



**Hanley St. Luke's Primary School**  
**Wellington Road**  
**Hanley**  
**Stoke on Trent**  
**Tel: 01782 234390**

# **Confidential Reporting**

## ***(Whistleblowing) Procedure***

**Policy and Procedure for Schools Managed Staff and Centrally  
Employed Teachers**

*Originally adopted August 2013*  
*Updated and agreed 1<sup>st</sup> November 2016*

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## 1.0 Introduction

The Governing Body of the School is proud of the high standards it operates and is dedicated to providing a quality service to pupils, parents, governors and schools partners. The school promotes good educational practices and is committed to addressing poor practices.

Individuals who work for the school are often the first people to realise there may be something seriously wrong. However you may not want to speak up about it in case you seem disloyal to colleagues or you are concerned about being victimised or harassed or for some other reason. You might be worried that you could be wrong or it might just seem too complicated and therefore easier to say nothing.

You have a right and a responsibility to raise concerns about poor practices and a right to be protected from reprisals if you do raise concerns. Any employee becoming aware of inappropriate activity is obliged and Governors and the Headteacher encourage you to report it.

The school recognises staff may wish to seek advice and be accompanied by their Trade Union when using the provisions of this policy and acknowledges and endorses the role representatives play in this area.

The procedure has been consulted on with recognised Teaching and Support Trade Unions and its operation will be kept under review.

## 2.0 What is this Procedure For?

The school already has a number of different policies and procedures to deal with different types of concerns. For example, it has a grievance procedure for employees to raise matters relating to their conditions of employment and personal circumstances. We have a complaints procedure for parents to raise concerns and a safeguarding policy to investigate allegations of alleged abuse. Other relevant policies and procedures can be found in Section 3 'Other Procedures.'

The Confidential Reporting (Whistleblowing) Procedure is not intended to replace these procedures but it covers major concerns which fall outside the scope of other procedures. It also provides a channel for you to report serious concerns and ensures that the school provides you with the support you need. It is possible that an investigation into the concerns raised might be carried out under one of the other procedures. Allegations of abuse to a child are an obvious example.

## 3.0 Examples of Other Procedures

(Copies are available from the learning platform website under LA Docs, HR policies and procedures)

- The Grievance Procedure
- Safeguarding and Safer Recruitment Policy
- Managing Allegations Against Staff & Volunteers Working with Children & Young People (Child Protection allegations will not be investigated without seeking advice from LADO).

(this list is not exhaustive)

#### **4.0 Principles of the Confidential Reporting (Whistleblowing) Policy/Procedure**

This Policy/Procedure explains how you can raise serious concerns and what the school will do to deal with these concerns and support you.

The policy is based on several principles.

- Our primary duty of care to children and young people and other users of our services.
- Our duty of care to colleagues
- Concerns raised internally will be dealt with seriously and thoroughly investigated.
- Employees raising concerns will be offered full support.
- The school will not tolerate any harassment, bullying or detriment to employees raising legitimate concerns.
- The school will not tolerate employees making malicious and vexatious allegations.

Whistleblowing is a term commonly used for raising serious concerns. It is often thought of as raising a concern outside the school because, for whatever reason, the employee feels unable to raise it internally. This policy aims to encourage and enable employees to raise their concerns within the school rather than overlooking the problem or raising it outside.

The 'Public Interest Disclosure Act 1998' protects employees who raise serious concerns this way. Should an issue be raised that does not have the protection of the law the school will protect and support the employee so long as they act in good faith.

This policy is for guidance only and does not form part of your contract of employment. The process outlined in this policy can be varied by mutual agreement of all parties concerned.

#### **5.0 What are Serious Concerns**

Serious concerns could relate to a number of different things such as:

- breach of recognised or established standards of professional practice or conduct within school practice;
- suspected conduct which is an offence or a breach of the law, including criminal activity;
- suspected breach of school or Local Authority policy;
- fraud or corruption; e.g. misappropriation of funds

- danger to health and safety;
- physical or sexual abuse (from either a position of trust or of a vulnerable person);
- improper conduct;
- dangerous procedures or practice risking Health and Safety
- the unauthorised use of public funds
- conduct which may be deemed unethical
- cover up of any such things.

This list is not exhaustive.

Protection under the Public Interest Disclosure Act extends to disclosure concerning a wrongdoing that took place overseas or where the law applying to the misconduct was not that of the United Kingdom.

The law protects employees who make certain disclosures. To rely on this legal protection you should reasonably believe that the disclosure is in the public interest and

- a) that a criminal offence has been committed, is being committed or is likely to be committed;
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- c) that a miscarriage of justice has occurred is occurring or is likely to occur;
- d) that the health and safety of any individual has been, is being or likely to be endangered;
- e) that the environment has been, is being or is likely to be damaged, or;
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.

