



# Whistleblowing Policy

Adoption by Governing Body



..... (Signature of Chair of Governors)

.....September 2017..... (Date)

To Be Revised .....September 2018.....(Date)



# Squirrels Heath Junior School Whistleblowing Policy

## Introduction

- 1.0 In line with the London Safeguarding Children Board and the London Child Protection Procedures, Squirrels Heath Junior School operates a whistleblowing policy.
- 2.0 The purpose of this document is to assist all staff to whistleblow if they have concerns about any adult in the school setting, whether paid or voluntary
- 3.0 This policy reflects the requirements of
  - 3.1 Working Together to Safeguard Children 2015 (Rev Feb 2017)
  - 3.2 Keeping children safe in education 2016.
- 4.0 This policy and the following procedures apply to all paid staff, volunteers and governors working with or in Squirrels Heath Junior School.
- 5.0 This document applies to processes that must be followed in the following circumstances
  - 5.1 Concerns about the suitability of a member of staff (paid or voluntary) working with children  
See SECTION A
  - 5.2 Concerns about the conduct of staff and their suitability of working within the local authority  
See SECTION B
- 6.0 If you are the subject of an allegation or whistleblow use SECTION B.
- 7.0 To assist in determining which section, the following can be used as a guide. A whistleblow could be made because of:
  - 7.1 Allegations of harm or possible harm to a child from a staff member of volunteer in the school →SECTION A
  - 7.2 Financial irregularity →SECTION B
  - 7.3 Adult bullying (not involving children) →SECTION B
  - 7.4 Cheating/changing assessment and exam results→SECTION B
  - 7.5 Health & safety concerns →SECTION B, but consider SECTION A because of the impact of this on the possible safety of the child
  - 7.6 Policies and procedures not being followed →SECTION B, unless it concerns safeguarding and child protection issues in which case APPENDIX 2, Escalation policy.

In some instances, cases may be referred to the LADO.

- 8.0 APPENDIX 1  
Havering Local Area Designated Officer (LADO) referral form
- 9.0 APPENDIX 2  
Escalation Policy

## **Section A: Child Protection Whistle Blowing**

10.0 All staff should be aware of this policy and feel confident to voice concerns about the attitudes or actions of colleagues; this includes contact and actions using mobile phones, internet, email and chat.

11.0 If a member of staff believes a colleague has:

11.1 Behaved in a way that has harmed a child, or may have harmed a child;

11.2 Possibly committed a criminal offence against or related to a child;

11.3 Behaved towards a child or children in a way that indicates they are unsuitable to work with children;

Please speak to your Headteacher immediately – Mrs Shipton 07951478397

The Headteacher will report to the LADO on the same working day.

12.0 If a member of staff is worried about the conduct of the Headteacher, or they believe that a reported allegation or concern is not being dealt with properly they should report the matter, on the same working day, to the Havering Local Authority, Designated Officer (LADO), 01708 433003 and to the Chair of Governors – David Harries 07976636162

## **Section B: All Staff Whistleblowing Policy**

### **13.0 POLICY STATEMENT**

14.0 Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that to speak up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report something which after all, may just be a suspicion of malpractice.

15.0 Squirrels Heath Junior School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and encourage employees, and others whom we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis (i.e. between the employee voicing the concern and the person to whom the concern is voiced).

16.0 This policy document makes it clear that you can do so without fear of victimisation, reprisal, subsequent discrimination or disadvantage. This Whistleblowing/Confidential Reporting policy is intended to encourage and enable employees and others to raise concerns within Squirrels Heath Junior School rather than overlooking a problem or 'blowing the whistle' outside, in line with the Public Interest Disclosure Act 1998 (Whistleblowing).

### **17.0 AIMS AND SCOPE**

- 18.0 This section of the whistleblowing policy applies to all employees at Squirrels Heath Junior School (permanent, temporary, casual,), Governors, contractors and those in partnership roles working for the school on school premises, for example volunteers, agency staff, builders, etc.
- 19.0 This whistleblowing policy does not apply to pupils/students. Where applicable, employees are responsible for making pupils/students aware of the existence of the schools complaints procedure and other appropriate reporting procedures.
- 20.0 The procedure is designed to enable employees to notify the Headteacher/Chair of Governors of any reasonable suspicion of illegal or improper conduct.
- 21.0 It is a procedure in which the Headteacher/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.
- 22.0 Concern about a colleague's professional capability should not be dealt with using this procedure.
- 23.0 Where the concerns are about child protection or safeguarding children or young people, the School's Safeguarding and Child Protection Policy must be followed.

