individuals in a position of trust within the organisation which could be detrimental to the safety or wellbeing of young people and where staff, for whatever reason, **feel unable** to raise them under the organisation's standard child protection procedures around dealing with such allegations. It would include issues about:

- Unprofessional behaviour
- Bullying by staff
- Any form of abuse (physical, sexual, emotional or neglect)
- Name calling
- Personal contact with children and young people which is contrary to the organisations policies and codes of conduct
- Any form of racial abuse
- Inappropriate sexualised behaviour
- Knowledge about an individual's personal circumstances which may indicate they could be a risk to children or unsuitable to work with children

Please be mindful that these are examples of concerns, and are not exhaustive.

Safeguarding against harassment or victimisation

Penk Valley Federation is committed to professional standards and to supporting staff. It is recognised that the decision to report a concern is a difficult one to make. Harassment or victimisation will not be tolerated and appropriate support is in place to protect the person raising the concern when they are acting in good faith.

Confidentiality

All concerns will be treated in confidence, however, there may be a need for the whistle blower to give evidence e.g. if they have witnessed a crime or in regard to disciplinary procedures if this is the outcome.

False allegations

If staff raise a concern in good faith which is not confirmed by an investigation, no action will be taken. However, if a concern is raised maliciously, disciplinary action may be taken.

Anonymous allegations

This policy encourages staff to raise concerns to be identified in doing so as part of their professional role/responsibility. However, anonymous allegations will be investigated as thoroughly as possible.

How to raise a concern

Staff should normally raise their concerns with a designated manager under the organisations standard procedures for dealing with allegations about a person in a position of trust, if this is not possible, concerns should be raised to the Contact Officers as detailed in Appendix A. If the Contact Officer/s are the subject of concern the matter should be referred to the Monitoring Officers detailed in Appendix A. Under standard procedures, if there are concerns that an adult working with children may have abused a child, or be unsuitable to work with children and young people, concerns will be passed to the Local Authority Designated Officer (LADO) by the manager.

In certain circumstances, staff may feel they are unable to follow the organisation's standard procedures e.g. because they feel their position in the organisation would be in jeopardy, they would be subject to intimidation, or that the person of concern is the designated manager to whom they should report such matters and there is no one senior to refer to. They should then follow the Whistle Blowing Policy by contacting the 'Contact/Responsible Officer' within the organisation, see Appendix A. The Policy may also be used in circumstances when the matter has been raised under appropriate organisation procedures for referring child protection concerns, but the referrer considers that the manager has not taken the concerns seriously or acted appropriately with relation to them. In such circumstances, referrers are encouraged to contact the named responsible person for 'whistle blowing' for the organisation or a LADO directly for discussion and advice. The LADO contact details are listed at the end of the policy.

When following the Whistle-blowing Policy, concerns may be shared verbally, but should also be recorded in writing (Safeguarding Whistle Blowing report form – Appendix B).

Staff may wish to invite their trade union representative to be present during any subsequent interviews.

Any concern regarding child protection will be referred to external agencies for investigations (children's services, police, LADO).

If the concern is not of this nature there will be:

- Investigation by management
- Disciplinary process if appropriate
- Consideration of policies, processes and procedures if such issues arise from the investigation.

Within 10 working days of a concern being raised the referrer will receive a written response from the responsible person which will:

- Acknowledge that the concern has been received;
- Supply information on relevant support mechanisms
- Advise whether further investigations will take place; or

- Advise that no further action has taken place and why.

The Whistleblower may make the initial contact either by contacting officers named in Appendix A or If it is felt that it would be unsafe for any reason to share concerns with the named person from your organisation the following are appropriate contacts with whom to discuss your concerns:

Staffordshire County Council:

-Individual designated agency leads for Child Protection

-First Response in the MASH* – 0800 1313126 (ask to speak to duty LADO if your concerns are that a member of staff could be harming children)

NSPCC [whistleblowing-helpline](#) is available for staff who do not feel able to raise concerns regarding child protection failures internally.

Staff can call: 0800 028 0285 – lines are available from 0800^{hrs} to 2000^{hrs}

Monday to Friday or Email:

help@nspcc.org.uk.

Recognised trade unions or professional associations can provide support and assistance or independent, external advice this can be obtained from the charity Public Concern at Work 020 7404 6609, or by email at whistle@pcaw.org.uk. For further information please see their website at www.pcaw.co.uk.

Regulatory bodies such as Ofsted will also give advice. Ofsted's whistle blowing hotline is: 0300 123 3155.

Review of Policy

This policy will be reviewed every 3 years, or before if necessary by the Federation Governing Body.

Whistle Blowing Procedure
Appendix A
Contact/Responsible Officers (updated 1/02/2017)

Mr Barry Worth	Associate Headteacher	Wolgarston High School	01785 788424
Mr Stephen McCosh	Deputy Headteacher	Wolgarston High School	01785 788426
Mrs Natalie Frost	Acting Headteacher	Penkridge Middle School	01785 413400
Mrs Dawn Spiers	Headteacher	Marshbrook First School	01785 712780
Ms Helen Johnson	Headteacher	Princefield First School	01785 714050

Monitoring Officers (updated 1/02/2017)

Mr Philip Tapp	Principal	Penk Valley Federation	01785 788402
Mrs Julie Ablewhite	Business Manager	Penk Valley Federation	01785 788402
Mr Mark Roberts	Chair of Governors	Penk Valley Federation	01785 711335

Whistle Blowing Report Form - Appendix B

Name: _____

Date: _____

Location/department: _____

Please give a brief outline of your concern (Please give relevant names, dates, locations etc)

Were there any other witnesses? If so, please give their full contact details.

Did you take any action at the time? - If yes, please outline what action you took.