Schools HR Policy &

Procedure Handbook

Shropshire Council

Shropshire Hills Federation

KCSiE: Whistleblowing Procedure for Schools 2024

‘Speaking up about Wrongdoing’

This procedure has been shared with the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

- National Education Union
- National Association of Schoolmasters Union of Women Teachers
- National Association of Headteachers
- Association of School and College Leaders
- Unison
- GMB

This guidance has been adopted by the governing body of

Shropshire Hills Federation

on

30/09/2024

IF YOU HAVE SERIOUS CONCERNS IT IS YOUR DUTY TO TELL US AND OUR DUTY TO PROTECT AND SUPPORT YOU

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Whistleblowing Procedure for Schools

1. Introduction

Ensuring that robust policies are in place to provide protection to staff in schools raising genuine concerns in the workplace is an important part of safeguarding children in education.

Governing bodies must ensure they adopt policies and procedures that meet with statutory legislation.

Shropshire Hills Federation is committed to open and honest communication and the highest possible standards of integrity. This will support safeguarding and promoting the welfare of all pupils in its care and expects all staff and volunteers to share this commitment.

This procedure complies with the statutory guidance including **Keeping Children Safe in Education (KCSiE)** issued by the Department for Education. This policy forms part of the HR KCSiE Framework to support schools to meet their responsibilities in relation to safeguarding and child protection.

These include:

- Code of Conduct for School Based Staff
- Safeguarding & Child Protection Policy
- Safer Recruitment Policy
- Low-Level Concerns Policy
- Dealing with Allegations of Abuse Against Staff in Schools
- Online Safety Policy
- DBS Guidance for Schools
- Single Central Record Keeping
- Behaviour policy
- The school's agreed procedure for reporting safeguarding concerns

The procedure closely follows the requirements of the **Public Interest Disclosure Act** which provides employees and those undertaking duties and responsibilities on behalf of the school with protection when raising genuine concerns about wrongdoing in the workplace. It encourages disclosures to be made internally in the first instance but also allows for certain protected disclosures to be made to specific external bodies.

The procedure ensures that employees and others who have serious concerns about wrongdoing are encouraged to speak up. This may need to be on a confidential basis and the school wishes to emphasise that if someone does "speak up" they can do so without fear of reprisals. Such disclosures are termed "blowing the whistle" and this phrase should be viewed as a positive action of speaking up.

It is understandable that employees may not express concerns because they may feel that speaking up would be disloyal to colleagues or they fear harassment/victimisation. The school should encourage all employees to report concerns positively and appropriately.

As a school maintained by Shropshire Council, this policy provides a line of reporting to key individuals within Shropshire Council.

Disclosures made under this procedure are monitored by the school's governing body, required under the Public Interest Disclosure Act.
Details of any disclosure remain confidential. Governors should ensure that the monitoring of concerns raised under this procedure is reported to the full governing body, on at least an annual basis.

2. Aims of the Procedure

This procedure aims to:

- provide avenues for employees to raise concerns and receive feedback on any action taken
- allow employees to take the matter further if they are dissatisfied with the response
- reassure employees that they will be protected from reprisals or victimisation where concerns raised in line with the whistleblowing procedure are made in good faith.

Employees may be the first to see that something is seriously wrong within the school. Such wrongdoings may relate to:

- fraud and corruption.
- discrimination (i.e. a witnessing discrimination as a third party).
- abuse of vulnerable children/people.
- damage to the environment.
- Health & safety breaches.
- Failure to comply with legal proceedings.

It is the duty of employees to speak up when they have serious concerns, and it is the duty of the school to act on those concerns and protect and support employees when they do. A failure to report serious concerns could be construed as collusion. Difficult as it may be to speak up, employees should be aware of their special position and of their duty to make their concerns known.

This procedure should not be confused with the **School Complaints procedure** (where parents can complain about the school or school staff), the **Grievance Procedure** (where employees complain about their treatment as an employee) or the **Safeguarding/Child Protection procedure** (specifically relating to working around children and young people).

This procedure is intended to cover concerns which fall outside the scope of such policies and procedures.

3. Scope

This procedure is available to all staff working in Shropshire maintained schools. A separate version of this procedure is available for Academy schools.

The procedure should be issued to staff and those undertaking duties and responsibilities on behalf of the school during induction to advise specifically on blowing the whistle on wrongdoing. It is also available to be accessed by contractors, voluntary agencies,

partnerships, and any others who the school has dealings with for distribution for their employees.

