Norwood Green Junior School

Whistleblowing Policy

Ratified by Governing Body: Oct 2023

Review date: Oct 2026

Introduction

1. Purpose

Staff at Norwood Green Junior School care about their jobs, their working environment and the goals which the school is striving to achieve. If staff become aware of wrong doing taking place, they need to have a safe means by which to be able to report it.

The purpose of the Whistleblowing Policy is twofold:

- to provide staff with a clear and safe route for reporting concerns
- to gather information about concerns and, once investigated, to determine whether further action needs to be taken.

Where it is decided that further action is necessary, this will be conducted under the appropriate employment policy, not under the Whistleblowing Policy.

Duty to Report

The school's priorities and its services to the community are severely jeopardised if employees are engaged in any form of wrongdoing. The school is reliant on such matters being reported in order that they can be stopped. It is therefore the duty of all employees to raise any concerns about known, or possible, wrongdoing through this Policy.

Protection for Employees

The Governing Body and School Leadership Team are committed to this Policy. Staff who reasonably raise a concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result. Providing employees who raise a concern have good reason to believe that that wrongdoing is occurring and are acting in good faith, it does not matter if they are mistaken. If a person is victimised for having raised a concern, this will be treated as misconduct by the perpetrator and may lead to disciplinary action being taken against them.

When should the Policy be invoked?

If an employee has a concern about possible wrongdoing at work, they should report it under this Policy. 'Wrongdoing' covers a wide range of matters including: criminal offences, failure to comply with legal obligations, miscarriages of justice, financial maladministration, endangering the health or safety of individuals and damage to the environment.

Where staff are aggrieved about issues directly affecting them, they should use the School's Staff Discipline, Conduct and Grievance Policy to pursue their concerns.

Who does the Policy apply to?

This Policy applies to all workers of the school. 'Worker' is as defined in section 43K of the Employment Rights Act 1996, as amended. This will therefore include employees, agency workers, contractors and trainees.

Financial Irregularities

Nothing in this Policy overrides the Governing Body's duties and responsibilities as set out in the 'Finance Policy'. **The GB must be informed wherever a concern, regarding financial matters, is reported.** Should a line manager or other recipient of a concern require any advice or be unsure about their obligations with regard to financial matters, they should contact the ESFA (Education & Skills Funding Agency)

2. Process

Confidentiality

All concerns reported under the Whistleblowing Policy will be handled sensitively and discreetly. A commitment is given to maintain confidentiality as far as is practicable.

Obligations rest on all parties involved, including the whistleblower, to do their utmost to protect the identity of any person who reasonably raises a concern under this policy. Should there be any exceptional circumstances where the whistleblower's identity has to be disclosed (for instance, if the case went to court), this would be discussed with them beforehand.

Any breaches of confidentiality may be considered under the Disciplinary Policy.

How to Raise a Concern

Step One

Staff who have a concern about wrongdoing should first raise it with a member of the School Leadership Team. If the employee has any personal interest in the matter, s/he should disclose this at the outset.

Step Two

If staff feel unable to raise the matter with a member of the School Leadership Team, for whatever reason, there are other people to whom the concern can be reported:

- The Chair of Governors
- An official of the employee's trade union

The Response

If the person to whom the concern is notified ("the recipient") is a member of the School Leadership Team then he/she will assess the concerns and determine whether or not an investigation is appropriate. If it is decided that the matter will be investigated then he/she (in consultation with the Headteacher) will decide whether to carry out the investigation him/herself or delegate the role of investigation manager to another appropriate person. Where the investigation is delegated to someone else, the investigation manager will be provided with a factual report but the identity of the whistleblower will not be disclosed without the whistleblower's consent.

When an issue is reported outside the School Leadership Team, the recipient will assess the concerns and determine whether or not further investigation is appropriate. Where further action is required, the recipient will send a factual report to the Headteacher (if the Headteacher is the subject of the complaint on occasions it may be more appropriate that the report is sent to the Chair of Governors). The identity of the whistleblower should not normally be disclosed to the Headteacher/Chair of Governors without the whistleblower's consent. If the Headteacher (or Chair) is notified of the identity of the whistleblower and the role of investigating manager is delegated to another person, the identity of the whistleblower will not be disclosed to the investigating manager without the whistleblower's consent.

If the whistleblower works in the area concerned, they are likely to be interviewed as part of the investigation. However, neither the investigating manager nor any colleagues will be made aware of their identity. This seeks to preserve the anonymity of the whistle blower while the concerns are investigated.

In certain exceptional circumstances, the recipient may need to refer the concern to an appropriate authority e.g. the Police or the External Auditor.

Investigation

Outset

The investigating manager must have had no involvement in the issues under investigation and must not be in a position where it could be perceived that they have benefited from the findings.

Should any further information be required from the whistleblower, the investigating manager will discuss this with the named contact, who will be responsible for contacting the whistleblower.

Conclusion

At the conclusion of the investigation, the manager may wish to make recommendations or there may be action required under other employment policies.

Where further action is required, which involves the investigating manager's own staff, the manager should proceed accordingly notifying the Headteacher or Chair of Governors as appropriate.

