

**Rodmersham School**

**Whistleblowing Policy**

**2023-2024**



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Part A - Policy

## Policy Statement

The School is committed to achieving the highest possible standards of probity and integrity regarding its practices.

The School recognises that it is important for all Employees to have a means of raising serious concerns about any aspect of the school's operation. The School further acknowledges its obligations under the Public Disclosure Act (1998) to ensure mechanisms are in place for raising concerns relating to matters of public interest.

The School encourages Employees to raise concerns internally at the earliest opportunity rather than disregarding issues or raising the matter externally.

The School will address concerns seriously and undertake as much investigation as is necessary given the circumstances – this may include referral to external agencies.

The School will endeavour to advise an Employee of any actions/outcome arising from a complaint where appropriate.

The School will provide reasonable support to an Employee who raises a concern.

The School will ensure that an employee is protected from detriment, harassment, and victimisation where a concern is raised. It is recognised that in certain cases, it may be appropriate to consider concerns raised on a confidential or anonymous basis.

This policy and procedure explains:

* The mechanism for raising concerns;
* The range of responses the School may take upon receipt of concerns;
* The support and protection available to Employees.

## Scope

This Policy and Procedure applies to all Employees of Rodmersham School. This policy also applies to agency workers, volunteers, contractors and others working on School premises.

Protect defines whistleblowing as:

*‘The raising of a concern, either within the workplace or externally, about a danger, risk, malpractice*

*or wrongdoing which affects others.’*

The Whistleblowing Procedure provides a means for Employees to raise concerns about conduct or situations they believe are inappropriate. Concerns may include, but are not limited, to:

* + Conduct which is has been or is likely to be an offence or breach of the law;
	+ Conduct that has occurred, is occurring, or is likely to happen - as a result of which the School fails to comply with a legal obligation;
	+ Acts or potential acts of fraud/corruption/bribery or the misuse of public funds/resources;
	+ Miscarriages of justice;
	+ Past, current, or likely health and safety risks;
	+ Concerns about any aspect of service provision;
	+ Concerns of a safeguarding/child protection nature;
	+ Failure to have due regard to the need to prevent people from being drawn into terrorism (the

‘Prevent Duty’);

* + Unethical or unprofessional conduct that causes concern;
	+ The deliberate concealment of information relating to the concerns listed above.

Concerns relating to an individual’s own employment should be raised through the School’s grievance and harassment procedures.

Employees may raise concerns about the practice of anyone who works for, or on behalf of, the School, including:

* + All Employees
	+ Governors
	+ Volunteers
	+ Contractors

Employee concerns may be raised individually or collectively. If collective concerns are raised, staff should be prepared to give their own account during any investigation, should this be required.

There is no time limit for raising a concern; however, Employees are encouraged to do so as soon as possible since it may be difficult to address a matter if a significant amount of time has elapsed.

## Adoption Arrangements and Date

The Governing Body of Rodmersham School adopted this procedure on 16th October 2023 and supersedes any previous Whistleblowing Policy and Procedure.

This policy will be reviewed by the Full Governing Body annually, or earlier if necessary. This will involve consultation with the recognised unions.

## Responsibilities of the School

* + To foster a culture where Employees can feel confident in raising concerns;
	+ To ensure concerns are fully considered, investigated as necessary, and action taken as appropriate;
	+ To ensure that Employees raising concerns receive feedback on any action taken, where appropriate;
	+ To make Employees aware how they can take matters further if they are not satisfied;
	+ To reassure Employees that they will be protected against detriment and reprisal should they raise a concern.

## Responsibilities of the Employee

* + To raise concerns only where there is a reasonable suspicion for doing so;
	+ Not to knowingly raise a false allegation with malicious or vexatious intent;
	+ Engage with internal/external actions to address any concerns by attending meetings and/or participating in any investigation.

## Trade Union Representation

Employees may wish to consult and seek guidance from their Trade Union representative before disclosing this procedure.

Employees may be accompanied to any meeting by a Trade Union representative or workplace colleague who is not involved in the area of work to which the concern relates.

## Responsible Officer and Monitoring of Complaints

The Governing Body is responsible for maintaining and operating this policy and procedure.

The Head Teacher will ensure the effective implementation of the whistleblowing arrangements, providing training as appropriate. The head teacher will also undertake an annual audit of the whistleblowing arrangements and report the outcome to the Full Governing Body.

