# Whistleblowing Policy

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<th>Reviewed:</th>
<th>Approved by the Resources Committee:</th>
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<td>February 2019</td>
<td>5.3.19</td>
<td>Spring, 2020</td>
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1. Policy Statement

The School is committed to the highest possible standards of conduct, openness, honesty and accountability and takes seriously any issues of malpractice or wrongdoing. Staff are often the first to realise there may be something seriously wrong within the workplace and the school expects staff who have serious concerns about any aspect of the school’s work to come forward and voice those concerns and to feel supported when doing so.

The Public Interest Disclosure Act 1998 (PIDA) protects workers who 'blow the whistle' about malpractice or wrongdoing within an organisation. This Act makes provision on the kinds of disclosures which may be protected, the circumstances in which such disclosures are protected and persons who may be protected.

2. Who is covered by the Policy?

This Policy reflects the School’s current practices and applies to all individuals working at all levels of the organisation, including the Governors, Headteacher, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as “Staff” in this policy) who are advised to familiarise themselves with its content.

Schools

This policy and procedure is strongly recommended for adoption by School Governing bodies, following consultation with their staff. Governing bodies are urged to adhere to the principles outlined within this policy and procedure.

Where this policy and procedure makes reference to a manager, in schools this normally will be the Head Teacher.

3. Why do we need a Policy?

This policy and procedure is intended to encourage and enable staff to raise serious concerns within the school rather than overlooking a problem or feeling the need to “blow the whistle” outside.

This policy and procedure aims to:

- encourage staff to feel confident in raising serious genuine concerns and to question and act upon concerns;
- Provide avenues for staff to raise those concerns and receive feedback on any action taken.
- Encourage and enable staff to raise serious concerns within the school rather than overlooking a problem or taking it outside of the organisation.
- Ensure that staff are aware of how to pursue concerns if they are not satisfied with the action taken.
• Reassure staff in the strongest terms that they will be protected from possible reprisals or victimisation for Whistleblowing in good faith in accordance with this procedure.
• Ensure for consistency and fairness in dealing with Whistleblowing across the school.

It is recognised that cases may have to proceed on a confidential basis.

4. What is covered by this Policy?

The PIDA and this Policy provide protection for staff who make a qualifying disclosure. This means any disclosure of information which, in the reasonable belief of the staff member making the disclosure is made in the public interest and tends to show one or more of the following:

• that a criminal offence has been committed, is being committed or is likely to be committed;
• that a person has failed, is failing or is likely to fail to comply with any legal obligation to which s/he is subject;
• that a miscarriage of justice has occurred, is occurring or is likely to occur;
• that the health or safety of any individual has been, or is likely to be endangered;
• that the environment has been, is being or is likely to be damaged; or
• that information tending to show the matter falling within any one of the above has been, is being or is likely to be deliberately concealed.

Although not covered by PIDA, it should be noted that School employees have a duty to report to the authority any impropriety, breach of procedure or failure of the manner in which services are being provided without fear of recrimination (see Code of Conduct policy).

For the avoidance of doubt, this includes a duty to report a suspected breach of the Council’s Constitution (including Contract Procedure Rules and Financial Regulations). The Financial Regulations require school employees to report financial impropriety to Internal Audit / Corporate Anti-Fraud Team.

Issues not covered in the above list will be dealt with in one of the ways outlined in Section 8.5 below.

Staff can seek guidance and advice on how to pursue matters of concern from Harrow Human Resources & Development.

5. Safeguards against Harassment or Victimisation

The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action, within its power, to protect staff when a concern is raised. Staff who suffer harassment or victimisation should inform the individual with whom they raised their initial concern.
Staff, raising an issue referred to in Section 4 in good faith and in accordance with the PIDA, are protected from harassment, victimisation or any other detrimental treatment, even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation.

PROCEDURE FOR RAISING A CONCERN

See Appendix 1

6. How to Raise a Concern

- Concerns may be raised verbally or in writing.

- The member of staff needs to ensure that the person with whom they raise the concern is fully aware that they are using this procedure.

- Staff may wish to discuss their concern in confidence with their Trade Union representative or work colleague and/or invite their trade union representative or work colleague to be present during any meetings or interviews in connection with the concerns raised.

- Staff can seek guidance or advice on how to pursue matters of concern may be obtained from the Human Resources and advice/support may also be sought from a Trade Union Representative.

- The earlier the concern is raised the easier it is to take action.

- It will be helpful to provide the background and history of the concern (giving relevant dates, names & locations), the reasons for the particular concern about the situation and details of evidence / witnesses.

- Staff may seek assistance with preparing this information from an HR Adviser or Trade Union representative.

- The earlier the concern is raised the easier it is to take action.

7. To whom do I Report my concerns?

Concerns should be expressed in writing to the Headteacher. If the concern involves the Headteacher then the Chair of Governors should be the first point of contact.

The Chair of Governors at Woodlands School is Annmarie Taylor-Kent (07966025079)

It is expected that the person receiving the allegation will become the investigating officer. However it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.
If you feel you cannot express your concerns within the school, it is open to you to raise your concern with someone outside the school setting from the list of organisations in the section of this policy ‘Taking the Matter Further’.

