

East Boldon Junior School

Speak Out Policy



The adoption of a whistle blowing policy helps to ensure compliance with legislation, including the Public Interest Disclosure Act 1998 (the 1998 Act) and the Employment Rights Act 1996.

This policy protects those people who make a disclosure (whistle blow) about any action by the organisation or an employee. This relates to the following:

- A criminal offence
- Failure to comply with a legal obligation
- A miscarriage of justice
- Endangering the health and safety of another
- Damage to the environment
- Indication that there is or is likely to be concealment of any of the above

The above will be referred to as “concerns” in the policy and procedure note.

Introduction

East Boldon Junior School recognises that employees are often the first to realise that there may be something seriously wrong in the way we do things. However, employees might not express their concerns because:

- They do not know how to or who to speak to
- They feel that speaking up would be disloyal to colleagues or to the organisation
- They fear harassment or victimisation

This organisation is committed to the highest possible standards of openness, fairness and accountability. With our commitment we expect employees who have serious concerns about any aspect of our work to come forward and voice those concerns. In some circumstances this will have to proceed on a confidential basis.

This policy document and the attached procedure note advises you:

- How to raise those concerns and who you should speak to
- What we will do about it
- How you can do so without fear of victimisation, discrimination or disadvantage if it is done in the right way
- That you will receive a response to your concerns

How we will deal with the following issues

Safeguards

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

The school recognises that the decision to report a concern can be a difficult one to make. Concerns that are raised in good faith will be supported as you are acting in the best interest of your employer and the people to whom you provide a service.

The school will not tolerate any harassment or victimisation for whistle blowing and will take appropriate action to protect you.

Any investigations into allegations of potential malpractice will not affect any disciplinary or redundancy procedures that already affect you.

Confidentiality

All concerns will be treated in confidence and all reasonable efforts will be made not to reveal your identity if requested, although you may need to come forward as a witness at an appropriate time.

Anonymous allegations

You are encouraged to put your name to your allegation.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the school.

In exercising this discretion, the factors taken into account will include:

- The individual appears to be acting in good faith
- Credibility of the concern raised
- Likelihood of confirming the allegation

Expectations of you when you are considering whistle blowing

Internal - In raising the concern within the school you must be acting **in good faith**. Where you wish to raise a concern about the actions of a person outside of your organisation, or a person with legal responsibility, then you can raise your concern with their organisation providing you are acting **in good faith**.

External – a “prescribed person”. There is a list of organisations identified by the Secretary of State who you can “whistle-blow” to under the Legislation. You must be still acting **in good faith** but you must also **reasonably believe that the concern relates to a matter that the “prescribed person” is responsible for and that the allegation is substantially true.** An example would be a tax matter to the Inland Revenue, which is a “prescribed person”.

External – other than listed above – If you make a whistle blowing disclosure to anyone else (for example the press) you must make it for all of the following reasons:

- In good faith
- In the reasonable belief that the information disclosed and any allegation contained in it are substantially true
- Not for personal gain
- In the belief that your own organisation will subject you to detriment if you make a disclosure or will conceal or destroy the evidence, or that you have already made a disclosure to your own organisation of substantially the same information
- In all of the above circumstances of the case it is reasonable to make the disclosure

The above guidelines are of exceptionally high standards to meet and employees are advised not to whistle blow to external organisations without being certain they can meet these standards.

Failure to meet the expectations of you as set out in this policy

If you make an allegation in accordance with this policy, but it is not confirmed by the investigation, no action will be taken against you.

If you make an allegation in breach of the expectations of you (see above) then disciplinary action may be taken against you.

Work for or on behalf of South Tyneside Council (the council)

This clause applies to organisations that are employed to provide works, goods or services to or on behalf of the council. If any employee of these organisations have genuine concerns relating directly or indirectly to that contract, then the employee should follow the procedures set out in this whistle blowing policy – unless you genuinely believe that it is necessary to inform the council directly.

The reasons for informing the Council directly are set out above or if you are not satisfied with the outcome of an internal enquiry.

