



St Olave's Grammar School

WHISTLEBLOWING POLICY

Introduction

The St Olave's Whistleblowing Policy and associated Whistleblowing Procedure have been revised in accordance with the Whistleblowing Procedure for Maintained Schools guidance published by the Department for Education in August of 2014, the government's published Whistleblowing for Employees guidance, the Department for Education's paper: Whistleblowing to Ofsted about Safeguarding in Local Authority Children's Services published in April 2014, and the London Borough of Bromley's Raising Concerns (Whistleblowing) Policy. The policy, the associated procedure and their implementation are also informed by statutory obligations to the Public Interest Disclosure Act (1998), which protects whistleblowers from detrimental treatment by their employer.

Given that the school's chief priority is the safeguarding of its pupils, a dedicated section of this policy gives further detail on how and when to blow the whistle when child protection concerns arise.

Aims and Objectives

It is the Governors' Policy to take all instances of Whistleblowing seriously, to investigate them and to ensure that appropriate, fair and proportionate follow up actions are undertaken in accordance with the School's Whistleblowing Procedure detailed below.

The School's Policy aims to ensure that the Whistleblowing Procedure (below) and its implementation:

- supports the school's Child Protection Policy and Safeguarding Policy;
- complements the school's Complaints Policy and Staff Grievance Procedure;
- is easily accessible and publicised, and is clearly communicated and explained to all staff;
- is simple to understand and use;
- protects the employee raising the concern;

- gives staff absolute confidence that their concerns will be listened to and treated seriously, and that they will be afforded dignity, respect and protection during and after their disclosure;
- ensures that the concern is investigated promptly;
- is impartial;
- enables a full and fair investigation by an independent person or agency where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response;
- provides information to the School's Senior Leadership Team so that services can be improved.

Defining Whistleblowing

Whistleblowing is the term used when someone who works in or for an organisation wishes to raise concerns about malpractice, wrongdoing, illegality or risk in the organisation (for example, crimes, civil offences, miscarriages of justice, dangers to health and safety), and/or the cover up of any of these. The malpractice has a public interest aspect to it, usually because it threatens others e.g. pupils, colleagues or the general public. It applies to raising a concern within the organisation as well as externally, such as to a regulator.

A whistleblower is an employee who reports any of these types of wrongdoing in the public interest. This wrongdoing or malpractice will usually be something they have seen at work - though not always. Whistleblowers are protected by law; they should not be treated unfairly or lose their job because they 'blow the whistle'. A whistleblower can raise their concern at any time about an incident that happened in the past, is happening now, or which they have reason to believe will happen in the near future.

Whistleblowing is distinct from complaints or grievances; if you are making a complaint, you are saying that you, or someone close to you, has personally been poorly treated, and a grievance is when an employee has a dispute about their own employment position.

Scope of the Policy

The Public Interest Disclosures Act (1998) specifies that whistleblowers are defined as such and protected by law when making public interest disclosures which fall within any of the following six categories:

- a criminal offence (e.g. fraud)
- someone's health and safety is in danger; **additionally, in schools this in particular means actions which negatively affect the welfare of children**
- risk or actual damage to the environment
- a miscarriage of justice
- breaking the law (e.g. doesn't have the right insurance)
- the whistleblower believes someone is covering up wrongdoing (particularly with reference to any of the above)

Personal grievances (e.g. bullying, harassment, discrimination) are not covered by Whistleblowing law, unless the particular case is in the public interest.

This Policy is intended to encourage and enable all those working at St Olave's Grammar School to raise serious concerns. This policy applies to all those who work at the school; whether full-time or part-time, teaching or support staff, employed through an agency, contractors or as a volunteer. The policy also encompasses and protects the rights of volunteers and students. If you have a concern, please report it.

The Whistleblowing Procedure is not a substitute for normal line management protocols, but an addition to them. Staff should always first consider using normal line management for raising concerns. These procedures should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management.

