



NEWCASTLE UNDER LYME SCHOOL

Whistle Blowing Policy

This policy relates to Newcastle-under-Lyme School, including the EYFS. This policy is available upon request to parents and prospective parents and is published to parents and prospective parents on the School's website.

This policy should be read alongside the *Safeguarding Policy, KCSIE (2020) and Staff Behaviour Policy*.

The School has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides if necessary, for such concerns to be raised outside the organisation.

It is important to recognise that a potential whistleblowing incident may itself relate to matters of child protection and a perceived weakness in safeguarding procedure or practice. If so, it is important to recognise that such an event or circumstance should be dealt with as a safeguarding and child protection matter and reported in accordance with the school's Safeguarding Policy.

1. Introduction

Members of staff are often the first to suspect that there may be something seriously wrong within the School. However, they may be reluctant to express any concerns they might have because of a worry that speaking up would be disloyal to a colleague or to the School. They might also be worried about harassment or victimisation. It is therefore often easier to ignore concerns rather than to report what could be a legitimate occurrence of malpractice.

The School is committed to the highest possible standards of openness and accountability. In line with that commitment, members of staff who have serious concerns about any aspect of the work of the School or the behaviour of a colleague are encouraged to come forward and voice those concerns.

This policy makes it clear that members of staff can take action to report concerns without fear of reprisals, and is intended to encourage them to do so and enable employees to raise serious concerns within the organisation rather than simply overlooking the problem or resorting to blowing the whistle outside. In accordance with

Lord Nolan's Second Report of the Committee on Standards in Public Life, the School's policy on whistleblowing is intended to demonstrate that the School:

- Will not tolerate malpractice;
- Respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively;
- Will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;
- Will invoke the School's Disciplinary Policy and procedure in the case of false, malicious, vexatious or frivolous allegations;
- Will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

2. Aims

This policy aims to provide members of staff with avenues for the raising of concerns and for receiving feedback on action taken, as well as to provide reassurance that members of staff will be protected from reprisals or victimisation when reporting concerns in good faith.

There are existing procedures in place to enable members of staff to lodge a grievance relating to their own employment. This Whistle Blowing Policy is intended to cover concerns that fall outside the scope of other such procedures.

Concerns that could fall under the scope of this policy may be about conduct or actions that are one or more of the following:

- Actions that are unlawful;
- Actions or conduct that contravene internal policies or procedures;
- Practice that falls below expected standards;
- Actions that amount to improper conduct.

3. Safeguards

(a) Harassment and Victimisation

The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the suspected malpractice. The School will not tolerate harassment or victimisation of or by its employees, and will take action to protect members of staff who report a concern in good faith.

(b) Existing Procedures

If a member of staff is already the subject of disciplinary, capability or redundancy procedures, those procedures will not be halted as a result of whistle-blowing.

(c) Confidentiality

The School will do its best to protect the identity of a member of staff who reports a concern if he/she does not wish his/her name to be disclosed. However, the School cannot guarantee this and the investigation process may necessarily reveal the source of the information. It is also possible that a statement from the member of staff reporting the concern may be required as part of the evidence.

(d) Anonymous Allegations

The School will only consider a concern expressed anonymously if the issue raised is serious and credible and is able to be confirmed from attributable sources. In general, unless these criteria are met, the School will not accept allegations made anonymously.

(e) Untrue Allegations

If an allegation is made in good faith, but it is not subsequently confirmed by the investigation, no further action will be taken. If, however, a member of staff makes an allegation that is malicious or intended to cause anger, irritation or distress, then disciplinary action may be taken against the member of staff making the allegation.

4. How to raise a concern

A member of staff wishing to report a concern about any matter other than one relating to child protection or safeguarding should, in the first instance, discuss the matter with an appropriate member of the Senior Management Team. Concerns relating to the conduct of any member of staff regarding any safeguarding matter should be referred to the Headmaster without speaking to that member of staff unless the concern is about the Headmaster in which case the matter should be referred to the Chair of Governors without speaking to the Headmaster: see the school's Safeguarding Policy for guidance.

