



**Marriott
Primary**
Achieving Together

Whistleblowing Policy

Reporting illegal or improper conduct

(disclosures under the Public Interest Disclosures Act 1998)

or

concerns about safeguarding children & young people

Policy Date:	Sept 2021	Version: 1.4	
Policy Review Date:	Sept 2022	Ruth Neill	27/09/2021
Ratified by Governing Body:			
Steve Wilson			12/10/2021

1 Introduction

This policy applies to all employees and governors. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, should have a copy of this also or have least read a copy.

It is important to Marriott Primary School that any fraud, misconduct or wrongdoing by employees or governors of the school is reported and properly dealt with. The Governing Body will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the school, **which are in the public interest**. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

1.1 Marriott Primary School expects the highest standards of conduct from all employees and governors and will treat seriously any concern raised about illegal or improper conduct.

1.2 Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Headteacher (or the Chair of Governors if the concerns relate to the Headteacher) any serious impropriety or breach of procedure.

1.3 Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.

1.4 Employees who feel no action has been taken after following their school’s whistleblowing procedure or, feel that following the school’s whistleblowing procedure could increase the risk of harm to a child/adult, can contact the following organisations for information and support:

Leicester City Safeguarding Children’s unit or LADO	0116 4542440
Childrens Social Care, Duty & Advice	0116 454 1004
NSPCC Whistleblowing Help Line	0800 028 0285
Public Concern at Work	020 7404 6609

2 Background

The law provides protection for employees who raise legitimate concerns about specified matters. These are called ‘qualifying disclosures’. A qualifying disclosure is one made in the public interest by the employee who has a reasonable belief that:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- Corruptly receiving any gift or advantage, thus failing to comply with the Bribery Act 2010
- Allowing private interests to override the interests of the school
- A breach of any legal obligation; or
- concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed, - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the school’s responsibility to ensure that an investigation takes place.

2.1 Where the concerns are about **safeguarding children or young people**, the school's Designated Safeguarding Lead for Child Protection should be notified (See section 7.2).

2.2 It is a procedure in which the Headteacher or Chair of Governors will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.

2.3 Concerns about a colleague's professional capability should **not** be dealt with using this procedure (but see section 7 below).

3 When should it be used?

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the school's Grievance procedures.

Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it **cannot** amount to a protected or qualifying disclosure for the purposes of the whistle blowing legislation

3.1 So this procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Nor should this policy apply where the employee simply disagrees with the way the school is run.

3.2 Employees must have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour.

3.3 An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns.

3.4 An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed may contact the Leicester City Council HR Department – 0116 454 4310 or email: hrpolicy@leicester.gov.uk or their Professional Association/Trade Union.

3.5 Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to Internal Audit for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Headteacher or Chair of Governors (but see 5), who will in turn report it to Internal Audit. Similar principles apply to Academies where the funding agency must be informed.

4. Principles

4.1 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

4.2 No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.

4.3 Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

4.4 If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.

4.5 Maliciously making a false allegation is a disciplinary offence.

4.6 An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

5. Procedure

5.1 In the first instance, unless the employee reasonably believes his/her Headteacher to be involved in the wrongdoing, any concerns should be raised with the employee's Headteacher. If he/she believes the Headteacher to be involved, then the employee should proceed straight to stage 3 (see below 5.3).

5.2 The Headteacher/Chair of Governors will arrange an investigation into the matter (either by investigating the matter himself/herself or immediately passing the issue to someone in a senior position). The investigation may involve the employee and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account and he/she will be asked to comment on any additional evidence obtained.

Employees who want to use the procedure but feel uneasy about it may wish to consult their Professional Association/Trade Union initially and bring a colleague or Professional Association/Trade Union Representative along to any discussions, so long as the third party is not involved in the issue.

Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.

5.3 The Headteacher (or the person who carried out the investigation) will then report to the Chair of Governors/Governing Body who will take the necessary action, including reporting the matter to any appropriate department or regulatory agency. If disciplinary action is required, this will be taken forward by the Headteacher/Chair of Governors/Governing body in consultation with the School's HR Advisory Team. On conclusion of any investigation the employee will be told the outcome of the investigation and what the next steps will be. If no action is to be taken the reason for this will be explained.

If the employee is concerned that his/her Headteacher is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, he/she should inform the Leicester City Council, HR Department. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:

- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education Funding Agency
- The Department for Education
- The National College for Teaching and Leadership

6 What should be done if an issue is raised with a member of staff?

6.1 If a member of staff, other than the Headteacher, is approached by a colleague on a matter of concern as defined in this document, he/she is advised to take the matter to the Headteacher (but see 5).

