



St Nicolas CE Primary School

WHISTLEBLOWING POLICY & PROCEDURE

HEADTEACHER SIGNATURE:

A handwritten signature in black ink, appearing to read 'A. Spoon'.

GOVERNOR SIGNATURE:

A handwritten signature in black ink, appearing to read 'K. Mansel'.

DATE ADOPTED: 7 December 2023 (FGB)

DATE FOR REVIEW: December 2024

Additional notes:

This policy mirrors the OCC model policy. It was noted the new model policy does not reference the upholding of British values (which were in the former policy document). After reviewing the values, it was agreed that the model policy should be adopted but that the British Values be included. Governors discussed how this policy would be monitored. It was noted that there should be a Whistleblowing Governor but it was agreed that this could sit within the remit of the Chair of Governors (who also handles complaints). It was also agreed that any issues around Health and Safety could be directed to the H&S Governor (LD). To that end, both email addresses will be added to the policy. **Governors approved the policy subject to the changes above being made.**

Cross reference with the following policy/ies:

Safeguarding Policy
Complaints Policy

St Nicolas CE School

Whistleblowing Policy & Procedure

Introduction

All schools are required to have appropriate procedures in place for handling whistleblowing and for ensuring school employees know whom they can contact if they wish to raise a concern. This policy explains the types of concerns that can be raised under this procedure, the legal protection for whistleblowers and how whistleblowing concerns will be handled. This procedure should be followed for any whistleblowing matters raised by employees of the school, supply staff and agency workers.

The term 'head teacher' has been used throughout this procedure, however depending on the size and structure of the school the head teacher's role in the procedure may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to these procedures, it will be managed by the Chair of the governing body

This policy and procedure has been written for St Nicolas School with reference to the model policy provided by Oxfordshire County Council (July 2020) which was drawn up following consultation with all the recognised Trade Unions and Associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.

Scope

This procedure applies to all employees working at St Nicolas School including permanent staff members, agency workers, self-employed contractors and volunteers.

Statement

St Nicolas School is committed to the highest possible standards of:

- openness and inclusiveness
- accountability
- integrity
- fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs

Aim of the Policy & Procedure

- To encourage those working in the school to report suspected wrongdoing promptly, in the knowledge that it will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide guidance on how to raise concerns.
- To reassure those raising concerns that they are able to raise genuine concerns *made in the public interest* without fear of reprisals, even if they turn out to be mistaken.

What is Whistleblowing?

Whistleblowing is when a worker reports certain types of wrongdoing or misconduct within an organisation.

The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. pupils, general public.

The wrongdoing must relate to or show one of the following:

- a criminal offence
- a failure to comply with a legal obligation
- a possible miscarriage of justice
- a Health & Safety risk
- damaging the environment
- misuse of public money

- corruption or unethical conduct
- abuse of pupils, students or other users
- deliberate concealment of any of these matters
- any other substantial and relevant concern.

The concern could be about something that happened in the past, is currently happening or likely to happen in the future.

Concerns or complaints that employees wish to raise formally, about their own employment, should normally be raised using the school's Grievance Procedure, unless the employee believes the concern is in the public interest. This includes for example, concerns related to working conditions, working relations, employment rights or bullying or harassment

Legal protection for whistleblowers

- Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'.
- Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.
- The school's governing body will provide all reasonable protection for those who raise concerns made in the public interest.
- The school's governing body will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure.
- Although an employee has certain legal obligations of confidentiality to the school, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

Procedure for raising a whistleblowing concern

Whistleblowing anonymously or confidentially

Concerns can be raised anonymously, but the school or person receiving the allegation may not be able to take it further if they haven't been provided with all the information they need.

Whistleblowers can give their name but request confidentiality and in these circumstances, every effort will be made to protect their identity.

All disclosures made under this procedure will be treated sensitively, consistently and fairly.

All concerns will be treated sensitively, consistently and with due regard to confidentiality and where possible every effort will be made to protect the identity of the employee who raises the concern if desired.

Where concerns are expressed anonymously the head teacher in consultation with Chair of Governors will decide how to proceed. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented.

Step 1- Deciding who to report the concern to

- Concerns can be raised verbally or in writing.
- An employee can raise their concern with their line manager. Alternatively, they can raise the matter with the head teacher or the Chair of Governors.
- Should an employee wish to report the matter to someone outside of the school they can contact the Director of Children, Education and Families, Oxfordshire County Council or any of the other local authority officers listed in Annex 1 or one of the external bodies/organisations listed in Annex 2.
- Reporting concerns to the media, in most cases will lead to the loss of an employee's whistleblowing law rights.
- Although employees are not expected to prove beyond doubt the truth of their concerns they will need to demonstrate that they have sufficient evidence or other reasonable grounds to raise them.
- An employee considering raising a concern may wish to obtain advice from a trade union representative, the Citizen's Advice Bureau or Protect www.protect-advice.org.uk or 020 3117 2520
- Employees may be accompanied by a trade union representative or colleague to any meetings that are required.

Step 2 – Deciding what action is needed

The person with whom the concern has been raised will decide what action is needed. They may ask the employee to provide further information. They will write to the employee within 10 days to let them know how the concern will be dealt with. This response should include:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not why not
- information about support available for to the employee

The person with whom the concern was raised will, at the same time, notify the schools' HR Adviser that a whistleblowing allegation has been made. Advice on dealing with concerns is available from the school's HR Adviser (who is provided through Oxfordshire County Council (OCC) buyback from Education Personnel Services (EPS) via Hampshire County Council or Legal or Financial Advisor (See Annex 1)).

