



Dalmain Primary School Whistleblowing Policy

Reporting illegal or improper conduct (disclosures under the Public Interest Disclosures Act 1998) or concerns about safeguarding children or young people.

Introduction

The staff and governors of Dalmain Primary School seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. In the event that members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, Dalmain School has established the following whistleblowing policy, or code of practice, which 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.

Throughout this policy, the term whistleblower denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the Second Report of the Committee on Standards in Public Life: Local Spending Bodies published in May 1996.

Dalmain School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. We recognise that some concerns may be extremely sensitive and have therefore developed a system that 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.

Dalmain School is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.

This policy applies to all employees and governors. Other individuals performing functions in relation to the school, such as agency workers and contractors, have access to it via the school website.

It is important to the school that any fraud, misconduct or wrongdoing by employees or governors of the school is reported and properly dealt with. The Governing Body will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the school, **which are in the public interest** (see below). This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Dalmain School expects the highest standards of conduct from all employees and governors and will treat seriously any concern raised about illegal or improper conduct.

The school will handle disclosures fairly and without discrimination.

Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Headteacher (or the Chair of Governors if the concerns relate to the Headteacher) any serious impropriety or breach of procedure.

Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.

This policy establishes the procedure for an employee to follow if he/she has a genuine concern about a colleague's conduct or the organisation's practices. It makes clear what sort of allegations will count as a protected disclosure and allows for the employee to raise these concerns with a nominated person and sets out the steps that the employer will take in response.

Background

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures' A qualifying disclosure is one **made in the public interest** by the employee who has a reasonable belief that:

- Any illegal activity or unethical conduct
- Financial mismanagement or fraud
- A miscarriage of justice
- Safeguarding or child protection concerns
- An act (or a failure to act) creating risk to health and safety
- An act causing damage to the public or the environment
- Corruptly receiving any gift or advantage, thus failing to comply with the Bribery Act 2010
- Allowing private interests to override the interests of the school
- A breach of any legal or statutory obligation; or
- concealment of any of the above

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed, - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the school's responsibility to ensure that an investigation takes place.

The Headteacher and/or Chair of Governors will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's Staff Disciplinary Policy.

When should it be used?

This procedure is designed purely for the qualifying disclosures listed above; the school has a variety of policies and procedures in place to address other concerns:

For members of staff with employment based concerns about themselves, including concerns regarding actual or potential breaches of contract: **Staff Grievance Policy**.

For parents, carers or members of the public with concerns about any provision of facilities or services that the school provides: **Concerns and Complaints Policy and Procedures**.

For safeguarding concerns: **Safeguarding and Child Protection Policy**.

Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it **cannot** amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.

This policy does not apply where the employee simply disagrees with the way the school is run.

Employees must have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour.

An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns.

No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.

Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

- 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 may contact Lewisham's Head of Assurance, Rich Clarke (rich.clarke@lewisham.gov.uk) (020 8314 8730), or their Professional Association/Trade Union.
- 'Protect' is an independent charity dedicated to supporting whistleblowing and can be contacted at: [Protect - Speak up stop harm - Whistleblowing Homepage](#) for advice and support.
- Lewisham also provides a whistleblowing reporting line: whistleblowing@lewisham.gov.uk (0800 850 119)

Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to Internal Audit for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Headteacher or Chair of Governors, who will in turn report it to Local Authority.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.

Malicious Allegations

Dalmain Primary School is committed to ensuring that concerns raised under this policy are investigated thoroughly and fairly. We expect all staff to raise concerns in good faith.

- Where, at the conclusion of an investigation, an allegation is found to be malicious—that is, made with the knowledge that it is false and/or with the intention to cause harm—disciplinary action may be taken against the person making the allegation.
- Staff will not face disciplinary action for raising concerns that are later found to be unsubstantiated, provided they were raised in good faith.