Whistle blowing procedure

- Step 1 Before you raise a concern
- Step 2 Deciding who to raise a concern with
- Step 3 Decide how you are going to express your concern
- Step 4 How the organisation will respond
- Step 5 What the organisation will provide
- Step 6 The investigation
- Step 7 The outcome
- Step 8 If you are not satisfied that the matter has been dealt with properly

Procedure	Guidance notes
<p>Step 1. <u>Before you raise a concern</u></p> <p>You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or share the same concerns.</p> <p>You may wish to obtain further advice and guidance about the procedures.</p>	<p>A possible list of contacts are - Head Teacher Deputy Head Teacher SENCO Child Protection Designated Teacher</p>
<p>Step 2. <u>Decide who to raise the concern with</u></p> <p>Initially you should consider raising it with one of the following people: Head Teacher Deputy Head Teacher SENCO Child Protection Designated Teacher</p>	<p>It is always preferable to raise the concern within the school.</p> <p>This depends on the sensitivity of the issues involved and even whether or not you perceive your immediate manager and/or their supervisor to be involved in those issues.</p> <p>If you do believe that management is involved then you should raise the concern with another member of the SMT, SENCO, CP designated Teacher, Union Rep.</p> <p>However, if you choose to raise any concern outside of the school you must ensure that you can comply fully with the expectations set out in the policy.</p>
<p>Step 3. <u>Decide how you are going to express your concern</u></p> <p>Preferably it should be in writing but verbally is acceptable</p>	<p>Whether written or verbal you need to cover the background and history of the concern – give any relevant dates and supply supporting information. Provide full details about the concern you are raising.</p> <p>Explain why you are particularly concerned about the situation.</p> <p>Remember that the earlier you express your concern, the easier it is for the organisation to take action.</p> <p>Although you are not expected to prove the truth of a concern, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.</p>

	<p>Your Trade Union representative or colleague may accompany you if you meet the appropriate manager or contact person.</p>
<p>Step 4. <u>How the school will respond</u></p> <p>It will, where appropriate and dependant on the nature of the concern:</p> <ul style="list-style-type: none"> - investigate internally - refer to external auditors - consider action under disciplinary procedure - form the subject of an independent inquiry - refer to the Police 	<p>In order to protect individuals and those accused of misdeeds or possible malpractice initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it will take.</p>
<p>Step 5. <u>The school will provide</u></p> <p>A written response within ten working days of the concern being raised and the person who you raised the concern with will write to you with:</p> <ul style="list-style-type: none"> • acknowledgement that the concern has been raised • indicating how the organisation intends to deal with the matter • giving an estimate of how long it will take to give a final response (if this is feasible) • telling you whether any initial enquiries have been made • supplying you with information about employee support mechanisms • telling you whether further investigations will take place and if not, why 	<p>Some concerns may be resolved by agreed action without the need for further investigation.</p> <p>If urgent action is required this may be taken before any investigation is conducted.</p>

<p>Step 6. <u>The investigation</u></p> <p>The person investigating may seek further information or meetings with you.</p> <p>The amount of contact between you and the person investigating will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.</p>	<p>When any meeting is arranged, off site if requested, a union, colleague, friend or professional association representative can accompany you.</p> <p>The school will take steps to minimise any difficulties you may experience as a result of raising concern. For example, if you are required to give evidence in criminal or disciplinary proceedings, the school can arrange for you to receive advice about the procedure.</p>
<p>Step 7. <u>The outcome</u></p> <p>The school will inform you of the outcome of any investigation.</p>	<p>This information may be limited subject to legal constraints.</p>
<p>Step 8. <u>If you are not satisfied that the matter has been dealt with properly</u></p> <p>You should initially raise your dissatisfaction internally.</p> <p>If you still feel that the matter has not been dealt with correctly and you consider that it may be right to take the matter outside of the school, remember that you need to meet all of the requirements set out in the policy.</p>	<p>If you do not meet all the requirements of the policy, then you may be subject to disciplinary action.</p>

Review Date: February 2021

Signed: *Hilton Heslop*

Chair of Governors

Signed: *Tim Shenton*

Head Teacher