The Head Teacher will consider:

* + The number and types of concerns raised and the outcomes of the investigations;
	+ Feedback from individuals who have used the arrangements;
	+ Any complaints of victimisation;
	+ Any complaints of failures to maintain confidentiality;
	+ Any relevant litigation;
	+ The level of staff awareness, trust and confidence in the arrangements.

Any reporting will not identify the parties to the complaint.

# Part B – Procedure

## Raising a Concern

Employees should initially raise concerns openly with their line manager or the Head Teacher wherever possible.

In instances of severe concern or where the complaint involves the line manager or Head Teacher complaints may be raised with the Chair of Governors

Should the Head Teacher have concerns – these should be raised with the Chair of Governors first.

Please refer to Appendix 1 for the appropriate internal contacts. Concerns may be raised verbally or in writing.

A concern raised in writing should:

* + Set out the background and history of the concern - giving names, dates and places where possible;
	+ Give the reason why the Employee is particularly concerned about the situation;
	+ For clarity, it would be helpful for the Employee to state that they wish their concerns to be addressed under the whistleblowing procedure.

An Employee is not expected to prove the validity of their concern. However, they will need to demonstrate sufficient and reasonable grounds for their complaint. Further investigation may be hampered if only limited evidence supports the concern raised.

An Employee may invite a Trade Union representative to support them in raising a concern, raise the matter on their behalf, or explore the complaint at a subsequent meeting.

## How the School will respond

Preliminary enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with the employee who raised the concern.

Occasionally, it may not be appropriate for the person who receives the complaint to progress the concern, and the matter may be referred to another individual within the School or an external organisation.

It may be possible to resolve some concerns informally by agreed action without further formal investigation.

Where it is not possible to resolve the matter informally, the action taken by the School will depend on the nature of the concern and may include:

* + Undertaking an internal management or disciplinary investigation;
	+ Referral to KCC’s Head of Internal Audit (please note this is a requirement in all cases of suspected financial irregularity in maintained schools);
	+ Referral to an external auditor;
	+ Referral to another regulatory authority;
	+ Referral to the Police;
	+ Referral to the Local Authority.

Within ten working days of receipt of any concern, the person progressing the matter will write to the Employee to:

* + Acknowledge that the concern has been received;
	+ Indicate how and through whom the School proposes to address the matter, including whether further investigation or referral to another organisation will be made;
	+ Give an estimate of how long the investigation will take;
	+ Indicate whether further information will be sought from the Employee and the arrangements for obtaining this, where known.

The form of further contact between the Employee and the person progressing the complaint will depend on the nature of the matter raised and the follow-up action required.

In instances where an investigation is prolonged or referral to an external agency takes place –

arrangements will be made to provide the Employee with situational updates as far as is practicable.

Occasionally, the person considering the complaint may determine that it is inappropriate for further action to be taken. This may include the following:

* + There is no evidence that malpractice has occurred;
	+ The matter is/has been the subject of internal proceedings under another school policy;
	+ The matter is/has been the subject of external legal proceedings / been referred to another external agency;
	+ A false and malicious or vexatious complaint has been made.

## Notification of the Outcome of the Concern

The School recognises that an Employee raising a concern would wish to be assured that the matter has been fully addressed. Wherever possible, feedback will be provided on the outcome of the complaint.

In some circumstances, however, sharing this information may not be appropriate or permissible (for example, where legal/disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback, the Employee will be advised that the matter has been addressed or concluded as far as is practicable.

Where a matter is not to be considered further, the Employee who raised the complaint will be advised of this in writing.

## How the matter may be taken further

This procedure is intended to provide Employees with a mechanism to raise concerns internally within the School.

Should this process be exhausted and the Employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing, they may wish to raise the matter outside of the School.

Appropriate contacts are listed in Appendix 1.

An Employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside of the School, an Employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

## Protection and Support for Employees

The School will take reasonable measures to support and protect Employees who raise concerns.

### Protection from Detriment

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an Employee believe they have been subject to detriment or retribution, they should report this to the Chair of Governors, who may address the matter in accordance with the School’s disciplinary procedure.

No action will be taken against an Employee where concerns raised are subsequently unproven.

However, disciplinary action may be taken against individuals who knowingly make ‘false, malicious

And/or vexatious allegations.

Should an Employee commit a criminal offence in raising a concern (e.g. accepting a bribe or an act of corruption) – protection from detriment may be lost, and the Employee may be subject to the School’s disciplinary procedures.

### Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for the School to assess and investigate the issue. However, it is recognised that there may be some circumstances where an Employee would prefer to raise a concern in confidence. Employees should make the School aware of this when raising their concerns.

Where appropriate, every effort and consideration will be given to arrangements to maintain the

Employee’s confidentiality – including off-site meetings where appropriate.

Every effort will be made not to reveal the Employee’s identity without their prior consent if this is

their wish.

However, in some instances, maintaining confidentiality may not be possible if the concern is subject to an external / police investigation where disclosure is required. An Employee will be advised should there be a possibility that their confidentiality cannot be maintained.

### Anonymous Concerns

Employees are encouraged to put their name to any allegation where possible. Anonymous allegations will be considered and investigated at the School’s discretion. In exercising the discretion, the following factors may be considered:

* The seriousness of the issues raised;
* The credibility of the concern;
* The likelihood of confirming the allegation from attributable sources.

It should be noted that it may be more challenging to address the concern, support an employee, or advise them of the outcome when a problem is reported anonymously.

### Support

Employees who raise a concern may wish to make use of the confidential counselling service provided by the School, if appropriate.

Employees may also wish to consult their professional association or Trade Union if they are a member.

Other sources of support are provided in Appendix A.

Should an Employee be required to give evidence in criminal or disciplinary proceedings –

consideration will be given to appropriate support.

## Other Concurrent Processes

Where a complaint is raised under the whistleblowing procedure, this will not be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy.

However, each case will be considered on its merits to ensure that the School is acting reasonably.

## Record Keeping

Notes may be taken of all meetings with the Employee under this procedure. A copy will be made available to the Employee where notes are taken.

All records relating to the management of whistleblowing disclosures will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulations and Data Protection Act (2018). In certain limited circumstances, information may be shared by the school to manage the disclosure.

For further details, please refer to the School’s Data Protection Policy and Privacy Notice.

The Governing Body will maintain a central record of whistleblowing. This record will include a summary of the concern raised, action taken and the resulting outcome. Senior staff or Governors who receive whistleblowing concerns must ensure the problem is recorded.

# Appendix A: Contact Details

It is the usual expectation that an Employee will have endeavoured to raise the concern internally

within the school before referring the matter to an external organisation.

### Internal

|  |  |  |
| --- | --- | --- |
| *Contact* | *Telephone Number* | *Email* |
| Nicky McMullon (Head Teacher) | 01795 423776 | headteacher@Rodmersham.kent.sch.uk |
| David Roche(Chair of Governors) | c/o 01795 423776 | David.roche@Rodmersham.kent.sch.uk |

Or in writing to the above named at the following address: Rodmersham School, Rodmersham Green, Sittingbourne, Kent, ME9 0PS **External**

Corporate Director – Children, Young People and Education Kent County Council

Sessions House County Road Maidstone ME14 1XQ

Via KCC’s Whistleblowing Helpline on 03000 414 500 or by emailing

internalaudit@kent.gov.uk

|  |  |  |
| --- | --- | --- |
| **Contact** | **Telephone Number** | **Email / Website** |
| Protect (formerly PublicConcern at Work) | 020 3117 2520 | www.protect-advice.org.uk; |
| Department for Education | 0370 000 2288 | [www.gov.uk/](http://www.gov.uk/) contact-dfe; |
| Ofsted | 0300 123 3155 | whistleblowing@ofsted.gov.uk; |
| Local GovernmentOmbudsman | 0300 061 0614 | www.lgo.org.uk; |

|  |  |  |
| --- | --- | --- |
| Office of Qualifications& Examinations Regulation | 0300 303 3344 | whistleblowing@ofqual.gov.uk; |
| National Child AbuseWhistleblowing Advice Line | 0800 028 0285 | help@nspcc@org.uk; |

A comprehensive listing of ‘prescribed persons and bodies’ to which external disclosures may be

made is available at:

[www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--](http://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--) 2/whistleblowing-list-of-prescribed-people-and-bodies;

Employees may also wish to raise a concern with:

* + An elected member of the local authority;
	+ Relevant trade union or professional association where the Employee is a member;
	+ A solicitor;
	+ The police.

### Support for Employees

* + Confidential Counselling Service – Edify – booked through J Williams
	+ Teachers Support Line www.teachersupport.info;
	+ Trade Union or Professional Association where the Employee is a member
	+ Citizen’s Advice Bureau [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk/)