Confidentiality

We hope you feel comfortable raising a concern openly, but also accept you may wish to raise matters confidentially. Raising a concern confidentially means that although the person you report to will know who you are, they will not disclose that information to anyone else unless required by law (such as, to the police). **The school will assume matters are being raised in confidence unless you tell us otherwise.**

It may not be possible to keep your identity confidential while completing a thorough investigation. For example, in instances where others will know the concern could only have been raised by you. In those circumstances, we will consult you on how to best proceed and take your wishes into account.

You can choose to raise your concern anonymously, without giving your name. However, this may make it more difficult to investigate your concern, give you feedback on outcomes and provide advice and support.

All concerns will be logged securely and retained in line with our Data Protection Policy.

Only those involved in investigating will have access to records.

The school and/or the Local Authority will investigate all matters raised irrespective of whether they are raised openly, confidentially, or anonymously.

Procedures

In the first instance, unless the employee reasonably believes his/her Headteacher to be involved in the wrongdoing, any concerns should be raised with the employee's Headteacher. If he/she believes the Headteacher to be involved, then the employee should contact the Chair of Governors, Catriona Scott (c.scott@dalmain.lewisham.sch.uk)

When a concern is received through this policy, it will be recorded and you will receive an acknowledgment within two working days. The date the concern was received will be noted, as will whether you have requested confidentiality or not, a summary of the matters raised, and dates where updates or feedback have been provided.

The Headteacher (or Chair of Governors, if the matter concerns the Headteacher) will arrange an investigation into the matter (either by investigating the matter themselves or immediately passing the issue to someone in a senior position). The investigation may involve the employee and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be considered and he/she will be asked to comment on any additional evidence obtained.

- Employees who want to use the procedure but feel uneasy about it may wish to consult their Professional Association/Trade Union initially and bring a colleague or Professional Association/Trade Union Representative along to any discussions, so long as the third party is not involved in the issue.
- Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.

The Headteacher, or the person who carried out the investigation, will then report to the Chair of Governors/Governing Body who will take the necessary action, including reporting the matter to any appropriate department or regulatory agency.

If disciplinary action is required this will be taken forward by the Headteacher/Chair of Governors/Governing body in consultation with the School's HR Advisory Team.

On conclusion of any investigation (usually within ten working days) the employee will be told the outcome of the investigation and what the next steps will be. If no action is to be taken the reason for this will be explained.

A whistleblower should contact the Chair of Governors in situations where they believe there is a serious wrongdoing within the school that has not been adequately addressed through the usual internal channels.

If, after the Chair of Governors has investigated the matter, the employee remains concerned that a proper investigation has not been carried out the outcome of the investigation has not been reported, he/she should inform Lewisham's Head of Assurance, Rich Clarke (rich.clarke@lewisham.gov.uk) (020 8314 8730). Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:

- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education Funding Agency
- The Department for Education
- The National College for Teaching and Leadership

Safeguarding Children and Young People

All employees have a duty to report concerns about the safety and welfare of pupils/students.

Concerns about any of the following should be reported to the Designated Safeguarding Lead (DSL), Gisela Wilkinson (safeguarding@dalmain.lewisham.sch.uk):

- physical abuse of a pupil/student
- sexual abuse of a pupil/student
- emotional abuse of a pupil/student
- neglect of a pupil/student
- an intimate or improper relationship between an adult and a pupil/student

The reason for the concern may be the actions of a colleague (including a more senior colleague), a Governor, another pupil/student or someone outside the school. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.

Law Relating to This Document

Employment Rights Act 1996

Public Interest Disclosures Act 1998

Data Protection Act 2018

Equality Act 2010

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Related Policies and Procedures

Allegations of Abuse against Staff Policy and Procedures
 Concerns and Complaints Policy and Procedures
 Data Protection Policy
 Equality Statement, Policy and Procedures
 Financial Management Policy and Procedures
 Health and Safety Policy
 Prevention of Bullying and Harassment at Work Policy
 Safeguarding and Child Protection Policy
 Staff Code of Conduct
 Staff Grievance Policy and Procedures