Even when you do not have the protection of the law, the school will protect and support you so long as you act in good faith

## **6.0 Who Can Use This Procedure?**

Provided your concern does not fit more comfortably within another policy/procedure (see section 3) you can use the Confidential Reporting (Whistleblowing) Procedure if you are:-

- an employee (permanent, temporary, casual or student on placement) you are encouraged to use this procedure to raise serious concerns;

- a volunteer working in the school
- an employee in an organisation (including the LA) providing a service under a contract to the school
- an agency worker provided via a contract for service with an employment agency.

## **7.0 How do you raise a Serious Concern?**

**Any** problem should be resolved as close to its source as possible. It is better, therefore to report concerns to your line manager, the senior leadership team or the Headteacher.

In such cases where you cannot talk to your line manager/Headteacher or if you prefer to talk with someone outside your direct management you can do so as follows.

You can raise your concerns orally or in writing. You must state you are raising an issue under the Confidential Reporting (Whistleblowing) Procedure and specify whether you wish your identity to be kept confidential.

### **Other Referrals**

You can raise your concerns with the Chair of the Governing Body of the School with the Trade Union, or the Schools HR Team.

If you feel unable to raise your concerns by any of these routes you can report it to the City Council CYPS Statutory Complaints Officer or to the Director of Children and Young Peoples Services (who may allocate the matter to a Local Authority representative to investigate).

You can also raise your concern to the City Councils Monitoring Officer who is Paul Hackney (Head of Legal Services). This is because the Monitoring Officer has a statutory duty to consider any issue that has, or may, result in the City Council being in contravention of the law or a code of practice with association to the school.

The person to whom your disclosure is made (as set out above) will ask you to formalise your concerns in writing either before or after the first meeting if you have not already done so. Your formal written disclosure will be acknowledged and the person dealing with it will keep a record of further action taken.

You are entitled to be accompanied by a workplace colleague or union representative at any meeting in relation to your disclosure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent disclosure.

## **8.0 How are Concerns Dealt With?**

In the first place the Headteacher or the person whom you made the disclosure to or LA officer needs to make sure that no one is at serious risk or in danger. If they are, prompt action needs to be taken to protect them.

## **Initial Fact Finding**

Initial enquiries will usually be made to decide how to deal with any concerns raised. All serious concerns will be investigated quickly using the most appropriate procedure.

## **Investigations**

Investigations might be undertaken by the Headteacher, internal management, a nominated school governor/panel (including a nominated officer by the Director of People) or the City Council Internal Audit Service. In some cases the matter will need to be referred to the police for an independent inquiry.

## **Timeframes**

The investigating officer/panel will try to tell you within ten working days the concerns you have raised have been dealt with. As far as possible the investigations will be endeavored to be completed within twenty-eight working days. However, complex investigations may take longer. Any investigation taking longer than twenty-eight working days will be reviewed and you will be kept informed of any delays.

## **Anonymous Reporting**

Anonymous concerns are much more difficult to deal with and employees are encouraged to put their name to the allegation. The purpose of the investigation is to prove the allegation.

In deciding whether it is possible to deal with anonymous concerns the following will be taken into account;

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of being able to confirm the allegation.

Anonymous allegations cannot be guaranteed to be investigated if the above criteria are not satisfied.

In addition proper investigation may prove impossible if the investigator cannot obtain further information from the individual, or give feedback and the investigating officer/panel is unable to ascertain whether the disclosure was made in the reasonable belief that the disclosure was in the public interest.

The individual should reveal his/her identity to the person with whom the concerns are raised and measures can then be taken to preserve confidentiality as appropriate.

## Confidentiality

Every effort must be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, the individual will also be expected to keep the fact that they have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be exceptional circumstances in which, because of the nature of the investigations or disclosure, it will be necessary to disclose the identity of the individual. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in the view of the investigating officer/panel such circumstances exist you will be informed that your identity is likely to be disclosed.

If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure.

## Record Keeping

The school will keep its own record of all concerns raised under this policy in a secure environment.

## 9.0 Support Available

Individuals who raise serious concerns will inevitably feel anxious or may experience shock if witnessing something unpleasant. The person receiving the information is responsible for ensuring support. Employees should feel confident that their concerns will be treated seriously and sensitively. The identity of the individual will be protected unless they are required to give evidence personally as part of the investigation.

The process of investigating concerns can be lengthy. The employee will be kept informed of developments and supported throughout. Employees who have genuine concerns should not be put off either raising them in the first place or seeing them through the investigation process because of a lack of support. We will ensure you are not left feeling vulnerable and isolated. As far as confidentiality rules allow we will inform you of the outcome of the investigations.