Reference to 'Headteacher' can also include the 'Executive Headteacher'. Reference to 'school' can refer to school who are part of a federation.

4. Data Protection and the GDPR

KCSiE 2024, para 119 states that:

'The Data Protection Act 2018 and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.'

Further details on information sharing can be found in Working Together to Safeguard Children, which includes a myth-busting guide to information sharing.

It is important that governing bodies are aware of their obligations under the Data Protection Act 2018 and the GDPR to process personal information fairly and lawfully and to keep the information they hold safe and secure.

In addition to this policy, governing bodies/board of trustees will be made aware of Shropshire Safeguarding Community Partnership's (SSCP) local arrangements for action together with the processes and principles for sharing information within the school and with the three safeguarding partners, other organisations, agencies and practitioners as required.

For further support and guidance, please contact your HR Adviser.

5. Serious concerns

Procedures for dealing with allegations or concerns about child abuse already exist and the named person in this school to whom such issues can be referred is Les Ball (DSL), Claire Morris (DDSL) or Sally-Anne Jones (DDSL).

There is a specific procedure for reporting **Low-Level Concerns** and **Dealing with Allegations of Abuse against Staff in Schools**.

Serious concern may be related to something that:

- is unlawful
- is against financial rules, contract rules or other policies
- does not meet established standards or working practices
- amounts to improper conduct

Theft, bribery and corruption, safeguarding/child protection issues, service users or staff and environmental misuse are all the type of things which would fall into these categories.

Concerns arising in education settings may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:

- deliberately ignoring the best interests of the child or young person

- teasing, harassing or touching a child or young person inappropriately
- threatening a child, young person or a parent or distressing them in some way
- neglecting a child by not giving them the support they need, including medical attention or care
- hitting or restraining a child inappropriately
- using a child or young person's money or possessions in an inappropriate way

6. Safeguards

Anonymous Allegations

The school encourages employees to put their name to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the headteacher, in conjunction with the governing body of the school. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the validity of the concern
- the likelihood of confirming the allegation from other sources

Allegations which do not appear to be motivated by personal animosity and which if true, would have serious implications for the school, are more likely to be considered, even though made anonymously.

It must be appreciated, however, that an investigation process may reveal the source of the information and a statement may be required to be provided by the whistle-blower, as part of the evidence.

Harassment or Victimisation

The school recognises that deciding to report a concern can be difficult, not least because of the fear of reprisals.

The school will not tolerate harassment or victimisation and will take action to protect employees when concerns are raised in good faith.

Confidentiality

The school will do its utmost to protect an individual's identity when concerns are raised, and that individual does not want their name to be disclosed. It must, however, be appreciated that an investigation process may reveal the source of the information and a statement may be required to be provided by the whistle-blower, as part of the evidence.

Untrue Allegations

If an allegation is made in good faith, but it is not confirmed as founded by an investigation, no action will be taken against the individual blowing the whistle. If, however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken against that individual.

The matter would be referred to an appropriate school governor committee before any action is taken.

Support to Employees

Throughout and after this difficult process, full support will be given by senior school leaders and concerns will be taken seriously and managed sensitively and confidentially.

If possible, redeployment opportunities will be considered. Staff may also wish to seek confidential support from their Trade Union/ Professional Association.

7. How to raise a concern

Concerns should normally be raised with an employee's immediate line manager or the Headteacher. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing.

If the perceived actions or inactions are attributed to the line manager, the Headteacher or other members of school management team, an individual may wish to report concerns to the Chair of Governors.

Alternatively, school staff can approach the following individuals within Shropshire Council:

- **Head of Paid Service** - if the wrongdoing is about standards of behaviour.
- **Shropshire Council Assistant Director of Legal and Democratic Services** - if the wrongdoing is thought to be illegal or fraudulent.
- **Section 151 Officer** - if the wrongdoing relates to finances such as improper or fraudulent payments.
- **The Executive Director of People** - if the wrongdoing about environmental issue, a children's safeguarding issue or an adult's safeguarding issue.

The above can be contacted by telephoning Customer Services on 0345 678 9000 or emailing whistleblowing@Shropshire.gov.uk or visiting the Council website www.shropshire.gov.uk .

Shropshire Council also operates a Whistleblowing Hotline where confidential disclosures can be made. The contact number is 01743 252627.

Staff can invite a trade union or professional association to raise the matter on their behalf.

