



# Whistleblowing Policy

Lister Community School

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## 1. Aims

- 1.1. The Fair Funding Regulations require LAs from April 2002 to set out a procedure to be followed by all persons working at a school, including teachers, support workers, agency workers or school governors who wish to complain about financial management or financial probity at the school, and how such complaints should be dealt with.
- 1.2. Keeping Children Safe in Education 2020 requires that all staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team. It requires that appropriate whistleblowing procedures, should be put in place for such concerns to be raised with the school's or college's senior leadership team.
- 1.3. This school is committed to the highest possible standards of openness, probity and accountability and aims to comply with the requirements of the Public Interest Disclosure Act, 1998.
- 1.4. This Whistleblowing Policy is intended to encourage and enable those covered by the policy to raise serious concerns at an early stage, in the right way and to do so without fear of recrimination, victimisation, discrimination or disadvantage.

## 2. Scope

- 2.1. The Act provides protection for workers who disclose information which might otherwise be regarded as confidential, if the disclosure falls into one of the categories outlined below:
  - a) A criminal offence has been, is being or is about to be committed.
  - b) The employer has failed, is failing, or is about to fail to comply with his legal obligations.
  - c) A miscarriage of justice has happened, is happening, or is likely to happen.
  - d) An individual's health and safety has been, is likely to be, or is being jeopardised.
  - e) The environment is, has been, or is likely to be, damaged.
  - f) Poor or unsafe practice and potential failures in the school's or college's safeguarding regime
  - g) Information falling into any of the above categories has been, is being or is likely to be deliberately concealed.

- 2.2. By adopting this policy the school is reassuring the workforce that they can safely raise concerns about malpractice internally. This will enable the school to investigate and deal with such concerns raised and continue to foster a responsible and accountable culture in the organisation.
- 2.3. Staff and governors are expected to notify the school of any reasonable and genuine concerns they have about an abuse of the school's stated standards, malpractice, theft, fraud, financial abuse, criminal offences, breach of legal obligations, dereliction of the school's health and safety responsibilities, damage to the environment, other unethical conduct or the cover up of any of these.
- 2.4. It is recognised that some cases raised under the Whistleblowing Policy will proceed on a confidential basis. Every effort will be made not to reveal the identity of the individual who raises a concern without their prior consent.
- 2.5. The policy is not designed to replace the Grievance, Disciplinary or Child Protection Procedures. Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures.
- 2.6. The policy is only about employees and governors, and it is not a replacement for the school's complaints procedures and other statutory reporting procedures that may apply. The Whistleblowing Policy is primarily to protect the interests of others or of the organisation.
- 2.7. It is accepted that there may be occasions when a concern turns out to be unfounded but was raised in good faith. The school will not take action against the individual in these circumstances. If, an allegation was unfounded and it was clear that it had been raised frivolously, maliciously or for personal gain, then that individual may face disciplinary action.
- 2.8. The school and its governors are committed to treating claims of impropriety seriously irrespective of who the alleged perpetrators are. In all cases the school will seek the most appropriate sanction against individuals that it considers guilty of malpractice. This includes dismissing employees, taking civil legal action and, in conjunction with the law enforcement agencies, instituting criminal proceedings.
- 2.9. The aim of the Whistleblowing Policy is to enable employees to raise their concerns in-house and to be assured that action will be taken quickly and effectively. It should not be necessary, in most cases, to take concerns outside the school and especially to the media. Staff have a duty of confidentiality towards the school. It is a serious matter to disclose confidential information.