Members of staff who raise genuinely held concerns in good faith under this procedure should not be subjected to any detriment as a result of their disclosure. Detriment includes unwarranted disciplinary action, victimisation or threats. If the individual believes they have been subjected to a detriment within the workplace as a result of raising concerns under this procedure they should inform the person to whom the disclosure was made immediately. If the matter is not remedied the employee may raise a grievance under the Grievance Procedure/ Respect at Work Policy.

In the unlikely event of an employee being victimised or fearing reprisals every support will be offered and action will be taken. The employee may wish to contact the Headteacher/Line Manager or their Trade Union Representative for further support.

In all circumstances you the employee wish to seek further support from the employee advice, counselling and support line or the Teacher Support Network. Details of this service are available from the Headteacher or Human Resources.

## **10.0 What Happens If the Concerns Are Not Founded?**

If the employee has acted in the public interest they will not be penalised in any way. In such cases the school and Local Authority will do what it can to support both parties.

However, the school must protect itself and its staff from false and malicious claims. Disciplinary action will be considered where any member of staff who is found to have acted frivolously, maliciously or for personal gain.

If the employee has acted in the public interest and their identity has become known mediation is available for persons involved in the investigation.

## **11.0 How to Take the Matter Further?**

Although every attempt should be made to deal with serious concerns internally in the first instance, if you believe that the concerns you have raised have not been dealt with satisfactorily, or, you reasonably believe that you might be victimised or vital evidence stolen or destroyed, you can contact one of the people listed below. To receive the protection of the law an 'external disclosure' (that is a serious concern raised outside the school), must fit into one or more of the categories (a to f) listed under What are serious concerns (See section 5) and you must:

- Make the disclosure in the reasonable belief that the disclosure is in the public interest.
- Reasonably believe that the information disclosed, and any allegation contained in it, are true;
- Ensure the disclosure is not for personal gain;
- Ensure that in all circumstances of the case it is reasonable to make the disclosure.
- Further consultation with your Trade Union

To make an 'external disclosure' you can contact the External Auditor (currently the Audit Commission) on 232788 or you could talk to a elected member of the City Council, the Local Authority, the Police, someone in a Government Department, a professional body or a regulatory organisation with an interest in the concerns you want to raise. Some examples are the Health and Safety Executive or the Information Commissioner. If you cannot find the contact details at work your local library would be able to help you.

If you do raise matters outside the school you must be sure not to disclose confidential information.

## 12.0 External Contacts List

### Trade Unions

NUT – Ivan Hickman  
Mobile: 07767 360284

ATL – Peter Lane  
Mobile: 07870 902006

NASUWT – Harold Gurden  
Mobile: 07774 650 250

UNISON – Justin Ashton  
Telephone: 07880 966510

NAHT – Derek Gray  
Mobile: 07887 803714

GMB – Jeff Birks  
Mobile: 07919181268

UNITE – Steven Williams  
Office: 01782 219800

### HR

Clare Bromley (HR Business Partner), Human Resources, Floor 2, Civic Centre, Glebe Street, Stoke on Trent, ST4 1RN.

Telephone: 01782 237037

### Legal Services

Paul Hackney, (Head of Legal Services) Civic Centre Glebe Street, Stoke-on-Trent ST4 1RG

### 13.0 Specific Safeguarding Whistleblowing Policy and Procedures

1. Adults working in a school are often the first to realise that someone's behaviour is, or is likely to cause harm to a child or young person.
2. This school is committed to safeguarding and promoting the welfare of every child, and expects the highest possible standards of openness.
3. This school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible.
4. This school will not tolerate harassment or victimisation and will take all possible measures to protect anyone who raises concerns in good faith.
5. All concerns will be treated in confidence and we will make every effort not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.
6. Staff members raising concerns should not discuss the allegation further with other members of the team so that any investigation is not compromised in any way. The complaint/allegation should be treated as confidential information.
7. If you voice suspicion in good faith but is not confirmed by the investigation, no action will be taken against you.
8. If the investigation concludes that you have fabricated the allegations, disciplinary action may be taken against you.
9. The earlier a concern is reported the easier it is to take action.
10. As a first step concerns should normally be raised with an immediate manager or Head teacher or Designated Person for Child Protection.
11. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two, or more, of you who have had the same concerns.
12. If you feel that you cannot approach any of these, the MASH Team for child protection should be consulted (01782 235100) and ask to speak to LADO. You can also contact the NSPCC on 08000280285.
13. Concerns are better raised in writing. If you feel this is not possible you can telephone or meet the appropriate person.
14. Your report, written or verbal, should set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are concerned about the situation.
15. Please see the Local Safeguarding Children's Board Whistle Blowing Policy contained below, including the NSPCC whistleblowing hotline and The Public Interest Disclosure Act 1998 for further information.