The earlier concerns are expressed the better and the easier it will be to take action.

Concerns are better raised in writing and should set out:

- the background and history to the concern
- relevant dates, times and locations, where possible
- the reasons for the concern

It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching an appropriate contact or to impede any investigation which he/she or anyone on her/his behalf may make.

Although individuals raising concerns under this procedure are not expected to prove the truth or substance of an allegation, they will need to demonstrate to those appointed to investigate the matter, that there are sufficient grounds for the concern.

8. How the school will respond

When concerns are raised within the school, the action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by the school
- be investigated by Shropshire Council but independently of those directly involved
- be referred to the Police or other external agency, as appropriate
- be referred to an external Auditor
- form the subject of an independent inquiry

In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. These will be made confidentially, and every attempt undertaken to protect those involved. Concerns or allegations which fall within the scope of specific procedures (for example, safeguarding and/or child protection issues), will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, the school will respond, in writing, to the individual raising a concern:

- acknowledging that the concern has been received
- indicating how the school propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- confirming any initial enquiries already made
- confirming whether further investigations will take place and, if not, why not

The amount of contact between those considering the issues and an individual raising a concern 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 and clarified.

When any meeting is arranged, an employee against whom a concern has been raised will have the right, if they so wish, to be accompanied by a trade union or professional association representative or a friend who is not involved in the area of work to which the concern relates. The meeting may be held at a mutually agreeable location.

If the matter progresses and further investigations or procedures ensue (e.g. disciplinary proceedings or a criminal trial), the employee against who the allegations have been madwill be given every proper support and assistance. The school would ensure that everyone accessing this procedure is not disadvantaged or unfairly treated.

The school accepts that the individual who has raised concerns under this policy needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the whistleblower will receive information about the outcomes of any investigations and any changes to working practices, as far as is reasonably practicable.

9. How the matter can be taken further

This procedure is intended to provide a mechanism to raise serious concerns within the school and a satisfactory way of dealing with those concerns.

Any employee who has a concern about action or inaction that merits action under the whistleblowing procedure has the right to take the matter outside of the school or Shropshire Council.

The following are possible contact points:

- an external auditor
- relevant professional bodies who regulate organisations (including the Ombudsman).
- a solicitor
- the police
- Protect (Whistleblowing Charity) whistle@protect-advice.org.uk
  Telephone: 020 3117 2520
- the NSPCC's 'what you can do to report abuse' dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk
  Weblink: www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line

The disclosure of confidential information would normally constitute a serious disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if an employee did take the matter outside of the prescribed policies and procedures agreed by the school and/or Shropshire Council, they would need to ensure that every effort is made not to disclose personal sensitive data or other information that might be subject to the Data Protection Act and the GDPR.

Only in **wholly exceptional circumstances** would the disclosure of such information be considered justified in the circumstances.

10. Standards of conduct

Employees working within this school are bound by the School's Code of Conduct and all other employment policies, procedures and guidance documents issued by the school. Professional bodies also have Professional Standards of Conduct which their members must adhere to. Teachers must adhere to the Teacher's Standards.

Employees should also be aware of the **Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.**

All employees will be made aware of the relevant standards and expectations during induction, and they should ensure they are observed and adhered to at all times.

11. Follow proper procedures

One of the best ways of guarding against allegations of misconduct and/or corruption is to ensure that proper procedures are followed in the way decisions are taken, in how contracts are awarded and in the manner in which employees conduct themselves.

The most important of these procedures are described in the following procedural documents:

- KCSiE Code of Conduct for School Based Staff (which includes Gifts and Hospitality)
- KCSiE Online Safety Policy for Schools
- KCSiE Safer Recruitment Policy for Schools
- Behaviour Policy
- Harassment and Bullying Procedure
- Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.
- School Complaints Procedure
- Child Protection Policy
- Agreed school procedures for raising concerns

Action and inaction which breaches these procedures are not only unauthorised but will lead to loss of public confidence and potential allegations of corruption.

As with all workplace concerns, employees have a duty and responsibility to raise and/or report them through the appropriate channels.

12. Monitoring and Review

The governing body will monitor the outcomes and impact of this policy/procedure on an annual/bi-annual basis in conjunction with school representatives.

This procedure will be reviewed no later than 2 years by Human Resources in consultation with Trade Unions.

Reviewed: 12/11/2024

Signed: _____Matt Sankey
H & S Committee Chair