Where action under the Disciplinary Policy is recommended, the investigating manager will present the management case at the Disciplinary Hearing.

Notification

The investigating manager must forward a copy of their report to the person who referred the case to them, along with a note of any further action proposed.

Contact with the Whistleblower

Once an individual has reported a concern, there should not be a need for any further input from them during the process, except as set out in this policy.

The person to whom the whistleblower raises the concern should consider whether further support for or liaison with the whistleblower is appropriate and take any steps necessary.

The whistleblower will be provided with any feedback on the final outcome which is appropriate. This may mean that the whistleblower does not receive any feedback beyond an acknowledgement that their concerns are being considered.

Allegations Not Made in Good Faith

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action.

Anonymous Reports

Whistleblowers are encouraged to give their name when raising a concern. The identity of whistleblowers will be protected as outlined in this policy. A concern expressed anonymously is often more difficult or impractical to investigate thoroughly. Consequently, anonymous reports will be considered at the discretion of the person to whom the matter is reported.

Raising a Concern Externally

The School strongly discourages staff from raising concerns externally in the first instance and instead wishes to foster confidence in the internal reporting mechanisms set out in this Policy.

However, the School would prefer that employees raise issues with an appropriate external contact than not at all. If staff choose to follow this route then, providing that they have a reasonable belief, are acting in good faith and have evidence to back up their concern, they may wish to contact one of the following:

- a relevant prescribed regulatory body
- the Police

Staff should be aware that, should they choose to report a concern externally, there are more stringent criteria which must be complied with if they are to receive the protection offered by the Public Interest Disclosure Act.

Confidential Helpline

Public Concern at Work is an independent charity and is the UK's leading authority on whistleblowing. The charity runs an independent, confidential helpline on whistleblowing issues. If employees are unsure about whether or how to raise a concern, or if they want confidential advice, they can contact Public Concern at Work. Their lawyers offer free, confidential advice to callers.

If Staff Are Dissatisfied

Whilst the School cannot guarantee that it will respond to all matters in the way which staff reporting them may wish, it will endeavour to handle matters fairly and properly.

If the process set out in the Policy has been followed and staff still believe wrongdoing is continuing, or are unhappy with the response, they can refer to the other levels and named bodies within this procedure.

Staff who are aggrieved about action which has been taken, or considered being taken, against them as a result of invoking this policy have the right to lodge a grievance under the School's 'Staff Discipline, Conduct and Grievance Policy'.

3 Other Relevant Information

Other information

- This policy links with our policies on: Staff Discipline, Conduct and Grievance Policy, Complaints Policy and CP and Safeguarding Policy
- For information on the **Public Interest Disclosure Act 1998** and the **Employment Rights Act 1996** visit the Office of Public Sector Information website at: http://www.opsi.gov.uk
- For further information about **Public Concern at Work** please visit their website at: http://www.pcaw.co.uk/index.html. Their telephone number is 020 7404 6609. To access their confidential helpline please call their main number or email them at helpline@pcaw.co.uk

4 List of relevant 'Prescribed Regulatory Bodies'

Staff who feel unable to raise a concern with one of the people recommended in this policy may wish to disclose the matter to a prescribed regulatory body. In doing so, staff must be acting in good faith and have a reasonable belief that the matter is true.

The full list of prescribed regulatory bodies is set out in the 'Public Interest Disclosure (Prescribed Persons) Order' 1999 or as amended
http://www.opsi.gov.uk/si/si1999/19991549.htm

Appendix:

Low-Level Concerns

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1. Introduction

At Norwood Green Junior School, we take safeguarding very seriously. This includes ensuring that adults who work with children do so in a way that is in accordance with the ethos and policies set out by the school, including the Staff Code of Conduct. This policy sets out the detail and processes for staff regarding low-level concerns they may have.

2. Summary

It may be possible that a member of staff acts in a way that does not cause risk to children, but is however inappropriate. A member of staff who has a concern about another member of staff should inform the Head Teacher about their concern using a Low-Level Record of Concern Form. If the Head Teacher cannot be contacted, the Chair of Governors should be contacted instead.

3. Keeping Children Safe in Education September 2023

The following is taken from Keeping Children Safe in Education September 2023:

"*Low-level concerns*

425. As part of their whole school or college approach to safeguarding, schools and colleges should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

426. Creating a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

• enable schools and colleges to identify inappropriate, problematic or concerning behaviour early

• minimise the risk of abuse, and

• ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

What is a low-level concern?

427. The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the school or college may have acted in a way that:

• is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and

• does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

• being over friendly with children

• having favourites

• taking photographs of children on their mobile phone, contrary to school policy

• engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or

• humiliating children.

428. Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

429. Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

430. It is crucial that all low-level concerns are shared responsibly with the right person and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from becoming the subject of potential false low-level concerns or misunderstandings."

4. Clarity around Allegation vs Low-Level Concern (LLC) vs Appropriate Conduct

Allegation

Behaviour which indicates that an adult who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

Low-Level Concern

Any concern – no matter how small, even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

- is not consistent with an organisation's Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation's Code of Conduct, and the law.

