



Bristol Drive
Lincoln
LN6 7UE

Whistleblowing Policy (adopted from LCC)

September 2024

This policy aims to give all members of the school community clear guidance with regard the procedures and support in place for Whistleblowing. This should not be confused with the Managing Allegations against staff policy and both should be considered.

Policy Owner	SLT
Governing Body Committee	Full Governors
Date Approved by Governors	
Next Review Date	September 2025

At Sir Francis Hill, we have adopted Lincolnshire County Council's Whistleblowing Policy, as we are a maintained school. We have added additional information which explains how we will carry out our duty in terms of Whistleblowing.

Responsible Officer at Sir Francis Hill: Senior Leadership Team

admin@sfh.lincs.sch.uk 01522 520359

Responsible Governor at Sir Francis Hill: Mr Dave Reed (Chair of Governors)

d.reed@sfh.lincs.sch.uk 01522 520359

Consultation: Development Committee

Date: September 2024

Review Arrangements: Annually

Introduction

We, at Sir Francis Hill Primary School, want to make sure that we are providing the very best care to our children and staff. All of our Staff and Governors have an important role to play in achieving this goal and we expect everyone to be committed to our high standards of education and care which are based on the principles of honesty, openness and accountability.

We acknowledge that we face the risk that something may go wrong or that someone may ignore our policies, our procedures or the law resulting in some very serious consequences. Experience shows that staff, or others who work on behalf of an organisation, often have worries or suspicions and could, by reporting their concerns at an early stage, help put things right or identify and stop potential wrongdoing. The term 'Whistleblower' is generally used for a person who works in or for an organisation that raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues or members of the public or the success and reputation of the organisation. In our case, this means that serious risk could occur to a child.

We want staff to feel that it is safe and acceptable to tell Senior Leaders and Governors about their concerns so that leaders at Sir Francis Hill can investigate and take action as soon as possible. We recognise that staff may be worried about reporting for a number of reasons:

- fear of reprisal or victimisation (e.g. loss of job)
- too much to lose (reputation, damage to career etc)
- feelings of disloyalty
- worries about who may be involved
- you have no proof only suspicions
- fear of repercussions if there is no evidence or they are proved wrong.

At Sir Francis Hill, we welcome all genuine concerns and will treat all issues seriously. We want to assure staff that there is no reason to remain silent; your decision to talk to may be difficult but, if you believe what you are saying is true, you have nothing to fear as you are following the Council's Code of Conduct and helping to protect the pupils of school. We will not tolerate any harassment or victimisation and we will take action to protect those staff who raise concerns that they believe to be in the public interest.

Scope

Staff can use Whistleblowing arrangements if they are an employee of Sir Francis Hill school or a school governor. This policy also applies to supply agency staff, contractor staff and suppliers providing goods or services to our school. Our Whistleblowing arrangements do not replace the following: Child Protection & Safeguarding reporting and policy, Allegations against a member of staff Policy, Disciplinary Policy or Grievance Policy; and staff should only consider raising concerns through our Whistleblowing arrangements if: they have genuine reasons why they cannot use the above policies and procedures, they have reason to believe that these policies are failing or are not being properly applied or when there is a public interest aspect.

Protection and Confidentiality

Whistleblowing law is contained in the Public Interest Disclosure Act 1998 (PIDA – amended by the Enterprise and Regulatory Reform Act 2013). Public bodies, such as this school (as it is maintained), are required to have a Whistleblowing policy and to ensure that employees are not victimised or dismissed for raising their concerns internally. This also applies to those who, as a last resort, feel the need to take their concerns to an outside body, such as the Local Government Ombudsman.

Members of the public who raise concerns are not legally protected by PIDA, so we do offer the option for the person making the allegations to withhold their identity at the time concerns are raised. Staff may feel that the only way they can raise their concerns is if we protect their identity. If the whistleblower does chose to disclose their identity, we will respect confidentiality as far as possible, but there are times when we cannot guarantee this, for example, where a criminal offence is involved or if there are child protection or safeguarding issues.