7 Safeguarding Children and Young People

7.1 All employees have a duty to report concerns about the safety and welfare of pupils/students.

7.2 Concerns about any of the following should be reported to the Designated Safeguarding Lead for Child Protection (DSL):

- physical abuse of a pupil/student
- sexual abuse of a pupil/student
- emotional abuse of a pupil/student
- neglect of a pupil/student
- issues relating to Female Genital Mutilation, Child Missing from Education, Child Sexual Exploitation & Radicalisation
- an intimate or improper relationship between an adult and a pupil/student
- improper behaviour or conduct of staff towards children

Marriott Primary School's DSLs are Helen Stevens Assistant Headteacher, Ruth Neill Headteacher, Sheila Crichton Headteacher, Hazel Tucker Deputy Headteacher, Jo Carnall Assistant Head, Helen Johnson Phase Leader, Claire Mannion, SENCO, Daniel Goldberg Year 3/4 Lead, Janet Gelsthorpe, Year 6 Coordinator, Wendy Rossell Curriculum Assistant Manager, Vanessa Power Student/ Pastoral Support Officer, Julie Sutton Attendance Welfare Officer, Emily Bates SEND Curriculum Assistant Manager, Sadie Morris-Tanna Administration Officer.

7.3 The reason for the concern may be the actions of a colleague (including a more senior colleague), a Governor, another pupil/student or someone outside the school. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.

Law Relating To This Document

Employment Rights Act 1996

Public Interest Disclosures Act 1998 (Whistleblowing)

Human Rights Act 1998 (Duty of care)

The legislation protecting individuals who makes a protected disclosure applies not only to employees, but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

A Whistleblowing Policy should establish the procedure for an employee to follow if he/she has a genuine concern about a colleague's conduct or the organisation's practices. The Whistleblowing Policy should make clear what sort of allegations will count as a protected disclosure and should allow for the employee to raise these concerns with a nominated person and set out the steps that the employer will take in response.

A qualifying disclosure means any disclosure of information that in the reasonable belief of the worker is made in the public interest. The requirement that a whistleblower make a qualifying disclosure 'in good faith' has been removed. Therefore, while the employer can seek a declaration from the whistleblower that he or she is not knowingly making a false allegation, disciplinary action is likely to be appropriate only where there is clear evidence that the employee has misused the whistle blowing procedure. A consequence of the requirement that a disclosure be made in the public interest is that an employee will generally be precluded from being able to 'blow the whistle' about breaches of his or her employment contract.

Section 43J of the Employment Rights Act 1996 provides that a Settlement Agreement made between an employee and employer cannot prevent future protected disclosures.

Any confidentiality obligations in contracts of employment that would prevent an employee making a protected disclosure will be void.

8 Contacts

Leicester City Council HR Department

E mail address

Tel: 0116 454 4310

Email: hrpolicy@leicester.gov.uk

Leicester City Council, Safeguarding Children's Unit

Tel: 0116 454 2440

Duty and Advice

0116 454 1004

LADO – Local Authority Designated Officer

0116 454 2440

Head Teacher of School

Ruth Neill/ Sheila Crichton

Tel: 0116 2832433

Safeguarding Governor of School

Jenny Barrett Tel:

0116 2832433

DSL's in School:

Helen Stevens Assistant Head (Lead)