Step 3 – Deciding whether an investigation is appropriate

Initial enquiries will be made to decide whether an investigation is appropriate.

An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Full details of the investigation may be withheld from the employee who raised the concern to protect the confidentiality of other people.

Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for the employee to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with the employee first.

Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the head teacher or a governor, which may, for example, take the form of a disciplinary investigation
- an investigation by the Internal Audit Service
- a referral to the Police
- the setting up of an external independent inquiry.

Step 4 – Outcome of any investigation

The employee who raised the concern will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

If s/he does not feel that their concern has been addressed adequately they may raise it with an independent body such as one of the following as appropriate:

- trade union
- the Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police
- the Local Government Ombudsman
- Oxfordshire Racial Equality Council
- Equality and Human Rights Commission

(See Annex 2 for further details).

If there is an issue of an exceptionally serious nature which the employee believes to be substantially true, then they may disclose the issue to someone other than those listed above. In determining whether it is reasonable for them to have made a disclosure, the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies listed in this document may not be protected disclosures under the Act.

All employees have a duty to the school not to disclose confidential information. This does not prevent them from seeking independent advice at any stage or from discussing the issue with the charity Protect (previously Public Concern at Work) on 020 7404 6609 or <https://protect-advice.org.uk> in accordance with the provisions of the Public Interest Disclosure Act 1998.

Review and Reporting of the Policy

As St Nicolas School is a Voluntary Controlled school, Oxfordshire County Council's Chief Executive, as Head of Paid Service, and the County's Solicitor, as the Council's Monitoring Officer, have overall responsibility for this procedure. The Governing Body is responsible for the management of services and employees within the school.

This policy has been reviewed with reference to equalities, human rights and discrimination legislation. Confidential monitoring of the procedures is undertaken in order to gather data to help establish whether the procedure is operated in a fair and consistent manner. In undertaking monitoring the school will not identify individuals.

This procedure will be regularly reviewed by Council's Monitoring Officer (externally) as well as the Headteacher and nominated Governor (internally) to ensure that it continues to remain compliant and meets the needs of St Nicolas School and those working in the school.

Annex 1 - Contact list for St Nicolas School & Oxfordshire County Council

Address: Oxfordshire County Council, County Hall, New Road, Oxford, OX1 1ND

School Head & Safeguarding Lead	Mr A Spooner head.3247@st-nicolas.oxon.sch.uk
Chair of Governors	Mrs K Hancock cgov3247@st-nicolas.oxon.sch.uk
Health & Safety Governor	Mrs L Dowzall ldow3247@st-nicolas.oxon.sch.uk
Education Personnel Service - Professional HR Advice for Schools	Eps.consultants@hants.gov.uk 02380 383500
Local Authority Designated Officer for Safeguarding Children	Alison.beasley@oxfordshire.gov.uk 01865 815956
Health and Safety Team for Schools	healthandsafetyhelp@oxfordshire.gov.uk 03300 240849
Director of Finance	lorna.baxter@Oxfordshire.gov.uk 07393 001218
Chief Internal Auditor	Sarah.cox@oxfordshire.gov.uk 07393 001246
Corporate Director of Children's Services	Kevin.gordon@oxfordshire.gov.uk
HR Business Partner for Children's Services (interim)	vaishali.baxi-varma@oxfordshire.gov.uk 07827 979201
Chief Executive and Head of Paid Service	Yvonne.rees@oxfordshire.gov.uk 01865 323907
Corporate Director – Commercial Development Assets and Investment and Interim Monitoring officer	Steve.jorden@oxfordshire.gov.uk
Corporate Director for Adult Housing Services	Stephen.chandler@oxfordshire.gov.uk
Corporate Director for Public Health and Wellbeing	Ansaf.azhar@oxfordshire.gov.uk
Corporate Director for Community operations	Jason.russell@oxfordshire.gov.uk
Corporate Director for Place & Growth	Paul.feehily@oxfordshire.gov.uk
Corporate Director for Customers and Organisational Development	Claire.taylor@oxfordshire.gov.uk
Your local councillors (if you live in Oxfordshire)	Web site: www.oxfordshire.gov.uk

Annex 2 - External bodies and Organisations

You can blow the whistle to an external organisation rather than your employer. There is a list of prescribed people or bodies that you can go to. Choose the correct one for your issue. A full list can be found online at Gov.Uk:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Some of the bodies that may be relevant for school employees are:

Ofsted	WBHL, Ofsted, Ppccadilly Gate, Store Street, Manchester. M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk
Office of Qualifications and Examinations Regulation	Complaints investigation Manager, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH Tel: 0300 303 3344 Email: whistleblowing@ofqual.gov.uk Online reform form: www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/
National Society for the Prevention of Cruelty to Children (NSPCC)	The NSPCC Whistleblowing Advice Line is for anyone with child protection concerns in the workplace. The helpline provides support and advice to those who feel unable to get a child protection issue addressed by their employer. It can be contacted anonymously on 0800 028 0285
Health and Safety Executive	Tel: 0300 790 6787 Web: www.hse.gov.uk
The Local Government Ombudsman	Address: PO Box 4771, Coventry, CV4 0EH www.lgo.org.uk Tel: 0300 061 0614
Data Protection and Freedom of Information	The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF Tel: 0303 123 1113