We will attempt to ensure the whistleblower's identity is not disclosed to third parties and information will not be disclosed unless the law allows or compels us to do so, for example in order to comply with a court order. If the information the staff member provides includes personal information about another person, then that person may be entitled to access it under subject access provisions of the Data Protection Act or General Data Protection Regulations (GDPR). If releasing that information could reveal identifying information about the whistleblower, we will always ask for their consent prior to releasing the information. We will not tolerate any harassment or victimisation (including informal pressure) and we will take action to protect staff when they raise a concern believed to be in the public interest. We will take any disciplinary or corrective action should anyone attempt to victimise the whistleblower or prevent concerns being raised. If we proceed to a formal investigation we may require staff to give evidence along with other employees and witnesses; we are, in some circumstances, able to do this without disclosing the identity of the whistleblower. A statement from the staff member may also be required as part of criminal proceedings or Employment Tribunal – this depends on the nature of the concern.

If the whistleblowing disclosure results in an internal investigation and staff provide a witness statement under that process, their statement may be used for disciplinary purposes. This means the statement may be given to the subject as part of a disciplinary hearing. An employee subject to the disciplinary process can ask to see personal information held about them at any time under the subject access provisions of the Data Protection Act – this may include information within the statement. If it is possible to provide access to personal information within the statement without revealing any information about the whistleblowing, we will do so. If this is not possible, we will always seek the whistleblower's consent before releasing any information. If the statement is not required for disciplinary purposes it will be: held confidentially on our case file (until the case file is destroyed after 7 years) released only with the consent of the whistleblower or a Police/Court Order. The Council, and Sir Francis Hill, as a school does not expect the whistleblower to give their consent – this is their decision alone – but we are required by law to ask them and we do not need a reason should they choose to refuse the request. If a member of staff finds themselves the subject of a whistleblowing disclosure and a decision is made to investigate, the school will follow the appropriate employment procedure: dignity at work, grievance or disciplinary. This means the member of staff will have all the rights contained in that procedure, such as, the opportunity to respond to the allegation and representation at the investigatory interview.

What staff should report (NB. This is not an exhaustive list)

We encourage staff to use our whistleblowing arrangements for issues such as:

- conduct which they believe or know is a criminal offence or breach of law
- a breach of our Code of Conduct for staff
- sexual, physical or verbal abuse of our children/staff
- public dangerous procedures risking the health & safety of our children/staff
- unauthorised use of public funds, suspected fraud or corruption
- damage to the environment
- unethical or improper conduct

Anonymous or untrue allegations

We do not encourage anonymous reporting as the concerns are more difficult to investigate and are generally less powerful. We would like staff to put their name to the allegations whenever possible and remind them of the protection we can provide if we know who they are. Anonymous whistleblowing referrals will be considered at the discretion of the Senior leaders handling the concern, in consultation with LCC, where appropriate. This discretion will be based on the seriousness of the issues raised, credibility of the concern, likelihood of confirming the allegation from an attributable source and evidence base. It may be that our investigations do not confirm the allegation. We will take all concerns seriously and will assure staff that no action will be taken against them if they have raised a concern in the genuine belief that it is, or may be, true. If we find that the member of staff has maliciously made a false allegation, we will take action and they will not be eligible for protection under PIDA.

How to raise a concern

We encourage staff initially to raise their concern internally with Senior Leaders, including Governors, as this may allow the opportunity to right the wrong and give an explanation for the behaviour or activity. We recognise that staff's first actions will depend upon the seriousness and sensitivity of the issues and who they believe to be involved. We advise that staff make it clear that they are raising their concerns under the School's whistleblowing arrangements which have been adopted from the LCC policy. **This disclosure should be made as soon as possible.**

Staff may wish to raise the matter in person and they can do this by using the strategy above; or alternatively they can contact the Council's confidential freephone whistleblowing number below. If staff call this number out of hours they can leave a message on the answer phone which is located in a secure area.