5. Storing and use of Low-Level Concerns (LLCs) and follow-up information

LLC forms and follow-up information will be stored securely within the schools safeguarding systems, with access only by the leadership team. This will be stored in accordance with the school's GDPR and data protection policies.

The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Head Teacher or those aware in the senior leadership team.

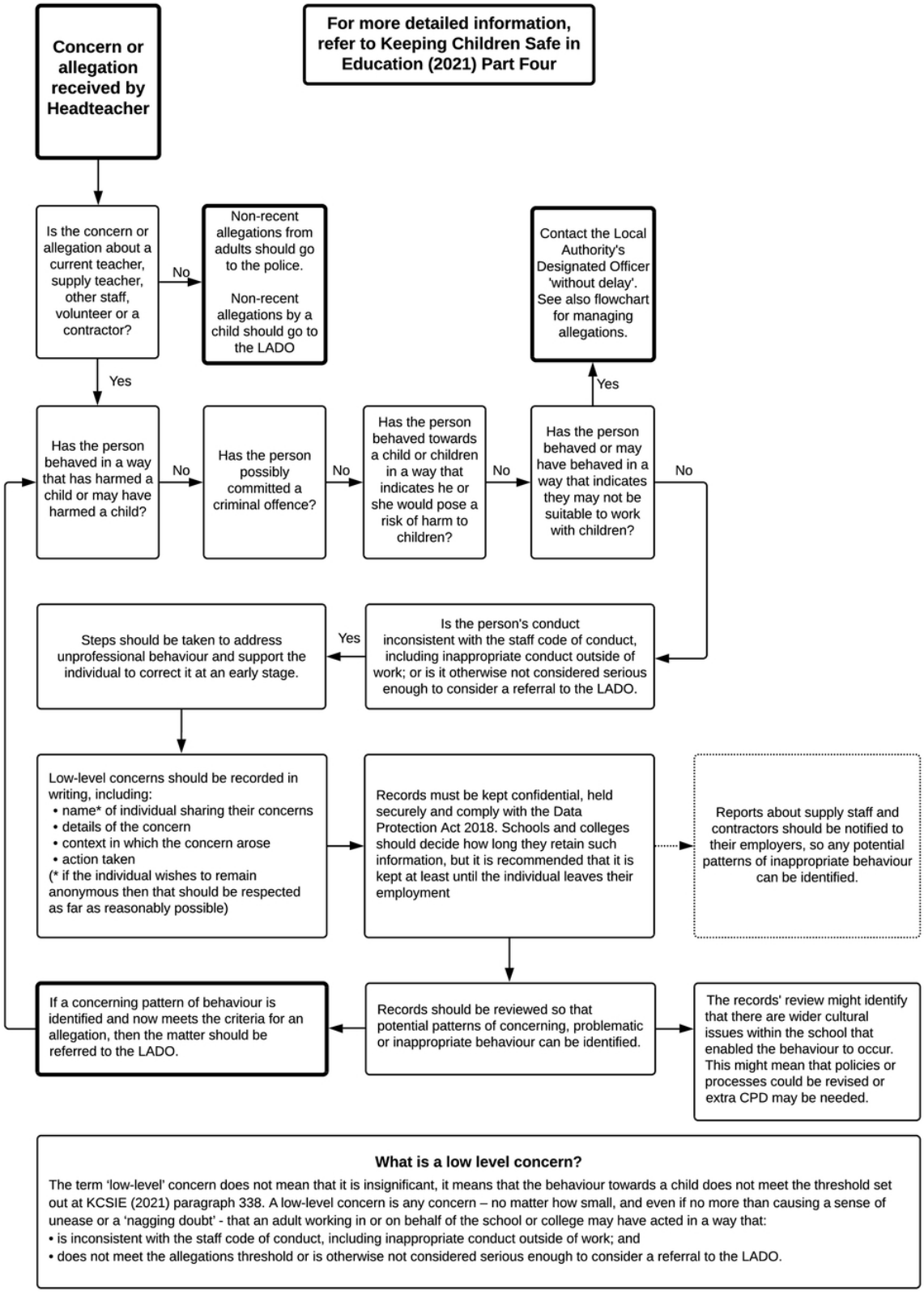
Low-Level Concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures.

Whenever staff leave NGJS, any record of low-level concerns which are stored about them will be reviewed as to whether or not that information needs to be kept. Consideration will be given to:

(a) whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or

(b) if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

6. Process to follow when a Low-Level Concern is raised



7. Key Reference Document

Read this document for further information about Low-Level Concerns, which is referenced in KCSIE 2023.

https://www.farrer.co.uk/globalassets/clients-and-sectors/safeguarding/low-level-concerns-guidance-2020.pdf

Low-Level Concerns Recording Form

Please use this form to share any concern – no matter how small, and even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

• is not consistent with Norwood Green Junior School's Code of Conduct, and/or

• relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children. You should provide a concise record – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s) (and please use a separate sheet if necessary). The record should be signed, timed and dated.

Name of staff member:	
Date of incident:	Time of incident:
Signed:	Date:
Received by:	