Ruth Neill Headteacher

Sheila Crichton Headteacher

Hazel Tucker Deputy Headteacher

Claire Mannion SENCO

Jo Carnall Assistant Head

Helen Johnson, Phase Leader

Janet Gelsthorpe Year 6 Lead

Vanessa Power Student/ Pastoral Support Officer

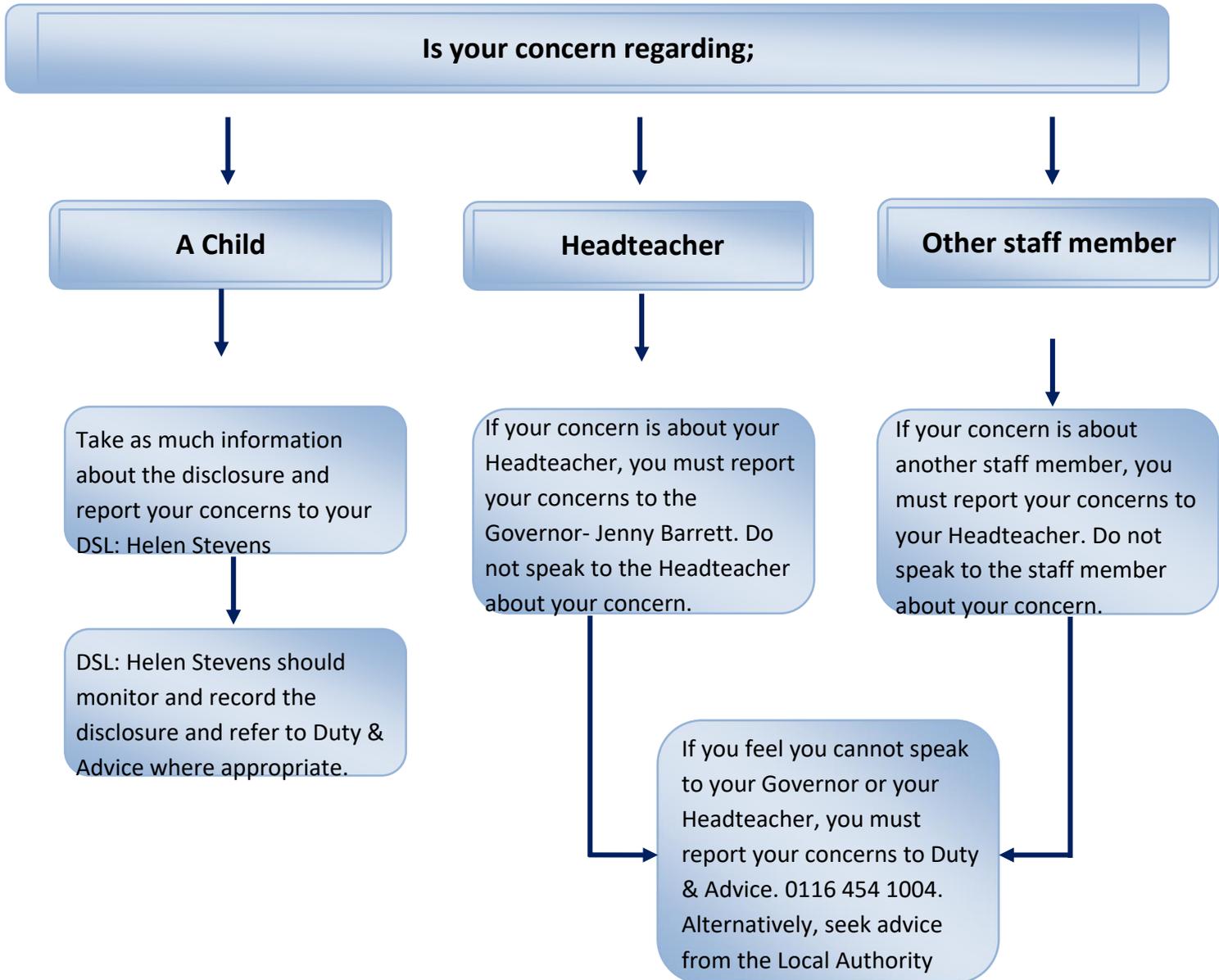
Julie Sutton Attendance & Welfare Officer

Emily Bates SEND Curriculum Assistant Manager

Sadie Morris-Tanna Administration Officer

Public Interest Disclosure Act (whistleblowing) protects workers in private, public and voluntary organisations, if in the public interest they blow the whistle on wrongdoing.

If you want to raise a concern in your school/college and wish to whistle blow for wrongdoing, in the first instance, use the following diagram for guidance;



APPENDIX 7 - Guidance on child on child sexual violence and sexual harassment

KCSIE 2021 states that child on child sexual violence and sexual harassment forms part of the statutory guidance about how schools and colleges should respond to all reports and concerns of child on child sexual violence and sexual harassment, including those that have happened outside of the school or college premises, and or online.

Sexual violence and sexual harassment can occur between two children of any age and sex, from primary through to secondary stage and into colleges. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable. Marriott Primary School takes such incidents seriously and have strict measures in place to address this kind of behaviour and our staff are advised to maintain an attitude of 'it could happen here'.

Whilst our school/college strictly follows statutory guidance and information from the government **Sexual Violence and Sexual Harassment Between Children in Schools and Colleges**, the following measures are in place in order to support children and staff if such incidents are reported and received in our school/college;

If a pupil makes an allegation of abuse against another pupil:

- You must record the allegation and tell the DSL, but do not investigate it
- The DSL will contact the local authority children's social care team and follow its advice, as well as the police if the allegation involves a potential criminal offence
- The DSL will put a risk assessment and support plan into place for all children involved (including the victim(s), the child(ren) against whom the allegation has been made and any others affected) with a named person they can talk to if needed
- The DSL will contact the children and adolescent mental health services (CAMHS), if appropriate

APPENDIX 8 LOW LEVEL CONCERN FORM

CPOMS

Recording Low Level Concerns

Name and position of person completing:

Child's first name, surname, DOB:

Are there any other children in the family? If yes, please give details:

Address

Details of concern/incident and any impact on the child: include time, date, persons involved and distinguish between fact and opinion.

Action taken e.g. discussion with parents, Early Help, referral to social care and Safeguarding.

Signed:

Dated:

Print name:

Copy of form passed to Designated Safeguarding Lead: Yes/No

APPENDIX 9 CHILD MISSING PROCEDURE

- If a child is absent for 1 day, the AWO will text or call the parents/carer.
- If the child does not return on the next day, the AWO will again contact parents. If no contact is made, the parent will be informed that a safeguarding and welfare check will take place.
- If no contact is made by parents/carer after day 2, the AWO will visit the home address to deliver a letter which outlines the school's concerns and informs them that the police will be contacted if the school has not been updated.
- The police will be informed that the child is missing if no contact has been established between the school and the parents/carer after 24 hours of receipt/posting of the letter.