## **24.0 ROLES AND RESPONSIBILITIES**

### **25.0 Headteacher/Chair of Governors**

- 25.1 The Headteacher, or where the complaint is about the Headteacher, the Chair of Governors, is expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.
- 25.2 Where concerns are raised with outside agencies the Headteacher/Chair of governors must fully cooperate with any resulting investigation(s).
- 25.3 The Headteacher/Chair of Governors will make every effort to meet any request of anonymity where possible.
- 25.4 The Headteacher/Chair of Governors, where possible, should inform the complainant of the outcome of the investigation.

### **26.0 Employees**

- 26.1 All employees are expected to bring to the attention of the Headteacher/Chair of Governors any serious impropriety or breach of procedure.
- 26.2 All employees who report concerns under the whistle blowing procedure must be prepared to justify and support their claim in writing.
- 26.3 If another member of staff (other than the Headteacher/Chair of Governors) is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Headteacher/Chair of Governors.
- 26.4 Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate

## **27.0 LEGAL**

- 28.0 Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. If they are, they can claim unfair dismissal when the reason for the 'whistleblowing' meets any of the 'qualifying disclosures' criteria. They include when someone reports:
  - 28.1 Child protection issues
  - 28.2 That someone's health and safety is in danger
  - 28.3 Damage to the environment

- 28.4 A criminal offence
- 28.5 That the company/school isn't obeying the law i.e. not have the right insurance etc.
- 28.6 That someone's covering up a wrongdoing
- 29.0 The Headteacher/Chair of Governors should ensure that, where this procedure has been used in the public interest, employees are not subjected to harassment and/or victimisation for doing so.
- 30.0 The key piece of 'whistleblowing' legislation is the Public Interest Disclosure Act 1998. Other Acts and Statutory Instruments which govern the topic are:
  - 30.1 Police Reform Act 2002 Section 37
  - 30.2 Employment Rights Act 1996 Section 103A
  - 30.3 Employment Rights Act 1996 Sections 43A to 43L
  - 30.4 Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) Regulation 14
  - 30.5 Public Interest Disclosure Act 1998
  - 30.6 Public Interest Disclosure (Compensation) Order 1999 (SI 1999/1548)
  - 30.7 Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)
  - 30.8 Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 (SI 2003/1993)
  - 30.9 Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2004 (SI 2004/3265)
  - 30.10 Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2005 (SI 2005/2464)
  - 30.11 The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010 (SI 2010/131)
  - 30.12 Enterprise and Regulatory Reform Act 2013
- 31.0 This policy has also been developed in line with the London Safeguarding Children Board and the London Child Protection Procedures.

## **32.0 PROCEDURE**

### **33.0 Key Principles**

- 34.0 This procedure is not designed to replace or be used as an alternative to the schools' grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Employees who are worried about wrong doing at work do not necessarily have a personal grievance.
- 35.0 Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate
- 36.0 No employee who uses this procedure in the public interest will be penalised for doing so. The school will not tolerate harassment and/or victimisation of any employee raising concerns.
- 37.0 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 can contact the Headteacher/Chair of Governors or Public Concern at Work ([www.pcaw.co.uk](http://www.pcaw.co.uk)) for advice.

### **38.0 Safeguards**

- 39.0 The school is committed to good practice and high standards and wants to be supportive of employees

- 40.0 The school recognises that the decision to report a concern can be a difficult one to make. If you have a reasonable belief that what you are saying is true, you will have nothing to fear.
- 41.0 The school will not tolerate any harassment or victimisation (including informal pressures) upon you as a result of making a disclosure in accordance with this policy and will take appropriate action to protect you when you raise a concern in the public interest. The school in the event of reprisals or victimisation against you because you have acted in accordance with this policy, will consider and may take disciplinary action against the employee responsible for such victimisation and/or reprisal.
- 42.0 In some circumstances it is recognised that a person making information known about their colleagues may find it difficult to return to his/her normal job. The school has a duty of care to provide a safe working environment and treat its employees with respect. If this is not possible in the employee's normal job because of the situation surrounding the disclosure of confidential information, the school will seek to redeploy the individual, taking account of their generic and specialist skills, abilities and experience.
- 43.0 Confidentiality
- 44.0 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.
- 45.0 Anonymous Allegations
- 46.0 This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made, anonymously, the concern will be considered at the discretion of the school.
- 47.0 In exercising this discretion the factors to be taken into account would include:
- 47.1 The seriousness of the issues raised
- 47.2 The credibility of the concern; and
- 47.3 The likelihood of confirming the allegation from attributable sources
- 48.0 Untrue Allegations
- 49.0 If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation that is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
- 50.0 Mechanism for Raising Concerns
- 51.0 Where the issue concerns the Headteacher or, having made your report, you believe he/she has failed to take appropriate action, you should bring it to the attention of the Chair of Governors.
- 52.0 Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the names listed in paragraph 60.0 (Useful Contacts)
- 53.0 Depending on the nature of the concern the complainant will be asked to justify and support their claim. Normally the complainant will be asked to do this in writing. It will, therefore, be helpful to note down any facts and dates as they happen.
- 54.0 Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the schools' internal auditor for possible investigation. Normally you must first report any suspicion of such irregularities to the Headteacher who in turn will report it to the Finance Auditor – see paragraph 60.0 for their contact details.
- 55.0 Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a colleague or trade union representative along to any discussions, so long as the third party is independent of the issue.