As a general guide for matters other than safeguarding or child protection:

- Senior School teaching staff should speak to a Deputy Head of the Senior School;
- Prep School teaching staff and Prep School Teaching Assistants should speak to the Head of the Prep School;
- Nursery staff should speak to the Nursery Manager;
- Support staff should speak to the Bursar.

If the concern involves one or more of these members of the Senior Management Team then the member of staff should speak directly to the Headmaster. If the concern involves the Headmaster then the Chair of Governors should be contacted.

After the initial conversation, the member of staff reporting the concern will usually be asked to set out the basis of the concern in writing. Advice about this will be given in the initial conversation but will typically include the background and history of the concern, dates and places where possible, and the reason for the concern. The whistleblower is not expected to provide proof of the truth of an allegation, but he/she will need to provide enough information to establish that there are sufficient grounds for the concern to warrant an investigation.

A member of staff reporting a concern has the right to be accompanied by a representative from his/her trade union or professional association when reporting the concern. However, the concern should not be discussed with other members of staff (as this could compromise a subsequent investigation) and therefore the right to be accompanied does not extend to another member of staff.

Individuals who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. It may be appropriate to preserve confidentiality, that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity then the Police will in all cases be informed.

5. How to raise a concern about the behaviour of a staff member relating to child protection or safeguarding.

In situations where a member of staff has a concern about the behaviour of a colleague, or receives an allegation or disclosure concerning the behaviour of a colleague, they must pass this information on to the Headmaster. This is in line with our *Safeguarding Policy* which will be followed. If the concern about the behaviour of a colleague involves the behaviour of the Headmaster then the member of staff must report their concerns directly to the Chair of Governors who may be contacted at d.wallbank@nuls.org.uk or via the Clerk to Governors.

Members of staff must understand that they have a professional obligation to do this. There is no discretion not to report such an allegation, and failure to report a concern or allegation is potentially a serious disciplinary matter.

As made clear in the School's *Safeguarding Policy*, anyone may refer a safeguarding matter directly to local children's services or if a criminal offence is suspected to the Police.

6. Action Taken by the School

The action taken by the School after receiving a report of a concern will depend on the nature of the concern. One of the following courses of action will normally be taken:

- If the allegation involves a criminal offence, the matter will be referred to the Police.
- Otherwise, if sufficient grounds for the concern have been established, the matter will be investigated internally. In establishing whether there are sufficient grounds for an investigation, initial enquiries may need to be made.

Investigations will normally be conducted by the appropriate senior member of staff identified in section 4. Some concerns may be resolved by agreed action without the need for an investigation to take place.

In deciding whether it is necessary to suspend a member of staff during an investigation, normal guidelines relating to this will be followed. Suspension is normally appropriate only if by not doing so a pupil may be at risk or if by not doing so there is a risk of interference with the investigation.

The extent to which the investigating officer will be able to keep the whistle-blower updated on the progress of any investigation will depend on the nature of the matter raised and the potential difficulties involved. In principle, however, there will be a wish to keep the whistle-blower informed and it may also be necessary to seek additional

information from him/her as the investigation progresses. Subject to legal constraints, the whistle-blower will be informed about the outcome of an investigation when it has been completed.

The School will take whatever steps it can to minimise any difficulties which the whistle blower may experience as a result of raising a concern. This would include consideration of any request for redeployment to another department if appropriate

7. Action taken by the School about a concern about the behaviour of a staff member relating to child protection or safeguarding

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate action will be pursued.

In the case of concerns about staff behaviour which relate to safeguarding or child protection and which do not relate to the Headmaster's behaviour, the Headmaster, in liaison with the DSL, will carry out an urgent initial assessment in order to establish whether the criteria has been met for an immediate referral to the LADO for an initial discussion. If the allegation is that a member of staff has acted in a way that has harmed, or may have harmed a child (physically, sexually or emotionally), or has possibly committed a criminal offence against a child, or has acted towards a child in a way that would make him/her not suitable to work with children and may pose a risk to children, then the Headmaster (or Chair of Governors) or DSL must refer the matter to the LADO. **There is no discretion for the Headmaster (or Chair of Governors) or DSL to make his/her own decision about what may appear to be a borderline case.**

Concerns must be discussed with the LADO. This may be done tentatively and without giving names in the first instance.

