



Whistleblowing Policy (2019-2020)

Date agreed: December 2019.

Date of next review: July 2020.

Approved by: Elena Vlasenko (School Director)

Introduction

Pushkin's School is committed to conducting its business with honesty, integrity and accountability, and expects all staff to maintain high standards in accordance with their contractual obligations and the school's policies and procedures. In line with this commitment, all staff, volunteers and contractors are encouraged to come forward and voice their views to the School Director if they have any serious concerns about any aspect of the school's work.

This policy is intended to encourage and enable staff to raise serious concerns within the school rather than overlooking a problem or discussing it externally. The whistleblowing procedure is only for the purpose of raising concerns about wrongdoing and malpractice and is not a substitute or alternative for existing procedures outlined in the Allegations Against Staff Policy, the Complaints Procedure and the Staff Grievance Procedure.

It is recognised that certain cases will have to proceed confidentially. This policy makes it clear that staff can do so without fear of reprisals. In addition, this policy provides a means for staff to raise a concern under the Public Interest Disclosure Act 1998, which provides the staff member with a certain level of legal protection if they wish to raise a legitimate concern.

This policy reflects the school's current practices and applies to all individuals working at Pushkin's School, who are advised to familiarise themselves with the policy's content. This policy does not form part of a contract of employment and is not intended to have a contractual effect. It is provided for guidance to all members of staff and the school reserves the right to amend its contents at any time. The School Director will review and update this policy on an annual basis.

Policy Aims

This policy aims to:

- encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- provide staff with guidance as to how to raise those concerns;
- reassure staff that they should be able to raise genuine concerns without fear of reprisals or victimisation, even if they turn out to be mistaken;
- provide the staff member expressing their concerns with feedback on any action taken; and
- allow staff to take the matter further if they are dissatisfied with the School Director's response.

This policy is intended to cover concerns that fall outside the scope of other procedures, although the school reserves the right to determine which procedure is most appropriate. This policy should not be used for complaints about a staff member's personal circumstances, such as the way they have been treated at work. In these cases, the member of staff should use the school's Staff Grievance Procedure. To make an allegation against another member of staff relating to child protection or a serious safeguarding issue, the school's Allegations Against Staff Policy should be used in addition to this policy. Parent or pupil concerns against the school or its staff should be voiced using the Complaints Procedure.

If staff are uncertain whether something is within the scope of this policy they should seek advice from the School Director. If the matter is in relation to an alleged wrongdoing by the School Director then staff should seek the advice of the Local Authority Designated Officer (LADO).

Concerns to be reported under this policy may relate to something that:

- is unlawful;
- is against the school's policies, contracts or Code of Conduct;
- falls below established standards of practice; or
- amounts to improper conduct.

What is Whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- bribery;
- negligence;
- breach of the school's internal policies and procedures;
- conduct likely to damage the school's reputation;
- unauthorised disclosure of confidential information; and
- the deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above.

Roles and Responsibilities

The School Director has overall responsibility for:

- maintaining and operating the policy;
- the annual review of the policy;
- approving amendments to this policy;
- maintaining a record of concerns raised and the outcomes, in a form that does not endanger the whistleblower's confidentiality;
- reporting concerns to the LADO when necessary; and
- undertaking investigations without undue delay.

The Local Authority Designated Officer will provide advice and support for whistleblowing matters.

The Management Team, Teaching Staff and Volunteers must raise issues of concern responsibly.

Safeguards for Whistleblowers

Harassment or Victimisation

The decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The school will not tolerate harassment or victimisation and will act to protect staff when they have a genuine concern. This does not mean that if an employee is already the subject of procedures such as disciplinary, improving performance or grievance, that those procedures will be halted as a result of their whistleblowing.

Where feasible, the staff member will be contacted when their concern has been investigated to ascertain whether they have suffered any detriment as a result of the whistleblowing. If at any time, either during or after an investigation, the staff member feels that they have suffered any detriment as a result of their whistleblowing, they should contact the School Director who will take the matter further.

Confidentiality

The school treats the details of all whistleblowers in confidence. When an individual raises a concern but does not want their name to be disclosed, the school will do its best to protect the individual's identity. However, if it is decided that a formal investigation process is necessary, a statement may be required from the individual to form part of the evidence. Otherwise, it might not be possible to proceed with further action. The School Director will discuss this with the individual voicing their concerns.

Anonymous Allegations

One of the objectives of this policy is to encourage individuals to put their name, with confidence, to any allegation whenever possible. The school does not encourage individuals to make disclosures anonymously, although they could still be made. Proper investigation may be more difficult or impossible if further information cannot be obtained from the person voicing their concerns anonymously. Anonymous concerns are much less credible, but they will be considered at the school's discretion.