Lincolnshire County Council PO Box 640 Lincoln LN1 1WF

Email address: whistleblowing@lincolnshire.gov.uk

Staff may also call LCC's Confidential Whistleblowing Line: Freephone 0800 0853716 35.

Staff have the option to seek independent advice from their trade union representative or professional association, or can invite a work colleague to raise a concern on their behalf. Further advice may be sought from Protect, the whistleblowing charity, on their whistleblowing advice line: 020 7404 6609. Remember – the earlier you raise the concern, the easier it is to take action.

How we will respond

Our response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally
- referred to the relevant safeguarding team (LADO or CSC)
- referred to the Police, if a criminal matter
- referred to the external auditor
- the subject of an independent inquiry

If the whistleblowing is a major issue which means a child has been subject to, or is at risk of, significant harm, The Senior Leader receiving the whistleblowing allegation will immediately notify the LADO. We may carry out initial enquiries in order to protect individuals or employees and those accused of wrongdoing.

We will use the results of these enquiries to decide whether an investigation is needed, with advice from LADO, and if so, what form it should take. If urgent action is required this will be taken before we start any investigation.

At Sir Francis Hill, we will aim to provide support for the whistleblower and the person who the allegation is being made about. This will ensure that both staff have a point of contact at all times and are able to be supported. This support will be in the form of a Senior member of staff who is not involved, or going to be involved, in the investigation (or possible investigation).

We will acknowledge your whistleblowing disclosure within five working days. Within the next 10 working days we will explain in writing how we propose to deal with the matter. The whistleblower will be:

- given an estimate of how long it will take to provide a final response
- told if initial enquiries have been made
- told if further investigation is required, and if not, why not (where appropriate)
- given details of support mechanisms
- advised of the investigating officer (where appropriate)
- advised how we will inform you of progress

The amount of contact between the whistleblower and the member of SLT considering their disclosure will depend on the nature of the concerns raised. For example, if further investigation is required, the investigator may need to seek additional information from them. If a meeting is necessary, this can be held off site if the whistleblower prefers. They will have a right to be accompanied – this will be a union representative or work colleague (not involved in the area where the concern exists).

Senior Leaders will help with any difficulties the staff member may experience as a result of raising a concern, for example, providing advice if they are required to give evidence for criminal or disciplinary proceedings. Sometimes whistleblowers have counter-allegations made against them. The County Council has a duty to investigate any concerns that it receives and that will apply in these circumstances. However this will not detract from the principles, as set out in this policy, which govern how the Council will respond to whistleblowers. The over-riding objective will be to establish the truth.

Records will be retained of all work carried out and actions taken to address the concerns raised by the whistleblower, including the investigator's case file, where relevant. All files will be held securely and confidentially, in accordance with the Council's retention of records policy. We will, as a school, be able to retain original notes and be able to use those going forward if needed. At the end of the investigations, feedback will be given to the whistleblower (if known) on actions taken and limited detail on the outcome of investigations. Feedback will be subject to legal constraints but we do recognise the importance of providing you with assurances that the matter has been dealt with properly.

Taking the matter further

If you have genuine concerns about how the school or council have handled your whistleblowing disclosure you can raise this with the investigating officer(s) and, or the monitoring officer. We hope that you will reach a suitable conclusion to the matter. If you remain dissatisfied you can contact LCC external auditors at:

Mazars

Park View House

58 The Ropewalk

Nottingham

NG1 5DW

You may also refer your concern to the Local Government Ombudsman. They generally do not take any action until the matter has been dealt with internally first.

The Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Telephone: 0300 061 0614 (Local Government Ombudsman – Advice Team), 10am to 4pm Monday to Friday, except on public holidays.

We would remind you that employees are not to report any Council related issues to the media. To do so may be considered a breach of our disciplinary policy and code of conduct.