[www.safeguardingchildren.stoke.gov.uk](http://www.safeguardingchildren.stoke.gov.uk)

## SSCB SECTION 2D / SOT B05

### Staffordshire Safeguarding Children Board (SSCB) and Stoke on Trent Safeguarding Children Board (SCB)

#### Organisational Whistle Blowing Policy to Safeguard and Promote the Welfare of Children

### Introduction

Improving the way in which people and organisations safeguard and promote the welfare of children is crucial to improving outcomes for children and young people and key local organisations named under section 11 of the Children Act 2004, have a duty to demonstrate that they have effective arrangements in place within their organisation to safeguard and promote the welfare of children. Governing Bodies of Maintained schools have a similar duty under section 175 of the 2002 Education Act, and Independent Schools, Academies and the Further Education Sector under Section 157 of the same Act. These key bodies have to demonstrate that they have an effective whistle blowing process in place and that their workforce is aware of this process. This document therefore aims to offer a standard policy template for adoption by organisations that:

- Have a whistle blowing policy in place but it makes little or no specific reference to the safeguarding of children and young people;
- Do not have an existing whistle-blowing policy in place within their organisation and are required under section 11 processes to have one; and
- Organisations where there is not a section 11 requirement, but who wish to promote good practice within their organisations.

### Policy Statement

Staffordshire Safeguarding Children Board (SSCB) and Stoke-on-Trent Safeguarding Children Board (SCB) expect **all staff and employees including adults working with children and young people, temporary staff, volunteers, students, contractors or external partner agencies**, to express any concerns that they may have with regards to the conduct of any individual(s). The term 'staff' will hereafter include all of the wider workforce, as stated above.

In line with the expectations of both Boards, Hanley St. Luke's 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.

This policy document is intended to encourage and enable our staff to raise their concerns and to do so without fear of victimisation or discrimination. It does not replace the Complaints Procedure or the Child Protection/Safeguarding Policy or the organisation's standard procedures for reporting allegations or concerns about staff or volunteers. It is supplementary to the organisation's Whistle Blowing Policy in

regards to other forms of malpractice covered under the 'Public Interest Disclosure Act'. Please see our Whistleblowing Policy that considers financial issues.

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.

### **Aims**

This policy aims to:

- Encourage adults working for or within the organisation to feel confident in raising concerns;
- Provide a process by which concerns can be raised and dealt with;
- Receive feedback on the process (where appropriate); and
- Provide a means by which staff can receive support where concerns have been raised.

### **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**

Hanley St. Luke's 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 Hanley St. Luke's will take appropriate action in order 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.

### **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.

### **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.

### **How to raise a concern – The Head teacher Mrs Lynne Williamson**

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 (Mrs Lynne Williamson, Headteacher). If the Designated Person is the subject of concern the matter should be referred to a more senior member of management or, if this is not possible, the Whistle Blowing Policy can be implemented. 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.

For further information about the Staffordshire LADO process (Section 4A), please use the following link:

[Staffordshire Managing allegations](#)

For information about the Stoke-on-Trent LADO process, please use the appropriate link [stoke.gov.uk/Managing Allegations LADO.pdf](http://stoke.gov.uk/Managing_Allegations_LADO.pdf)

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 a nominated person (the 'responsible person') within the organisation or an umbrella organisation to which the organisation is affiliated Liz Clewes, Deputy Head teacher and Amanda Clough, Safeguarding Officer. 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 A).

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

### **How Hanley St. Luke's will respond:**

Any concern regarding child protection will be referred to external agencies for investigation (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.

### **Who to contact**

Mrs Lynne Williamson, Head teacher, Liz Clewes, Deputy Head teacher, Amanda Clough, Safeguarding Officer

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)

#### **Stoke on Trent Authority:**

**-Individual designated agency leads for child protection**

**-Advice and Referral Team (ART) – 01782 235100**

**-Education Safeguarding Officer – 01782 235897**

**-LADO officer as per rota – 01782 235885**

### **Other support**

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](mailto:whistle@pcaw.org.uk). For further information please see their website at [www.pcaw.co.uk](http://www.pcaw.co.uk).

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

The NSPCC also operate a whistle blowing hotline. The number for this is 0800 0280285

**Policy adopted on 29.04.2016:** \_\_\_\_\_

**Date of Review:** 08/02/2017 (to be reviewed annually)

Updated policy to be agreed by Safeguarding Committee and to be recommended to the Full Board of Governors on 07/03/2017

**Signed:** \_\_\_\_\_ **Designation:** \_\_\_\_\_

**Appendix A**

**Whistle Blowing Report Form**

**Name:** \_\_\_\_\_

**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 so, please outline what action you took**

**if you did not take action at the time, please give details as to why you took no action**

**Date:**.....**Location/Department**.....

**Signed:** .....**Date**.....

**Designation**.....