When considering anonymous allegations, several factors will be considered which includes:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of being able to confirm that the allegation is from identifiable sources; and
- the ability to trace the source of unfounded or malicious allegations.

Untrue Allegations

If an individual makes an allegation where they have a genuine concern, but it is not confirmed by the investigation, no action will be taken against them. In these cases, the individual will not suffer any detrimental treatment (such as dismissal, disciplinary action or unfavourable treatment) as a result of raising a concern in good faith. If, however, it is concluded that the individual has made intentionally malicious allegations, or with a view of personal gain, disciplinary action may be taken against them.

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the individual who raised the concern, who will be informed that the School Director deems the matter to be concluded and that it should not be raised again unless new evidence surfaces.

Protection and Support for Whistleblowers

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the individual raising the concerns and the individual subject to investigation.

Whistleblowing Procedures

How to Raise a Concern

The earlier a concern is voiced, the easier it is to take action. As a first step, concerns should be raised to the School Director. If the concern involves the School Director, it should be raised with the LADO. The LADO contact information for every Pushkin's School branch is displayed at the end of this policy. If the individual raising the concern is a member of a trade union or professional association, they may invite a companion to raise the concern on the individual's behalf. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

Although the whistleblower is not expected to prove an allegation, they will need to demonstrate that there are sufficient grounds for concern. Additionally, any attempt to gather evidence by people who are unfamiliar with the rules and procedures may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation.

Concerns are best raised in writing. The allegation should contain details of the background and history of the case, the names, dates, places and, where possible, the reason why the individual is concerned. If the member of staff does not feel able to put the concern in writing, they should telephone or meet with the School Director at the earliest possible time. It is important that, however the concern is raised, the individual makes it clear that they are raising the issue via the whistleblowing procedure.

Investigation and Outcome

Once a member of staff has raised a concern, the School Director will carry out an initial assessment to determine the scope of any investigation. Some concerns may be resolved by agreed action without the need for investigation. Concerns or allegations that fall within the scope of other specific procedures (such as child protection issues) will normally be referred for consideration under those procedures.

The staff member will be informed of the assessment's outcome. They may also be asked to attend additional meetings in order to provide further information or to clarify their concern in more detail. When any meeting is arranged, the staff member has the right to be accompanied by a union or professional association representative, or a colleague who is not involved in the area of work to which the concern relates to.

The School Director will refer to the LADO who will advise on what the best course of action will be. This could be:

- an internal investigation;
- a referral to the Police;
- the subject of an independent enquiry; or
- any combination of the above.

The school will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

Whilst the school cannot always guarantee the outcome the member of staff is seeking, the school will try to deal with the concern fairly and in an appropriate way. There are no rights of appeal against any decisions taken under this procedure. However, the staff member or School Director have the right to refer any case to the LADO for review.

The school will take steps to minimise any difficulties that may be experienced as a result of raising a concern. For instance, if a staff member is required to give evidence in criminal or disciplinary proceedings, the school will advise them about the procedure. The school acknowledges the need to provide the staff member with assurance that the matter has been properly addressed. Thus, subject to legal constraints, the individual will receive appropriate information about the extent and outcomes of any investigations.

External Disclosures

The objective of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the staff member should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the individual to report their concerns to an external body. Staff members are strongly encouraged to not alert the media or discuss any allegations or procedures with them. It is recommended to seek advice from the School Director prior to reporting a concern to anyone external. It should also be noted that it is the staff member's responsibility to ensure that confidential information is not disclosed to a third party.

Relevant Contact Information

The School Director should be the first contact when a staff member wishes to raise a concern:

- 07881764892
- elena@pushkinsschool.co.uk

If the individual is not satisfied with the action taken by the school, they may seek independent advice from the LADO. The LADO contact information for every school branch is provided below:

- Buckinghamshire Local Authority Designated Officer (High Wycombe school branch):
 - 01296 382070
- Hertfordshire Local Authority Designated Officer (Hemel Hempstead school branch):
 - 01992 555420
- Berkshire Local Authority Designated Officer (Bracknell school branch):
 - 01344 352005
- Essex Local Authority Designated Officer (Chelmsford and Southend-on-Sea school branches):
 - 03330 139797

Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline:

- 0800 028 0285
- help@nspcc.org.uk

Public Concern at Work is an independent organisation which can provide guidance and training to staff members on whistleblowing and can also offer free advice to individuals who are unsure whether to or how to raise a concern about workplace wrongdoing:

- 020 7404 6609
- whistle@pcaw.co.uk