

WHISTLEBLOWING POLICY

INTRODUCTION

St Nicholas School and KCC is committed to the highest possible standards of openness, probity and accountability and we encourage employees and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimisation, internally within St Nicholas rather than over-looking a problem or raising the matter outside.

It applies to all employees, agency workers and those contractors working on St Nicholas premises, including; cleaners, builders and drivers. It also covers suppliers and those providing services under a contract with St Nicholas in their own premises.

This policy is based on the local authority policy (which applies to all schools within their remit) and is tailored as appropriate for St Nicholas

Definition

Whistleblowing means the confidential raising of problems or concerns within an organisation (school) or within an “independent review structure” associated with that organisation (for maintained schools, this is your local authority). It provides protection for individuals who disclose malpractice and wrongdoing.

OTHER COMPLAINTS PROCEDURES

This procedure is separate from KCC’s [Complaints Procedures](#) and other statutory reporting procedures applying to some directorates. Managers are responsible for making service users aware of these procedures.

St Nicholas School has adopted the Model Procedure for Managing Staff Disciplinary Matters and Poor Performance from the Schools Personnel Service and the guidance for Dealing with Allegations of Abuse against Teachers and other staff from the DfEe.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

AIM

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- provided with avenues to raise concerns and receive feedback on any action taken

- Given a response to their concerns and are aware of how to pursue them if not satisfied.
- Reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying. This procedure is intended to cover concerns that fall outside the scope of other procedures.

Scope

Malpractice and wrongdoing will include the following, but the precise coverage and terms used can vary:

- Any unlawful act, whether criminal or a breach of civil law
- Maladministration, as defined by the Local Government Ombudsman
- Breach of any statutory Code of Practice
- Breach of, or failure to implement or comply with Financial Regulations or Standing Orders
- Any failure to comply with appropriate professional standards
- Fraud, corruption or dishonesty
- Actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property
- Loss of income to the school
- Abuse of power, or the use of the school's powers and authority for any unauthorised or ulterior purpose
- Discrimination in employment or the provision of education
- Any other matter that staff consider they cannot raise by any other procedures.

- Conduct that occurred, is occurring or is likely to occur the result of which St Nicholas or KCC fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical contact discrimination of any kind and waste/frivolous expenditure

- Disclosures related to past, current or likely miscarriages of justice

- Past, current or likely health and safety risks, including risks to the public as well as other employees (see below)

- Past, current or likely damage to the environment concerns about any aspect of service provision or the conduct of staff of St Nicholas or officers or KCC

- Members or others acting on behalf of the St Nicholas, can be reported under the Whistleblowing Procedure.

This may be about something that you:

- feel uncomfortable about in terms of known standards, your experience or the standards you believe St Nicholas subscribes to: or
- is against St Nicholas School policies; or fall below established standards of practice or;
- Amounts to improper conduct .

KCC's Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

CONFIDENTIALITY

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

ANONYMOUS ALLEGATIONS

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at KCC's discretion.

In exercising the discretion, the factors to be taken into account would include:

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

UNTRUE ALLEGATIONS

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

HOW TO RAISE A CONCERN

GENERAL

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- give the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A trade union or professional association may raise a matter on behalf of an employee.

STEP ONE – RAISING A CONCERN

The governing body has approved the following staff to whom staff can report concerns to:

Staff Member 1: Angela Pike (Deputy Headteacher)

Staff Member 2: Stephen King (Deputy Headteacher)

If the nominated staff are involved in the issue then the issue should be addressed to the Headteacher.

Finally , if so required, the issue can be addressed to the Chair of the Governing Body

Also the following people at KCC provide an avenue whom their staff can report concerns to if they feel a need to go outside the school.

Business Strategy & Support

Geoff Wild

Geoff.wild@kent.gov.uk

01622 694302

Enterprise & Environment

Paul Crick

Paul.crick@kent.gov.uk

01622 221527

Education, Learning & Skills

Hilary Williams

Hilary.williams@kent.gov.uk

01622 694031

Families & Social Care

Daniel Waller

Daniel.waller@kent.gov.uk

01622 696344

Customer & Communities

Judy Doherty

Judy.doherty@kent.gov.uk

01622 221327

Senior Management contact points

David Cockburn (Head of Paid Service)

david.cockburn@kent.gov.uk

01622 694000

Janet Armstrong (Senior Auditor Manager)

Janet.armstrong@kent.gov.uk

01622 694567

Independent Helpline

Public concern at work

020 7040 6609

KCC has an Anti Fraud and Corruption Policy Statement and all suspected financial irregularities must be reported to the Chief Internal Auditor.

STEP TWO – HOW ST NICHOLAS SCHOOL AND KCC WILL RESPOND

The action by St Nicholas and the KCC takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, Internal Audit or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor

- form the subject of an independent inquiry.

In order to protect individuals, the school and KCC, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how St Nicholas or the KCC proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

CONTACT

The amount of contact between the personnel 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.

ATTENDING MEETINGS

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

SUPPORT

St Nicholas and KCC will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, KCC will advise or arrange for you to have advice about the procedure.

St Nicholas nor KCC will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

It is accepted that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

HOW THE MATTER CAN BE TAKEN FURTHER

This procedure is intended to provide individuals with an avenue to raise concerns within St Nicholas and KCC. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Public Concern at Work 020 7404 6609
- Audit Commission 020 7630 1019
- local Kent County Council member
- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If a matter is taken outside KCC, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named KCC contacts.

PUBLIC INTEREST DISCLOSURE

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any KCC employee directly due to the individual having made such a disclosure will automatically be unfair.

STAFF AWARENESS

On a regular basis, the Headteacher is to ensure that all staff are made aware of the:

- protection that is available to all members of staff (including e.g. temporary staff and contractors);
 - areas of malpractice and wrongdoing that are covered; and
- routes available within the school and your local authority for raising issues.

MONITORING AND REVIEW

This policy will be monitored on a yearly basis by the Head Teacher to keep up to date with any adjustments to statutory legislation or curriculum and any changes will go via the Governing Body when necessary.

EQUALITY, SAFEGUARDING AND EQUAL OPPORTUNITIES STATEMENT

St Nicholas School, in all policies and procedures, will promote equality of opportunity for students and staff from all social, cultural and economic backgrounds and ensure freedom from discrimination on the basis of membership of any group, including gender, sexual

orientation, family circumstances, ethnic or national origin, disability (physical or mental), religious or political beliefs.

St Nicholas School aims to:

- Provide equal opportunity for all
- To foster good relations, and create effective partnership with all sections of the community
- To take no action which discriminates unlawfully in service delivery, commissioning and employment
- To provide an environment free from fear and discrimination, where diversity, respect and dignity are valued.

All aspects of Safeguarding will be embedded into the life of the school and be adhered to and be the responsibility of all staff.

LINKS TO OTHER POLICIES

Safeguarding
Complaints
Health and Safety
Behaviour
Staff Code of Conduct
Performance Management
E safety

DANIEL LEWIS

REVIEWED TERM 5 2018

RATIFIED BY THE THE FULL GOVERNING BODY – 20 JUNE 2018