Harehills Primary School

Learn, Laugh and Love

Whistleblowing Policy

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Staff Responsible:	Judy Wood	

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1. Policy summary and guiding principles

Introduction

1.1 This policy sets out the principles that enable you to raise concerns about a danger, risk, malpractice or wrongdoing that affects others, without fear of adverse consequences such as harassment or victimisation.

1.2 The governors of the school are committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees, who have serious and legitimate concerns about any aspect of the school's work, to come forward and voice those concerns through accessible channels rather than overlooking the issues or discussing them externally. Making your disclosure under this policy will enable the school to address any risks as early as possible

1.3 It is recognised that certain cases will have to proceed on a confidential basis. This policy sets out the principles that enable you to raise concerns about a danger, risk, malpractice or wrongdoing that affects others, without fear of adverse consequences.

1.4 In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns in the public interest.

Aims of the policy

1.5 Aims

- To provide avenues for you to raise concerns and receive feedback on any action taken;
- To allow you to take the matter further if you are dissatisfied with the school's response;
- To provide re-assurance that you will be protected from reprisals or victimisation for whistleblowing in the public interest.

1.6 There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the school. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, although the school reserves the right to determine which procedure is appropriate.

1.7 The whistleblowing policy relates to disclosures that are in the public interest. Concerns relating to the way you are being treated at work (for example bullying, harassment and discrimination) do not fall within the remit of the Whistleblowing Policy and should be dealt with under the school's grievance procedure.

1.8 This policy does not form part of a contract of employment. It is regularly reviewed and may be amended from time to time.

What are whistleblowing disclosures that qualify for protection in law?

1.9 Whistleblowing is the term used when a worker passes on information about wrongdoing. To be covered by whistleblowing law, the disclosure must be a "qualifying disclosure".

To be a qualifying disclosure, the disclosure must be made in the public interest and the worker must have a reasonable belief in its truth. The disclosure must also show or tend to show one or more of the following:-

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health and safety of any individual had been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged;
- That information tending to show the above is being or is likely to be deliberately concealed.
- Sexual harassment in the workplace

Disclosures relating to the following matters may fall into the categories of qualifying disclosures:

- Something is contrary to the school's contract procedure rules, financial procedure rules, safer working practice for those working with children and young people in education settings, child protection procedures and other policies;
- Something that falls below established standards or practice;
- Something that amounts to improper conduct, including serious misuse or abuse of authority;
- That mismanagement of funds has occurred, is occurring or is likely to occur;

1.10 A confidentiality clause in a settlement agreement does not prevent a worker from making a disclosure in the public interest.

If your concern is regarding the following please see the contact details below:

Concern:	Who to contact:	Telephone number:
The safeguarding of children or young people.	The Duty and Advice Team	0113 3760336 Mon-Fri 8am to 6pm
	Children's Emergency Duty Team	0113 5350600 (out of office hours)
The safeguarding of vulnerable adults.	Adults Emergency Duty Team	0113 222 4401 Mon-Fri 9am to 5pm
		0771 2106378 (out of office hours)
Suspected benefits fraud.	DWP National Benefit Fraud Hotline	0800 854 440 or by visiting the website on

		www.gov.uk/report-benefit-fraud

Protection from reprisal

1.11 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 malpractice. The school will not tolerate harassment or victimisation and will take action to protect you when you raise a concern which you have reasonable belief to be true and to be in the public interest. This will include disciplinary action against those that subject an individual to detriment because of the whistleblowing referral.

If you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, these procedures will not be halted as a result of your whistleblowing referral.

1.12 Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment because of your whistleblowing complaint. If at any time, either during or after the investigation, you feel that you have suffered any detriment because of your whistleblowing you should contact your union, the Headteacher, the chair of the governing body or internal audit.

Confidentiality

1.13 The school treats the details of all whistleblowers in confidence and will not intentionally divulge your identify without your informed consent, which the school will make a record of. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly and in some cases, you may be asked to act as a witness as part of a disciplinary procedure.

1.13.1 Whistleblowers must also be aware that where the school or relevant organisation has a statutory obligation under law enforcement to refer a concern to the police, you may be required to provide a statement and/or give evidence, as part of the investigation or court proceedings.

Anonymous Allegations

1.14 Allegations can be made anonymously. Anonymous reports may be more difficult or even impossible to investigate if further information cannot be obtained from you. This policy encourages you to provide your name and contact details when making your allegation. For example, we may need to contact you to obtain further information or verify the details you have already given us.

1.15 Anonymous allegations will be considered wherever possible at the discretion of the school. The factors to be considered when determining whether an investigation in such a case can proceed would include:

- the seriousness of the issues raised.
- the credibility of the concern; and
- the likelihood of confirming the allegation from other, attributable sources.