### 3. How the school will handle concerns raised

#### Step One - how to raise a concern

- 3.1. There are a number of agreed contacts for employees to raise concerns with under the Whistleblowing Policy. This enables the employee to choose the person to whom they wish to make the disclosure.
- Please note that if an employee wishes to raise a concern regarding an allegation of abuse made against a member of staff this should be taken directly to the Headteacher. This protects the individual's confidentiality whilst allegations are being investigated.
  - If an allegation of abuse is made against the Headteacher then this should be reported to the Chair of Governors. (Additional information can be found in the Safeguarding Policy).
- 3.2. Employees who have a concern about any wrongdoing should normally raise their concerns with their line manager. If however you feel unable to raise the matter with your line manager, for good reason, you may raise the concern with your Head Teacher or another senior member of school staff. If you feel unable to raise your concern with any member of the school management you may raise it with a senior officer of the LA i.e. Head of Learning and Schools or Principal Manager (School Organisation).
- 3.3. Concerns may be raised orally or in writing. Make it clear if you want to raise the matter in confidence. The person with whom you raised the concern may have a preliminary meeting with you to discuss the most appropriate route. You may bring a friend/union representative to any meeting that is arranged in connection with the concern you have raised as long as the friend/union representative is not involved in the matter and that the friend agrees to maintain confidentiality.
- 3.4. If you are raising concerns as a school governor you should speak to the chair of governors. If you feel unable to raise the matter with them for good reason, you should contact the LA i.e. Head of Learning and Schools or Principal Manager (School Organisation) with your complaint.
- 3.5. You are not expected to prove beyond doubt the truth of an allegation. However, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 3.6. The school hopes that this policy gives you the reassurance you would need to raise concerns internally. However, it recognises that there may be circumstances where progressing through the internal route has failed and you can only properly report your concern to external bodies who have responsibilities to monitor the school's compliance to its own standards and legal obligations. In most cases the most appropriate body would be the school's external auditors, Ernst & Young, 25 Churchill Place, Canary Wharf, London E14, 5EY. Their telephone number is 020 7951 2000.
- 3.7. Alternatively, you may wish to contact our Chair of Governors in the first instance and the details of this are on the school website.

## Step Two – What happens once a concern has been raised?

- 3.7. This appointed person, while maintaining the confidentiality of the complainant, will ensure that any individual who is the subject of the allegation is given details of the allegations in order to respond.
- 3.8. Once you have raised your concern, the person receiving the whistleblowing allegation will be responsible for ensuring that it is investigated properly. The nature of the investigation will depend upon the concern raised.
- 3.9. The person receiving your whistleblowing concern is responsible for ensuring you receive feedback on progress, subject to any issues of confidentiality that may be necessary to guarantee a successful conclusion. It may not be possible to inform you of the precise action undertaken where this would infringe a duty of confidence owed by the school to another party.

## 4. Safeguards

- 4.1. The school recognises that the decision to report a concern can be a difficult one to make. The school will take appropriate action to safeguard you from recrimination or victimisation as a result of raising a genuine concern.
- 4.2. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However in some circumstances you may be needed to come forward as witness.
- 4.3. You are encouraged to put your name to your concern wherever possible. Concerns expressed where the complainant wishes to remain anonymous are much less powerful but the school will consider anonymous concerns on a case by case basis.
- 4.4 This policy sits within the NCST Whistleblowing Policy, which is attached as Appendix 1

## 5. Independent Advice and Helpline

- 5.1. If you are unsure whether to use the school's Whistleblowing Policy, or you want independent advice at any stage, you may contact the independent charity called Public Concern at Work. This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give you free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy. The contact number is:

Public concern at work Tel No: 020 7404 6609

- 5.2. The Trade Unions encourage their members to contact them for advice before they take action in accordance with the policy.
- 5.3. The act of seeking confidential advice under 5.1 and 5.2 is solely a matter between the parties concerned and could not of itself be grounds for disciplinary action.
- 5.4. Regarding Safeguarding concerns where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:
- General guidance on whistleblowing can be found via: Advice on Whistleblowing.
  - The NSPCC whistleblowing 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](mailto:help@nspcc.org.uk)

## 6. Responsible Bodies and Monitoring Arrangements

- 6.1. The Governing Body has overall responsibility for the policy.
- 6.2. The Headteacher is responsible for the operation of the policy within the school and the overall maintenance of a record of concerns raised in accordance with this policy and the outcomes.
- 6.3. The LA is responsible for the operation of the policy and records outside the school.
- 6.4. All staff will be advised of this policy and where to access it.
- 6.5. This policy was devised in consultation with the Trade Unions and will be reviewed similarly.

# **NCST Policy: Whistleblowing**

**Last updated: July 2020**

**Applies to: NCST, NCST Federation, Lister Community School,  
Rokeby School, Sarah Bonnell School**



## 7. 1. NCST Policy - Whistleblowing

### 1.1. Aims

The Fair Funding Regulations require local authorities, from April 2002, to set out a procedure to be followed by all persons working at a school, including teachers, support workers, agency workers or school governors who wish to complain about financial management or financial probity at the school, and how such complaints should be dealt with. Across Newham Community Schools Trust (NCST hereafter), both as a Trust and as Lister Community School, Rokeby School and Sarah Bonnell School, we continue to abide by these Regulations, and have set out the attached policy in line with the requirements of the legislation.

In addition, Keeping Children Safe in Education 2020 requires that all staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team. It requires that appropriate whistleblowing procedures should be put in place for such concerns to be raised with the school's or college's senior leadership team.

NCST is committed to the highest possible standards of openness, probity and accountability and aims to comply with the requirements of the Public Interest Disclosure Act 1998.

This Whistleblowing Policy is intended to encourage and enable those covered by the policy to raise serious concerns at an early stage, in the right way, and to do so without fear of retribution, victimisation, discrimination or disadvantage.

### 1.2. Scope

The Act provides protection for workers who disclose information which might otherwise be regarded as confidential, if the disclosure falls into one of the categories outlined below:

- a) A criminal offence has been, is being or is about to be committed.
- b) The employer has failed, is failing, or is about to fail to comply with his legal obligations.
- c) A miscarriage of justice has happened, is happening, or is likely to happen.
- d) An individual's health and safety has been, is likely to be, or is being jeopardised.
- e) The environment is, has been, or is likely to be, damaged.
- f) Poor or unsafe practice and potential failures in the Trust's or in any of its schools' safeguarding regimes.
- g) Information falling into any of the above categories has been, is being or is likely to be deliberately concealed.

By adopting this policy, NCST is reassuring the workforce that they can safely raise concerns about malpractice internally. This will enable the Trust to investigate and deal with such concerns raised, and continue to foster a responsible and accountable culture in the organisation.

Staff and governors are expected to notify the Trust of any reasonable and genuine concerns they have about an abuse of the Trust's stated standards, malpractice, theft, fraud, financial

abuse, criminal offences, breach of legal obligations, dereliction of the Trust's health and safety responsibilities, damage to the environment, other unethical conduct or the cover up of any of these.

It is recognised that some cases raised under the Whistleblowing Policy will proceed on a confidential basis. Every effort will be made not to reveal the identity of the individual who raises a concern without their prior consent.

The policy is not designed to replace the Grievance, Disciplinary or Child Protection Procedures. Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures.

The policy is only about employees and governors, and it is not a replacement for the individual schools' Complaints Policies and Procedures (published on the school websites) and other statutory reporting procedures that may apply. The Whistleblowing Policy is primarily to protect the interests of others or of the organisation.

It is accepted that there may be occasions when a concern turns out to be unfounded but was raised in good faith. The Trust will not take action against the individual in these circumstances. If an allegation was unfounded and it was clear that it had been raised frivolously, maliciously or for personal gain, then that individual may face disciplinary action.

The Trust and its Board are committed to treating claims of impropriety seriously, irrespective of who the alleged perpetrators are. In all cases, the Trust will seek the most appropriate sanction against individuals that it considers guilty of malpractice. This includes dismissing employees, taking civil legal action and, in conjunction with the law enforcement agencies, instituting criminal proceedings.

The aim of the Whistleblowing Policy is to enable employees to raise their concerns in-house and to be assured that action will be taken quickly and effectively. It should not be necessary, in most cases, to take concerns outside the Trust and especially to the media. Staff and governors have a duty of confidentiality towards the Trust, and are reminded that it is a serious matter to disclose confidential information.

### 1.3. How the Trust will handle concerns raised

#### 1.3.1. Step One - how to raise a concern

As described below, there are a number of contacts for employees to raise concerns with under the Whistleblowing Policy. This enables the employee to choose the person to whom they wish to make the disclosure.

- Please note that if an employee wishes to raise a concern regarding an allegation of abuse made against a member of staff, this should be taken directly to the Headteacher of the school concerned. This protects the individual's confidentiality whilst allegations are being investigated.
- If an allegation of abuse is made against the Headteacher of any Trust school, then this should be reported to the Chair of Governors of the school concerned/CEO of the Trust (Anthony Wilson, who is also the Headteacher of Lister Community School). Additional information can be found in the Safeguarding Policy.

Employees who have a concern about any wrongdoing should normally raise their concerns with their line manager. If, however, employees feel unable to raise the matter with their line manager, for good reason, they may raise the concern with their Headteacher or another senior

member of school or Trust staff. If employees feel unable to raise their concern with any member of the school or Trust leadership team, they may raise it with either the CEO of the Trust, or the Chair of Trustees (details are published on the [Members, Trustees and Committees Listing page](#) of the NCST website).

Concerns may be raised orally or in writing. Those raising concerns should make it clear if they wish to raise the matter in confidence. The person with whom the concern is raised may have a preliminary meeting with the initiator to discuss the most appropriate route, to which they may bring a friend/union representative. A representative may be brought to any meeting that is arranged in connection with the concern raised as long as the friend/union representative is not involved in the matter and that the friend/union representative agrees to maintain confidentiality.

Concerns raised by school governors should be to the Chair of governors. Should those wishing to raise a concern not feel able to do so, they should raise the matter with the Chair of Trustees, who can be contacted via the registered office of the Trust, at Sarah Bonnell School.

Those raising concerns are not expected to prove beyond doubt the truth of an allegation. However, reasonable grounds for the concern will need to be demonstrated.

NCST hopes that this policy gives staff and governors the reassurance needed to raise concerns internally. However, the Trust recognises that there may be circumstances where progressing through the internal route has failed and initiators feel that they can only properly report their concerns to external bodies who have responsibilities to monitor the Trust's compliance to its own standards and legal obligations. In most cases, the most appropriate body would be the Trust's external auditors, [Buzzacott](#). Buzzacott's Engagement Partner can be contacted on 020 7556 1411.

### 1.3.2. Step Two – What happens once a concern has been raised?

The person who is approached regarding the concern, while maintaining the confidentiality of the initiator, will ensure that any individual who is the subject of the allegation is given details of the allegations in order to respond.

Once a concern has been raised, the person receiving the whistleblowing concern will be responsible for ensuring that it is investigated properly. The nature of the investigation will depend upon the concern raised.

The person receiving the whistleblowing concern is responsible for ensuring that the initiator receives feedback on progress, subject to any issues of confidentiality that may be necessary to guarantee a successful conclusion. It may not be possible to inform the initiator of the precise action undertaken where this would infringe a duty of confidence owed by the Trust to another party.

### 1.4. Safeguards

The Trust recognises that the decision to report a concern can often be a difficult one to make. The Trust will take appropriate action to safeguard anyone reporting a concern from recrimination or victimisation as a result of raising a genuine concern.

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the initiator. However, in some circumstances the initiator may be needed to come forward as a witness.

You are encouraged to put your name to your concern wherever possible.

Concerns expressed where the complainant wishes to remain anonymous are much less powerful but the school will consider anonymous concerns on a case by case basis.

#### 1.5. Independent Advice and Helpline

Anyone considering raising a concern, but unsure as to whether it falls within the scope of this policy, or wanting independent external advice at any stage, should contact the independent charity [Protect \(formerly Public Concern at Work\)](#). This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. Staff will provide free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy. You will not be required to reveal the name of your employer.

Trade Unions encourage their members to contact them for advice before they take action in accordance with the policy.

The act of seeking confidential advice is solely a matter between the parties concerned and could not of itself ever be grounds for disciplinary action.

Regarding Safeguarding concerns: where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance on whistleblowing can be found on the [Protect website](#).
- The [NSPCC whistleblowing 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 the Trust or any of its schools.

#### 1.6. Responsible Bodies and Monitoring Arrangements

The Trust Board of NCST has overall responsibility for the policy.

The Headteacher is responsible for the operation of the policy within each of the Trust's schools, and is responsible for the maintenance of a record of concerns raised in accordance with this policy and the outcomes. This record is always accessible to the CEO of the Trust.

This policy is published on the [Governance page of the Trust's website](#). All staff will be advised of this policy and where to access it. The Trust's schools will also publish the policy on their school websites.