Subsequent actions will be as agreed with the LADO. The School **will not** do anything that might jeopardise a police investigation. In particular, the School **will not** attempt to investigate allegations of child abuse and **will not** ask pupils leading questions. Such investigations must be left to the appropriate external agencies (police, social services, medical authorities).

During the course of the investigation the School, in consultation with the LADO, will decide what information should be given to parents, staff and other pupils, and how media enquiries are to be dealt with. Due consideration will be given to the provisions in the Education Act 2011 relating to reporting restrictions on the identification of teachers who are the subject of allegations from pupils. Parents/carers of any pupil involved will receive specific advice from the School about reporting restrictions and the importance of maintaining confidentiality. The School will support the member of staff by making every effort to maintain confidentiality, guard against unwanted publicity and keep him/her informed on a regular basis. The child's parents will be kept similarly informed throughout the process (as guided by the LADO).

Following the initial discussion, a course of action will be agreed with the LADO. If the LADO declines further involvement, the allegation or concern will be dealt with in accordance with the School's internal procedures. Where the LADO decides that a course of action is required, the School will follow advice and instructions given by the LADO and, more generally, the guidance set down in *KCSIE* (2020). This will include taking a decision as to whether the adult concerned should be suspended from his or her work at the School.

It may be necessary to suspend the member of staff during any investigation. This is a neutral move that is designed to protect both pupils and the member of staff. Suspension will only be considered in a case where there is cause to suspect a child or other children at the School are at risk of harm or the case is so serious that it might be grounds for dismissal; the allegation relates to a potential criminal offence and warrants investigation by the police. Based on assessment of risk alternatives will be considered, such as redeployment within the School so that the individual does not have direct contact with the child concerned, providing an assistant to be present when the individual has contact with the child, redeploying to alternate work within the School, moving the child to classes where they will not come into contact with the individual. Suspension will not be an automatic response or imposed as a 'knee jerk action'; all alternatives to suspension will be properly considered. If the person concerned is suspended, he or she will be given a named contact at the School who will inform them of progress in resolving their case and assess the level of support they require. Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. The person should be informed at the point of their suspension who their named contact is within school. The term does, however, have an unfortunate negative connotation, and the School will therefore only suspend a member of staff from contact with pupils after careful thought and consideration. A person who is the subject of an allegation will receive effective support from the School, which will do all that it reasonably can to deal with the allegation as quickly as possible, but in a way that is both fair and consistent. The School will inform the person as soon as possible of the allegation and the likely course of action. Advice will be also provided on contacting trade union officials and other sources of support.

8. Further Action

If the member of staff who raised the concern remains concerned after the conclusion of any action taken under this policy, he/she should arrange to speak to the Chair of Governors.

Where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue).

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the individual reasonably believes :-

- That exceptionally serious circumstances justify it;
- That the School would conceal or destroy the relevant evidence;
- Where they believe they would be victimised by the School;
- Where the Secretary of State has ordered it.

The member of staff is advised to seek professional advice from his/her trade union or professional association before taking such a step. When taking such a step, great care should then be taken to ensure that confidential or privileged information is not disclosed to a third party. Disclosure of such information could result in the member of staff becoming subject to disciplinary procedures.

Under no circumstances must any member of staff speak to any other third party, including representatives of the Press, about confidential school matters unless following the advice above.

9. Further action about a concern about the behaviour of a staff member relating to child protection or safeguarding

If a member of staff reasonably believes the reporting routes to be inappropriate, or has reported concerns and no action has been taken, they should contact the Headmaster or the Chair of Governors, refer their concerns to children's social care directly, or use the NSPCC whistleblowing helpline (see below for contact details).

Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance can be found at: Advice on Whistleblowing (<https://www.gov.uk/whistleblowing>)
- The 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. This line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: help@nspcc.org.uk

Under no circumstances must any member of staff speak to any other third party beyond the School including representatives of the Press, about confidential school matters unless following the advice above.

J A Simms

Policy reviewed by SMT: September 2020

Policy reviewed by Governors:

Next Review Due: September 2021