Untrue Allegations

1.16 If you knowingly make an allegation which is either malicious and /or false, and/or one which you which you could not have reasonably believed to be true, then this may be considered an abuse of the whistleblowing policy and disciplinary action may be taken against you.

2. Main legislative and national guidance and other relevant documents

Public Interest Disclosure Act 1998
Data Protection Act (2018)
Freedom of Information Act (2000)
Employment Rights Act 1996
The Enterprise and Regulatory Reform Act 2013
Safer Working Practice Guidance 2022
Keeping Children Safe in Education (September 2022)
Whistleblowing, Grievance and Disciplinary Policies

3. Procedures

How to raise a concern

3.1 It is important that you feel comfortable in raising legitimate concerns in the public interest, as this provides the school with an opportunity to address the associated issues as early as possible. The earlier you express the concern, the easier it is to act. Over time these details can be forgotten, or remembered incorrectly, which can make a concern more difficult to investigate and so it will help us if you make a note of your concerns at the time and let us know about them as soon as possible.

3.2 As a first step, you should normally raise concerns with your immediate manager or other appropriate manager. This depends, however, on the seriousness and sensitivity of the issues raised and who is thought to be involved. For example, if your concerns are about leadership and management, you should contact the governing body or Leeds City Council internal audit using the contact details below.

3.3 All referrals will be treated in the strictest of confidence. Concerns may be raised in writing and/or by email, or initially by telephone to the following:

- Your manager.
- Headteacher/Principal.
- Chair of the governing body.
- Diocese in the case of faith schools.

- Leeds City Council Internal Audit on 0113 3788008
- Leeds City Council Children's Services on 0113 2224444
- Leeds City Council Education Safeguarding Team 0113 3789685
- NSPCC Whistleblowing Advice Line on 0800 028 0285

Where a referral is made to Leeds City Council, they will determine to whom the concerns should be referred. This will depend on the nature of the issues raised.

3.4 You may invite your trade union or professional association to raise a matter on your behalf.

3.5 Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern. It would be useful to provide relevant information including, where possible, such as:

- The background and history to the case.
- The reason why you are particularly concerned.
- Any specific details available including names, dates, times and places.
- Details of any conversations that support the concerns.
- Details of any personal interest that you may have in the matter; and
- How you think that things may be put right, if possible.

If you are concerned about reporting an issue within your educational setting you can seek advice from Leeds City Council's internal audit team.

Concerns can be raised using the following methods:

- Whistleblowing hotline: (0113) 3788008 (a dedicated hotline answered by a member of the internal audit team or an answerphone).
- Email: concerns@leeds.gov.uk
- In writing: Internal Audit, 3rd Floor West, Civic Hall, Leeds, LS1 1JF

3.6 If a concern is discussed with someone directly involved then it creates an opportunity for evidence to be tampered with or removed. Concerns should not be discussed with others unless as part of an appropriately structured investigation. Doing so may leave you open to accusations of making slanderous or libellous comments should your concerns be unfounded, as these could damage the reputation of individuals and the school, even if there is no evidence of any wrongdoing.

3.7 There are special rules surrounding the gathering of evidence. This is of particular importance regarding surveillance. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case, as evidence must be collected in accordance with current legislation.

How the school will respond to your concerns

3.8 Our school is committed to treating all concerns raised consistently and fairly. The action taken by the school will depend on the nature of the concern. An initial assessment of the information received will be completed by a nominated person

as detailed below. This will determine if further investigation will be undertaken and if so who is best placed to complete this.

3.8.1 The Headteacher will make this initial assessment and decide on the most appropriate course of action where concerns are raised about a school employee or employees.

3.8.2 Concerns raised about the Headteacher will be assessed by the Chair of Governors who will decide on the appropriate course of action.

3.8.3 Concerns raised about the governing body will be assessed by the Local Authority in the case of maintained schools where the Local Authority is the employer. Leeds City Council Children's Services may be asked or required to investigate and/or refer the matter for investigation on behalf of the school.

3.8.4 Where concerns are raised about the governing body of Foundation, Trust and Voluntary Aided schools where the school is maintained (financially) by the Local Authority but the Local Authority is not the employer, the school will seek support from the Trust or Diocese to assess and investigate a complaint.

Dependent on the issues raised, the nominated person will decide that your concerns may:

- be investigated internally by the school, (this is the most likely option);
- be referred to the Local Authority Designated Officer (LADO);
- be referred to the police.
- be referred to the external auditor.
- be referred to Leeds City Council's Children's Services.
- form the subject of an independent investigation.
- or any combination of the above.

3.9 Concerns or allegations that fall within the scope of specific procedures (for example, child protection, grievance, school complaints or disciplinary issues) will normally be referred for consideration under those procedures.