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- Prescribed Person or Body (e.g. Ofsted, Education Funding Agency, Children’s Commissioner or NSPCC)

If you are unsure about raising a concern you can get independent advice from the independent charity Public Concern at Work (www.pcaw.org.uk). The organisation can be contacted on 0207 404 6609.

If you wish to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made. Please note that it is not always possible to guarantee confidentiality; for example, if a person misuses the policy by making malicious or repeated unsubstantiated complaints against colleagues; or if the circumstances make it necessary for the identity of the employee to be revealed for the purposes of completing an investigation into the concern. In addition, please note that anonymous communications may not be acceptable, if there is insufficient information to proceed with the concern.

How the School will respond

Once you have reported your concern it will be assessed and a suitable plan of action will be determined. This may be an informal review of evidence or a more formal investigation. You will be told who will be leading the process, how you can contact them and what further assistance may be required from you.

The investigating officer will provide you with a summary of your concern(s), an outline of how the investigation will proceed and a timetable for receiving feedback, where such feedback is permissible. The matter will be investigated promptly and objectively. Please note that feedback on the outcome of an investigation may be restricted by a duty of confidence to another person or persons involved in the investigation.

The school undertakes that the investigation will be prompt, swift, proportionate and blame-free.

Concerns against Governors

If a concern is raised against a member of the School’s Governing Body this will be treated in the same way as any other. Where the concern relates to the Chairman of the Governing Body then the initial contact should be the Headteacher or to the Director of Education at the Rochester Diocesan Board of

Education (RDBE), who will be able to determine what additional support will be required to proceed with the investigation.

If an employee is treated unfairly after whistleblowing

Initially, an employee may choose to take the matter up with the Headteacher or the Chair of Governors for internal resolution. If, however, this fails to resolve the issue, staff can take a case to an employment tribunal if they have been treated unfairly because they have blown the whistle. They can get further information from the Advisory, Conciliation and Arbitration Service (ACAS), Citizens' Advice, the whistleblowing charity Public Concern at Work or their trade union. If a concern was reported anonymously, the whistleblower may find it harder to argue that their unfair treatment was as a result of their whistleblowing. A whistleblower must raise any claim of unfair dismissal within three months of their employment ending. A whistleblower must notify ACAS if they wish to take their case to an employment tribunal.

Safeguarding Children:

The school's chief priority is the safety and wellbeing of its pupils so there is a dedicated section of the Whistleblowing Policy which focuses on safeguarding. This guidance is written for staff, paid or voluntary, working with St Olave's students and is in line with Bromley Council's 'Raising Concerns – Something Wrong? – How To Report It!'

All staff should be aware of the school's child protection/safeguarding procedures. Staff must acknowledge their individual responsibility to bring matters of concern to the attention of senior management and/or relevant agencies. Although this can be difficult this is particularly important where the welfare of children may be at risk.

You may be the first to recognise that something is wrong but may not feel able to express your concerns out of a feeling that this would be disloyal to colleagues or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable children or young person who are targeted. These children need someone like you to safeguard their welfare.

Don't think what if I'm wrong – think what if I'm right

Reasons for whistle blowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

Guidance on when and how to raise a safeguarding concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, the Headteacher, or the Designated Child Protection / Safeguarding Officer. At St Olave's these people are the Designated Child Protection Staff (RM/SKW), the Headteacher and the Designated Governor, Dr Paul Wright.
- If your concern is about your immediate manager/the Headteacher, or you feel you need to take it to someone outside the school, contact the Lead Officer for Education Safeguarding on 020 8461 7669 or the Designated Governor, Safron Rose.
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

- You should be given information on the nature and progress of any enquiries.
- Your employer has a responsibility to protect you from harassment or victimisation.
- No action will be taken against you if the concern proves to be unfounded and was raised in good faith.
- Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self-reporting:

There may be occasions where a member of staff has a personal difficulty, or 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 their line manager or the Headteacher so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support:

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager and/or your professional trade union.