- 56.0 Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible.
- 57.0 The earlier and more open the expression of concern the easier it will be to take appropriate action.
- 58.0 Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.
- 59.0 Examples of Illegal and/or Improper Conduct**
- 59.1 Fraudulent or improper use of the school's money or assets
- 59.2 Dangerous practices at work
- 59.3 Corruptly receiving any gift or advantage
- 59.4 Allowing private interests to override the interests of the school
- 60.0 USEFUL CONTACTS:**
- 60.1 M.A.S.H Triage Team – Tel: 01708 432222
- 60.2 LADO, Lisa Kennedy - Tel: 01708 431653
- 60.3 Assessment – Grahame Smith – School Assessment and Moderation – Tel: 01708 433813
- 60.4 Finance/Auditor  
Sandy Hamberger – Interim Head Interim Audit – Tel: 01708 434506
- 60.5 Education HR  
Peter Whitelock – Education HR Manager – Tel: 01708 433087
- 61.0 Schools' Health & Safety Team  
Sue Wilks – Corporate Health & Safety Manager – Tel: 01708 432903
- 62.0 Or any of the following trade union representatives:  
NASUWT – Keith Passingham – 01268 778030  
NUT – secretary@havering.nut.org.uk  
VOICE – Sue Peachey – Tel: 01708 788067  
NAHT – 0300 30 30 333  
UNISON – Dave Thomas – Tel: 01708 434343  
GMB – Colin Kerr – 07986 215985  
T&GWU – Sean Ramsden – Tel: 07792 163732  
ASCL – Stephen Hughes – Tel:  
ATL – Lara Holmes – Tel: 01708 787104
- 63.0 Or other agencies:
- 63.1 Health & Safety Executive – Tel: 020 7717 6000 / 020 7556 2100
- 63.2 The Environment Investigation Agency – Tel: 020 7490 7040
- 63.3 FCA – Tel: 0845 606 13234 / 020 7676 1099
- 63.4 HM Treasury – Tel: 020 72703000 / 020 7270 5000
- 63.5 Director General – Serious Fraud Office – Tel: 020 7239 7272
- 63.6 HMRC – Tel: 020 7605 9800 / 020 8370 7300 / 020 8522 5700 / 020 8509 4700
- 63.7 HMRC – Tel: 020 7620 1313 / 0800 595 000
- 63.8 National Audit Office – Tel: 020 7790 7000
- 63.9 District Audit Service – Tel: 020 7233 6400

63.10 Audit Commission – Tel : 020 7828 1212

63.11 Data Protection Commissioner – Tel: 01625 545 700

64.0 For confidential advice on how to raise a concern about malpractice at work; visit ‘Public Concern at Work’ [www.pcaw.co.uk](http://www.pcaw.co.uk)

65.0 Related Documents

65.1 Disciplinary Procedure

65.2 Grievance Procedure

65.3 Safeguarding and Child Protection Policy



**Managing allegations about adults working with children & young people**  
**Notification / progress and monitoring form to the Local Authority Designated Officer (LADO)**

Section one must be completed and emailed immediately to the Local Authority Designated Officer (LADO) if it is alleged that a person who works with children has:

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

The manager should then telephone the LADO immediately to discuss the next course of action.

LADO: Lisa Kennedy

Tel: 01708 434322

Email: Lado@havering.gov.uk

**Any referrals or communications with the LADO must be sent to: [LADO@havering.gov.uk](mailto:LADO@havering.gov.uk)**

Emails sent to personal email addresses may get lost or not responded

Do not assume that the form has been received – telephone the LADO.

**If you think a child is at immediate risk of significant harm phone Children's Social Care and/or the Police immediately**

Children's Social Care: 01708 433222 / 01708 433999 (out of hours)

Police – 101 (999 if an emergency)

When receiving an allegation:

- Treat it seriously and keep an open mind
- **Do not** investigate
- **Do not** make assumptions or offer alternative explanations
- **Do not** promise confidentiality
- Record the details using the child/adult's own words
- Note time/date/place of incident(s), persons present and what was said
- Sign and date the written record
- Do not tell the member of staff/volunteer if this might place the child at risk of significant harm or jeopardise any future investigation
- **Do** refer to Havering's 'managing allegations against people who work with children' policy

**The LADO will maintain a live record of the case using Section two.**

## SECTION ONE: REFERRER TO COMPLETE

Referrer Details	
Name:	Job Title
Organisation:	
Address:	
Tel	E-mail:
Referrers signature	Date

Child details (to whom the allegation refers)		
Name:		
Date of Birth:	Ethnicity	Male/Female:
Home address:		
School/College/Work Place:		Unique Pupil Number:
Additional information e.g. disability, communication or other special needs, previous child protection concerns:		

Family Details	
Parent/Carer:	
Relationship:	
Date of Birth:	
Ethnicity:	
Address:	
Telephone contact:	
Email contact:	

Any additional children to whom the allegation refers	

**Views of the child/children concerned in relation to any further action****If there is no named child, who has made the allegation?****Professional / volunteer concerned – The person(s) about whom the allegation has been made**

Name:

Date of Birth:

Ethnicity:

Male/Female:

Telephone:

Email:

Job Title:

Employment status:

Employing Agency (include statutory or voluntary agency):

Place of employment:

Home Address:

Additional information e.g. employment history; previous concerns raised:

Details of any previous allegations made:

Have safer recruitment processes been followed?

Yes/No

Date of CRB:

**Does the professional/volunteer care for or have contact /with children in a non -professional/voluntary capacity? Yes/No****Details:**

Do you have any concerns for these children?

**Details Of Allegation / Concern**

Date of Allegation:

Time of Allegation:

Place of Allegation:

Allegation in Personal Life?

Yes/No

Allegation in Professional Life?

Yes/No

Record the details of the allegation using the child/adult's own words where possible

Record nature of allegation – physical abuse, sexual abuse, emotional abuse, neglect:

Did the incident involve an authorised physical restraint?

Yes/No

**Has the child been spoken to about this incident or concern? If yes, give details**

**Has a parent/carer been informed? If yes, give reason and details.**

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**Has the member of staff / volunteer been informed? If yes, please give reason and details**

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**Are there any other key agencies involved with this family?**

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Outcome summary

Outcome	Definition	Tick all applicable
Allegation substantiated	Allegations supported or established by evidence or proof	
Allegation unsubstantiated	An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.	
Allegation unfounded	This indicates that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation	
Malicious allegation	This means there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.	
S47 enquiries	This applies where LB Havering has made s.47 enquiries (where it has reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm).	
Criminal investigation and outcome	This applies where the police have been involved in investigating an allegation to determine whether or not a criminal offence has been committed.	
Disciplinary proceedings	This applies where the employer has considered the allegation under the terms of their own internal disciplinary investigation	
Dismissal	This applies where the employer has decided, following due consideration of the allegation, to dismiss the member of staff from their employment.	
Referral to Fostering	This applies where the matter was initially considered under Safeguarding and LADO process but has been referred on to Fostering.	
Referral to regulatory body	For example the General Teaching Council, General Social Care Council etc.	
Referral to ISA	This applies to a decision to refer a person to the ISA for barring or restriction on their work with children or young people.	
No further action after initial consideration	Initial consideration means the discussion about whether the alleged incident constitutes an allegation within the scope of these procedures. It does not mean following an initial assessment undertaken in accordance with the Framework for the Assessment of Children in Need and their Families.	
Cessation of use	This applies only in proven cases involving volunteers or non-contracted staff.	

Resignation	This applies where a person resigns before disciplinary proceedings can be completed, or resigns as an alternative to being dismissed.	
Caution	This would apply if the police issued any cautions, reprimands, warnings or bind overs relating to the allegation.	
Suspension	This applies where LB Havering has taken the decision to ask the staff member to refrain from work or has suspended them for the duration of the investigative process.	
Acquittal	This is where the legal result of a criminal trial ends in a verdict of not guilty, or some similar end of court proceedings that terminate without a verdict of <a href="#">guilty</a> being entered against the accused . An acquittal formally certifies the innocence of the accused in criminal law.	