3.10 Some concerns may be resolved by agreed action without the need for investigation.

3.11 Within ten working days of a concern being received, where appropriate, the nominated person will write to you to:

- acknowledge that the concern has been received.
- indicate how they propose the matter is dealt with (including potential timescales);
- tell you whether any initial enquiries have been made; and
- tell you whether further investigations will take place and, if not, why not.

3.12 The amount of contact between the person(s) considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and

the clarity of the information provided. If necessary, further information will be sought from you.

3.13 When any meeting is arranged, you have the right, if you wish, to be accompanied by a union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.

3.14 The school acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

How the matter can be taken further

3.15 This policy is intended to provide you with an avenue to raise concerns within the school. The school hopes you will be satisfied. If you are not, and if you feel it is right to take the matter further, please consider using the contact details below:

- Relevant professional bodies or regulatory organisations.
- Your union.
- The Health and Safety Executive (HSE).
- The Information Commissioner www.ico.org.uk;
- Leeds City Council Internal Audit.
- Your local council Member (if you live in the area of the Council). The council has a list of council Members on its democracy pages.
- A solicitor.
- The police.
- Protect: 020 3117 2520 www.whistle@protect-advice.org.uk
  (An independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice)
- The Department for Business, Enterprise and Regulatory Reform (www.berr.gov.uk)

3.17 If you do take advice from an external party, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged. If you have any queries as to what constitutes confidential information, please check with your trade union or a legal advisor about this.

Support for Whistleblowers

3.18 Everything possible will be done by the school to manage employment relationships both during and following a genuine and reasonable concern being raised. The school will be able to signpost you to support such as the HELP employee assistance programme. Whistleblowers may also seek legal advice or support from their trade union where necessary.

4. Roles and Responsibilities

The Governing Body

The school governing body has overall responsibility for:

- maintaining and operating the policy.
- annually reviewing the policy.
- adopting amendments to the policy made by the Local Authority.
- promoting the policy to employees periodically.
- maintaining a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality).
- engaging where necessary with our HR provider.

Leeds City Council

- Developing and maintaining the policy for Leeds schools.
- To provide advice and support for whistleblowing matters, where appropriate and necessary.

Headteachers and Managers

- To undertake investigations without undue delay.
- To maintain confidentiality.

Employees

- To raise issues of concern responsibly and in a timely manner, whilst always referring to the policy and procedure.

Others

As a worker, a contractor of the school or a partner organisation, it is recognised that you may have concerns which you may want to bring to our attention. The school is committed to encouraging all individuals, including non-school employees to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as school employees.

5. Equality Impact Assessment

The equality impact assessment of this policy is wholly positive as the policy supports the opportunity to address equality and diversity issues.

Appendix 2
Whistleblowing- Raising Concern Form

You should use this form to help you to raise a concern where you believe there is a malpractice, danger, risk, or wrongdoing that affects others.

Please make sure you have read and understand the School's adopted Whistleblowing Policy and the guidance below on what constitutes a 'qualifying disclosure' before completing this form

1. About you

Your name: _____ Your job title: _____

Where you work: _____

How we can contact you (please indicate preferred method of contact): Phone Number: _____

Address: _____ Email: _____

Please note allegations can be made anonymously, but these may be more difficult, or even impossible to investigate if further information cannot be obtained from you. For further guidance please refer to section 1.14 and 1.15 'Anonymous Allegations' within the Whistleblowing Policy for School Based Staff.

2. Whistleblowing Law 'Qualifying Disclosures'

To be a qualifying disclosure, the concern must be raised in the public interest and you must have reasonable belief in its truth. Please indicate below where you believe your concern shows, or tends to show one of the following:

a)	a criminal offence has been committed, is being committed or is likely to be committed	Yes/No
b)	a person has failed, is failing or is likely to fail to comply with any legal objection to which that person is subject	Yes/No
c)	a miscarriage of justice has occurred, is occurring or likely to occur	Yes/No
d)	the health and safety of any individual had been, is being or is likely to be endangered	Yes/No
e)	the environment has been, or is likely to be damaged	Yes/No
f)	that information tending to show the above is being or is likely to be deliberately concealed	Yes/No

Disclosures relating to the matters below may also fall into the category of qualifying disclosure. Please indicate if your concern shows or tends to show one of the following:

g) something is contrary to the school's contract procedural rules, financial procedure rules, safer working practice for those working with children and young people in education settings, child protection procedures and other policies — Yes/No

h) something that falls below established standard or practice — Yes/No

i) something that amounts to improper conduct, including serious misuse or abuse of authority — Yes/No

j) that mismanagement of funds has occurred, is occurring or likely to occur — Yes/No

3. Further Information

Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern. Please provide as much information as possible below including where possible, the following:

- the background and history to the case
- the reason why you are particularly concerned
- any specific details available including names, dates, times and places
- details of any conversations that support your concerns
- details of any personal interest that you may have in the matter, and
- how you think that things may be put right, if possible

Details of concern: