



OTTERBURN PRIMARY SCHOOL
WHISTLE BLOWING POLICY AND PROCEDURE

2022 - 2023

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In keeping with Otterburn Primary School's other policies and procedures, this document is issued for guidance and is not intended to have contractual effect. Otterburn Primary School reserves the right to vary, amend or depart from the contents of this policy and procedure from time to time in appropriate circumstances.

1. Policy

Otterburn Primary School is committed to maintaining a free and open culture with the highest standards of honesty, integrity and accountability, where workers can report any legitimate concerns in confidence.

Otterburn Primary School recognises that effective and honest communication is essential if concerns about breaches or failures are to be dealt with effectively.

Otterburn Primary School undertakes to comply with all applicable legislation and all workers are expected to co-operate in this by adhering to all laws, policies and procedures.

Otterburn Primary School encourages members of staff to report concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice, with confidence that those concerns will be taken seriously, investigated and appropriate action taken in response and without fear of victimisation.

Otterburn Primary School offers protection to any whistleblower who honestly and reasonably believes that underhand or illegal practices are taking place, from any victimisation, harassment or bullying or other reprisal occasioned as a result of his or her disclosure.

2.0 Scope

The whistleblowing policy and procedure applies to all full time, part time permanent, temporary and casual teacher and support staff employees, workers, apprentices, trainees, volunteers and agency workers.

In addition, the whistleblowing process may be used where Otterburn Primary School is working with contractors, consultants, partners, suppliers and those providing services under a contract for services.

For schools covered by the Local Authority Scheme for Financing Schools, concerns regarding financial management or financial in propriety at the school should be referred to the Local Authority's monitoring officer.

This policy and procedure does not replace the Otterburn Primary School's grievance or complaint procedures.

3.0 Definitions

Employee: full time, part time, permanent and temporary teachers and support staff who undertake to do work under an employment contract for Otterburn Primary School, personally. Employees are entitled to a wide range of employment rights.

Worker: full time, part time, permanent, temporary individuals who undertake to do, or perform personally, work or a service for Otterburn Primary School, whether under a contract of employment or any other contract for a reward. 'Worker' includes agency workers, casual workers, but normally excludes those who are self-employed and work that is part of a client or customer relationship. Workers are entitled to some employment rights, including holiday pay and protection against unlawful discrimination.

Volunteer: individuals who willingly, without being required to, carry out unpaid work for Otterburn Primary School.

Staff: employees, workers and volunteers.

Whistleblowing, or making a public interest disclosure: is making a 'qualifying and protected disclosure' usually to the employer or a regulator, which has come to the attention of the whistleblower through work and is a disclosure of any information that a whistleblower reasonably believes is in the public interest. The disclosure would relate to some danger, fraud or other illegal or unethical conduct connected with the workplace and may be about the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, client, or any third party. The whistleblower is usually not directly, personally affected by the danger or illegality, although s/he may be.

'Qualifying disclosures' include concerns which show that:

- A criminal offence has been, is being or is likely to be committed.
- A safeguarding offence has been, is being, or is likely to be committed; (see section 10)
- A person has failed, is failing or is likely to fail to comply with any of their legal or professional or regulatory requirements.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be, endangered.
- The environment has been, is being or is likely to be, damaged.
- Financial fraud or mismanagement has occurred, is occurring or is likely to occur;
- That information tending to show any of the above matters has been, is being or is likely to be, deliberately concealed.

A 'qualifying disclosure' will be a 'protected disclosure', where it is made:

- to the whistleblower's employer, either directly to Otterburn Primary School or by procedures authorised by Otterburn Primary School for that purpose; or
- to a legal advisor, in the course of obtaining legal advice;
- to prescribed persons (see Appendix 1);
- to another person whom the whistleblower reasonably believes to be, solely or mainly responsible, for the relevant failure.
- in an exceptionally serious case, to a third party such as the police or a newspaper.

The disclosure must usually be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected.

For a whistleblower to be protected, the disclosure needs to be both a 'qualifying disclosure' and a 'protected disclosure'.

Examples of potential 'protected disclosures' which individuals may make include:

- health and safety risks to pupils, employees, other workers and the general public;
- fraud and/or corruption;
- a failure to safeguard pupils adequately;
- a break or non-compliance of financial regulations and/or policies;

Failure to notify Otterburn Primary School when an individual is reasonably aware or certain of an occurrence included in the list above is regarded by Otterburn Primary School as misconduct. Failure to making the disclosure internally before externally, without good cause, is also regarded as misconduct.

Whistleblower: A whistleblower may be any of the individuals listed in section 2. There is no need for a whistleblower to prove that the breach or failure that they are alleging has occurred or is likely to occur; a reasonable suspicion will suffice, ie where the whistleblower reasonably believes that the information disclosed is substantially true. The whistleblower must make the disclosure in the public interest and show that it is reasonable to make the disclosure. Whistleblowers are not entitled to make a disclosure if in so doing they commit a criminal offence.

4.0 Principles

Otterburn Primary School provides an open, transparent and safe working environment where individuals feel able to voice their views and speak without fear of reprisal.

Otterburn Primary School welcomes information being brought to the attention of management and this policy and procedure provides a mechanism to support this.

It is expected that the line manager will normally be approached by the whistleblower and that the concern is discussed informally initially.

All disclosures will be dealt with consistently and fairly.

All reasonable steps will be taken to maintain the confidentiality of the whistleblower where it is requested (unless required by law to break that confidentiality).

Instances of the victimisation of a whistleblower will be taken seriously and managed appropriately.

The whistleblower will have the opportunity to present the details of the concern at a meeting with the Head Teacher and may be accompanied, if they wish, by a work colleague, or suitably qualified trade union representative.

Where the whistleblower has exhausted the internal procedure and is dissatisfied with the outcome, the whistleblower may approach an external body.

5.0 Responsibility

5.1 Governing Body

The Governing Body has responsibility for adopting, developing and reviewing this policy and procedure and ensuring that effective monitoring systems and procedures are in place.

The Governing Body has delegated authority to the Head Teacher to make decisions in relation to allegations of whistleblowing.

5.2 Head Teacher

The Head Teacher will:

- support a culture which encourages workers to share their concerns internally in confidence, about actual or potential breaches of duty or a particular failure;
- understand clearly this whistleblowing policy and procedure;
- be trained to deal with disclosures;

- treat the disclosures of individuals seriously, sensitively and in the strictest confidence;
- view the whistleblower as a witness, not a complainant;
- investigate concerns raised properly and make an objective assessment of the concern;
- keep the whistleblower informed confidentially of the progress or outcome of any investigation;
- ensure that the action necessary to resolve a concern is taken;
- ensure that whistleblowers do not suffer any detriment or victimisation as a result of making a protected disclosure;
- under no circumstances attempt to suppress evidence of any breaches or failures;

5.3 Whistleblowers will:

- fully understand and comply with the whistleblowing policy and procedure;
- raise concerns about unacceptable practice or behaviour in order to prevent the problem worsening or widening, and to protect or reduce risks to others;
- in most circumstances, raise concerns internally to an appropriate person before making a disclosure to any external body;
- consider making a disclosure to a prescribed regulator before disclosing it more widely;
- ensure that any disclosure of information is “reasonable in all the circumstances”
- not engage in harassing behaviour of any individual(s) who has raised a concern.

5.4 Responsibility for this policy lies with the Head Teacher who has responsibility for implementing and monitoring this policy and procedure and ensuring that potential whistleblowers are aware of its content and how to access the policy and procedure, if required.

6.0 Confidentiality

The Head Teacher recognises that individuals may want to raise concerns in confidence and will do it its utmost to protect the identity of a whistleblower who has raised a concern and to ensure that the issue remains confidential.

7.0 Anonymous Allegations

Whistleblowers are not encouraged to make disclosures anonymously as this may make a thorough investigation more difficult or impossible. It is also more difficult to establish whether any allegations are credible and have been made in good faith.

However, anonymous allegations may be considered under this policy and procedure, particularly relating to the safeguarding concerns. The seriousness

and credibility of the concern and the likelihood of confirming the allegation will be considered when deciding whether an anonymous allegation will be taken forward:

Where the whistleblower requests anonymity, it should be noted that any investigation into the concern could reveal the source of the concern. Also witness statements may be required from the whistleblower as part of the investigation evidence, which would be shared with all parties involved. If the investigation recommends formal action, there would be an expectation that the whistleblower would attend any formal meetings, or even court, to give evidence.

8.0 Detriment, Disadvantage or Dismissal

There will be no adverse repercussions for whistleblowers who, in the public interest, raise genuine concerns under this policy and procedure. Whistleblowers will not under any circumstances be subjected to any form of detriment or disadvantage as a result of having raised their concerns. Detrimental treatment includes, for example, harassment and bullying or not complying with a person's rights and entitlements under the contract of employment. A whistleblower is also protected from dismissal by for making a protected disclosure

Appropriate steps will be taken to ensure that the whistleblower's working relationships are not prejudiced by the fact of the disclosure. Any individual who victimises or harasses a whistleblower due to their having raised a concern under this policy and procedure will be dealt with under the disciplinary procedure.

9.0 False, Malicious, and/or Vexatious Allegations

A whistleblower is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern. If a whistleblower makes an allegation in good faith and the investigation does not ascertain evidence to substantiate the allegation, the matter will be closed and no further action taken.

If, however, the investigation shows that the untrue allegations were deliberately false, and/or malicious and/or vexatious and made in bad faith or for personal gain, this will constitute a disciplinary offence for the purposes of Head Teacher's disciplinary policy and procedure and may constitute gross misconduct for which summary dismissal is the sanction.

10.0 Safeguarding Concerns

Where a safeguarding concern is raised, the Headteacher or Chair of Governors (if the concern is about the Headteacher) will consult the Local Authority Designated Officer (LADO).

If the whistleblower does not want to raise the concern within the school, s/he may contact the LADO directly.

11.0 Informal Procedure

A whistleblower should always first consider speaking to his/her line management or if s/he is a supplier or contractor, the person directing their work for raising concerns. However, if it is believed that this person is involved, an approach should be made to the Head Teacher. A whistleblower may lose the protection of whistleblowing legislation, if s/he ignores the internal procedure.

It is particularly important with concerns regarding the health, safety and welfare of those on our premises that anyone who becomes aware of a hazard or dangerous occurrence immediately notifies the Head Teacher before making any other report, so that immediate action can be taken if necessary to deal with the hazard.

12.0 Formal Procedure

12.1 Option to be Accompanied at a Meeting

An employee may be accompanied at a meeting within this procedure by a work colleague, or suitably qualified trade union representative.

Where an employee chooses to be accompanied, he or she must advise Otterburn Primary School of the name of the person they wish to have as a companion.

The companion has the right to address the meeting, but not to answer questions on behalf of the employee.

12.2 Formal Procedure

This procedure should be used only to report qualifying disclosures and is not a substitute or alternative for the Otterburn Primary School's grievance, disciplinary or complaints procedure.

This procedure will apply in cases where a whistleblower feels that s/he needs to raise a concern defined in section 3 with someone in confidence. Each case will be dealt with on its own facts.

1. If you (the whistleblower) wish to formally raise or discuss a protected issue you should contact the Head Teacher, or in his/her absence, or where the concern involves the Headteacher, the Chair of Governors.

2. The concern may be made verbally or in writing. Where the concern is provided in writing, you should include the background to your concern with names, dates and places where possible, and explain the reason for your concern.

3. The Head Teacher will arrange a meeting with you within 5 working days to discuss your concern.

4. You may invite your trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

5. A written response will be sent to you acknowledging that the concern has been received and confirming the date and time of the meeting.

6. At the meeting, sufficient details of the concern will be recorded to enable the concern to be thoroughly investigated. The Head Teacher will consider the appropriate action, which may include referring the concern to the police, undertaking an independent investigation into the concern, or the concern may be resolved by agreed action without the need for investigation.

7. Where it is decided that an investigation is required, the Head Teacher may undertake the investigation personally or appoint an investigating officer. However, if urgent action is required, this will be taken before any investigation is conducted.

8. Where an investigation takes place, the investigation officer will source and consider evidence and interview witnesses as necessary. If you are asked to attend an investigative interview, you may be accompanied by a work colleague or suitably qualified trade union representative.

9. Following completion of the investigation, the investigating officer will provide a written investigation report with recommendations for any action to be taken to the Head Teacher.

10. If requested and where possible, Otterburn Primary School will keep the identity of the discloser confidential as far as possible. However, in certain circumstances the whistleblower may be needed as a witness. If this happens, the Head Teacher will inform the whistleblower at the earliest opportunity.

11. If the alleged offence is substantiated, appropriate action will be taken. The discloser will be informed of the outcome where reasonably practicable. However,

sometimes the need for confidentiality may prevent specific details of the investigation or any disciplinary action taken as a result, being provided.

12. If it is decided that a disciplinary hearing is to take place you may be asked to attend the hearing as a witness, and where this occurs you may be accompanied by a work colleague or suitably qualified trade union representative.

13. If you are unhappy with the outcome of an investigation, you could make a complaint under the Otterburn Primary School's complaints procedure or contact one of the external contacts in section 10.

14. Otterburn Primary School accepts that the individual needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints including data protection, the whistleblower will be informed of the outcome of any investigation by the headteacher. However, the whistleblower must keep that information confidential.

13.0 Public Concern at Work

If a whistleblower has a concern and is unsure whether this is the appropriate procedure for raising it, or is unhappy about the final outcome of an investigation, s/he can contact the independent charity, Public Concern at Work, the leading authority on public interest whistleblowing, for independent advice.

14.0 External Contact Details

Where the whistleblower has exhausted the internal procedure and despite the best efforts of the Otterburn Primary School, the whistleblower is dissatisfied with the outcome, or if the whistleblower feels that the matter cannot be raised internally because s/he believes the evidence would be destroyed or that they would be penalised and s/he wishes to take the matter outside the school, further possible contact points are given in the External Contact List in Appendix 1.

If the whistleblower does take the matter outside our school, s/he should ensure that s/he does not disclose information which should properly remain confidential. This should be confirmed with the person or organisation contacted.

15.0 Monitoring and Review

This policy and procedure will be monitored and reviewed every two years by the Full Governing Body. Where there are issues with the way the policy and/or procedure are working, these will be looked at closely with a view to identifying measures to improve their effectiveness.

Document Record

Version	Reason for Amendments/Update/Review	Date of Adoption by Otterburn Primary School	Date of next review
1.0	New policy and procedure provided by debbiejuddhr.	October 2020	October 2022

Appendix 1

EXTERNAL CONTACT LIST

If the disclosure fits any one of the following three criteria:

- The disclosure had already been raised internally or with a prescribed person;
- The whistleblower reasonably believed s/he would have been victimised had s/he raised the matter internally or with a prescribed regulator;
- The whistleblower reasonably believed a complaint would lead to the evidence being concealed or destroyed and there was no prescribed person

The whistleblower should raise the concern with either a prescribed or none prescribed external regulator.

Prescribed External Regulators

A list of prescribed persons and bodies (external regulators) who you can make a disclosure, if you decide to blow the whistle to a prescribed person rather than the Otterburn Primary School can be found at:

[GOV.UK - Blowing the Whistle: List of Prescribed People and Bodies](#)

None prescribed External Regulators

Whistleblowers may disclose information more widely, eg to the police, media, MPs and non-prescribed regulators. Such a disclosure is protected if:

- it is made in the public interest and not for personal gain (including any payment by the media);
- it is reasonable in all the circumstances;
- the whistleblower reasonably believes that the information and any allegations in it are substantially true.

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