



## Whistle Blowing Policy

Date updated: **9th November 2016**

**Date of next review: November 2018**

## Introduction

The staff and Governors of **ELMS SCHOOL** seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. If members of school staff, parents, Governors or the school community at large become aware of activities which give cause for concern, **ELMS School** has this whistle blowing policy; this acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the school's disciplinary procedure.

**ELMS SCHOOL** School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. **ELMS SCHOOL** recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

## Other complaints procedures

This procedure is separate from our Complaints Policy and procedures. The leadership Team is responsible for making member of staff aware of these procedures. Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

## Aims and scope

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
- provided with avenues to raise concerns and receive feedback on any action taken
- given a response to their concerns and are aware of how to pursue them if not satisfied
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying. This procedure is intended to cover concerns that fall outside the scope of other procedures. These include:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct that has occurred, is occurring or is likely to occur the result of which **ELMS SCHOOL** fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure
- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other employees (see below)
- past, current or likely damage to the environment

- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- any criminal activity
- damage to the environment of the school
- dangerous practices
- abuse of position
- fraud and deceit or corrupt practices
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- sexual or physical abuse of pupils or others
- other unethical conduct

Concerns about any aspect of service provision or the conduct of members of staff or others acting on behalf of the school, can be reported under the Whistle Blowing Procedure. This may be about something that you:

- feel uncomfortable about in terms of known standards, your experience or the standards you believe **ELMS SCHOOL** subscribes to: or
- is against the **ELMS SCHOOL'S** Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct

All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately.

### **Confidentiality**

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

### **Untrue Allegations**

If any individual makes an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations

### **Anonymous Allegations**

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at the schools' discretion. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources

## How to raise a concern

Concerns can 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 you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A trade union or professional association may raise a matter on behalf of an employee.

## Step One - Raising a Concern

Whenever possible you should raise your concern with your immediate manager or his/her manager.

If this is not appropriate, you should approach the following according to the nature of the concern:

### ELMS SCHOOL Governing Body:

MANDY INSOLE  
Chairman of the Governing Body  
C/O Clerk to the Governing Body at ELMS SCHOOL

### Children, Families and Education:

Hilary Williams on 01622 694031 or email [hilary.williams@kent.gov.uk](mailto:hilary.williams@kent.gov.uk),

### Independent Helpline:

Public Concern at Work on 020 7040 6609

KCC has an Anti-Fraud and Corruption Policy statement and all suspected financial irregularity must be reported to the Chief Internal Auditor.

## Step Two – How we will respond

The action **ELMS SCHOOL** takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, the Governing Body or through the disciplinary or other internal process
- be referred to the Police

- be referred to the Local Education Authority (KCC)
- be referred to the External Auditor
- form the subject of an independent inquiry.

In order to protect individuals and **ELMS SCHOOL**, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g., child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how **ELMS SCHOOL** proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

## Contact

The amount of contact between the person considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

## Attending meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

## Support

KCC will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, KCC will advise or arrange for you to have advice about the procedure.

KCC will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

KCC accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

## How the matter can be taken further

This procedure is intended to provide individuals with an avenue to raise concerns within **ELMS SCHOOL**. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Public Concern at Work on 020 7404 6609
- Audit Commission on 020 7630 1019
- a local [Kent County Council member](#)
- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If a matter is taken outside KCC, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named KCC contacts

### **Public interest disclosure**

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any Harbour School employee directly due to the individual having made such a disclosure will automatically be unfair

## **APPROVAL & ADOPTION**

This policy was formally approved and adopted by the Headteacher and Leadership & Management Monitoring Pair at a meeting held at the school on: **9th November 2016**