Further actions	
<b>Date closed:</b>	
<b>LADO authorisation:</b>	



## AGENDA ITEM: 1

### 1. Introduction

- 1.1 Effective working together depends on an open approach and honest relationships between agencies. Problem resolution is an integral part of professional co-operation and joint working to safeguard children.
- 1.2 Occasionally situations arise when workers within one agency feel that the actions, inaction or decisions of another agency do not adequately safeguard a child. This inter-agency policy defines the process for resolving such professional difference and should be read alongside the London Child Protection Procedures and relevant internal policies on escalating matters of concern.
- 1.3 Disagreements can arise in a number of areas, but are most likely to arise around:
- **levels of need**
  - **roles and responsibilities**
  - **the need for action**
  - **progressing plans and communication.**
- 1.4 Where professionals consider that the practice of other professionals is placing children at risk of harm, they must be assertive, act swiftly and ensure that they challenge the relevant professionals in line with this policy.
- The safety of individual children is the paramount consideration in any professional activity.
  - Resolution should be sought within the shortest timescale possible to ensure the child is protected: See London Child Protection Procedures edition 5 para 11.14-11.16 [http://www.londoncp.co.uk/chapters/profess\\_conflict\\_res.html](http://www.londoncp.co.uk/chapters/profess_conflict_res.html)
  - As a guide, professionals should attempt to resolve differences through discussion within one working week or a timescale that protects the child from harm (whichever is shortest).
  - Disagreements should be resolved at the lowest possible stage
- 1.5 **If a child is thought to be at immediate harm, the designated safeguarding lead in your agency should be informed immediately.**
- 1.6 Any worker who feels that a decision is not safe or is inappropriate can initially consult their supervisor/manager to clarify their thinking if required. They should be able to evidence the nature and source of the concerns and should to keep a record of all discussions.
- 1.7 Individuals may wish to refer to the Escalation Policy for their organisation to clarify the approach required.
- 1.8 Concerns relating to decisions, suspected wrongdoing or dangers at work within an agency, should be raised in line with each agencies' policies for dealing with such matters, including but not limited to those setting out the arrangements for *whistleblowing*.

## Stages of Resolution

### 2.1 Stage One: Discuss with the other worker

2.2 The people who disagree have a discussion to resolve the problem. This discussion must take place as soon as possible and could be a telephone conversation or a face to face meeting. It should be recognised that differences in status and/or experience may affect the confidence of some workers to pursue this unsupported.

### 2.3 Stage Two: Escalate to line manager

2.4 If the problem is not resolved, the worker should contact their supervisor/ manager / named safeguarding professional within their own agency who should have a discussion with the equivalent supervisor/ manager in the other agency.

2.5 If the case involves a child subject to a Child Protection Plan or a Looked After Child, the Independent Reviewing Officer (IRO) must also be notified.

### 2.6 Stage Three: Escalate to senior managers

2.7 If the problem is not resolved at Stage Two, the supervisor/ manager reports to their respective manager or named/ designated safeguarding representative. These two managers must attempt to resolve the professional differences through discussion.

2.8 **If there remains disagreement, the expectation is that escalation continues through the appropriate tiers of management in each organisation until the matter is resolved. The respective agency members on the Havering Safeguarding Children Board (HSCB) should be engaged in seeking resolution before the case is raised with the HSCB Chair.**

### 2.9 Stage Four: Resolution by HSCB Chair

2.10 If it has not been possible to resolve the professional differences within the agencies concerned (and after the agency HSCB members have been involved), the matter should be referred by the concerned agency to the Chair of the HSCB, who may either seek to resolve the issue direct with the relevant senior managers, or convene a Resolution Panel.

2.11 The agency raising the dispute must e-mail the details through to [alice.peatling@haverling.gov.uk](mailto:alice.peatling@haverling.gov.uk)

2.12 The Resolution Panel must consist of senior officer from three agencies who are members of the full Board of the HSCB. The senior officers must include the agencies concerned in the professional differences.

2.13 The Panel will receive representations from those involved in the dispute and will collectively resolve the professional differences concerned.

### 3. Additional Notes

- 3.1 At all stages of the process, actions and decisions must be recorded in writing on the child's file and shared with relevant personnel, to include the worker who raised the initial concern.

### 4. Escalation Policy Flowchart