Where the concern relates to a child protection matter, if you do not want to raise this through the school, you must consult the LA designated officer (LADO) to lead on child protection or if that person is not available, the local authority’s designated social services manager for child protection. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern; giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

8. How the School/Council will Respond

8.1 Within 5 working days, the person with whom the concern was raised will acknowledge its receipt in writing, irrespective of how the concern was raised.

8.2 Where the concern has been raised with a headteacher, s/he together with an HR Adviser (or other relevant representative e.g. from Audit or Child Protection Unit) will decide whether the matter needs to be referred to a more senior officer e.g. Chair of Governors, LADO, Director of Education Services, Director of Finance, Director of Legal and Governance Services (Monitoring Officer).

8.3 Investigation does not imply either acceptance or rejection of an individual’s concerns

8.4 The initial enquiry will be undertaken, wherever possible within 10 working days, by the most appropriate Officer(s). This will not involve a detailed investigation; however, sufficient information will need to be gathered in order that a decision can be made as to whether further investigation will take place.

8.5 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor or other external investigation
8.6 In order to protect individuals and those accused of misdeeds or possible malpractice or wrongdoing, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the School/Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

8.7 Within fifteen working days of a concern being raised, the person with whom the concern has been raised will write to the individual who raised the matter:

- indicating how they propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing them whether any initial enquiries have been made
- supplying them with information on staff support mechanisms, and
- informing them whether further investigations will take place and who will conduct that investigation, or
- explaining the reasons why no investigation is to be carried out

8.8 It may be necessary, as part of the investigation, to obtain additional information from the individual who raised the concern.

8.9 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the concern until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud.

8.10 The school accepts that individuals who raise a concern need to know that the matter has been properly addressed. Thus, subject to legal constraints, the worker will be given feedback on any action taken. However, it will not include information relating to specific individuals, which will remain confidential.

9. How the Matter can be taken Further

This policy and procedure is intended to provide staff with an avenue within the school to raise concerns. The school hopes staff will be satisfied with any action taken. If not, and they feel it is right to take the matter outside the school, the matter can be raised with the relevant organisation(s) as listed in Appendix 2.

There may be circumstances where a member of staff considers that (s)he needs to raise the matter externally. This may be because, for example, there
is a need to involve the appropriate external regulatory body, or the staff member considers that the matter has not been properly addressed, or that a staff member reasonably believes that the matter will be covered up.

If a member of staff is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice or wrongdoing at work.

Further information can also be obtained from the website of the employment service, ACAS (the Advisory, Conciliation and Arbitration Service) at www.acas.org.uk.

In circumstances where a member of staff decides to raise the matter externally, (s)he will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the PIDA. This means that the disclosure must fall under one of the categories listed in paragraph 4 above and must be made in one of the following ways:

a) in the course of obtaining legal advice
b) to a prescribed regulatory body (listed in Appendix 2) provided the disclosure is made in good faith and the member of staff reasonably believes the prescribed body is responsible for the matter of concern and that the allegations are substantially true;
c) to other third parties where the member of staff makes the disclosure;

• in good faith, with reasonable belief that the information and allegations are substantially true, and
• does not make the disclosure for personal gain, and
• has already raised the matter with the school or prescribed regulator, unless the staff member reasonably believes that (s)he will suffer a detriment, or there is not prescribed regulator and (s)he reasonable believes that evidence will be concealed or destroyed if (s)he makes the initial disclosure to the school, and
• in all of the circumstances it is reasonable to make the disclosure.

d) The disclosure is of an exceptionally serious nature and the whistle-blower makes the disclosure:

• In good faith, with reasonable belief that the information and allegations are substantially true, and
• Does not make the disclosure for personal gain, and
• In all of the circumstances it is reasonable to make the disclosure.

Staff who wish to take the matter outside the school should check with their Trade Union representative or Human Resources that they are not in breach of the school’s Code of Conduct.

Staff should not, in any circumstances, approach the media/press.
10. **Support for Staff raising a Concern and others affected by the Raising of a concern**

- The School is committed to good practice and high standards and wants to be supportive of individuals who raise concerns.
- The School will also support individuals affected by the raising of a concern as appropriate.
- School staff experiencing stress as a result of their involvement in this process can seek counselling and support from the Occupation Health Service or Employee Assistance Programme.
- School staff can also approach their Trade Union for advice/support throughout the procedure.
- The member of staff may also approach their Employee Support Group for support throughout the procedure.
- The member of staff may find it helpful to involve his or her manager, particularly if they can identify specific support that would be helpful and which the manager feels are reasonable.
- The school will take steps to minimise any difficulties which individuals may experience as a result of raising a concern, e.g. if they are required to give evidence in criminal or disciplinary proceedings the school will arrange for them to receive advice about the procedure and, if necessary, be fully prepared for a Court appearance.
- Where the raising of a concern affects a group of staff, the relevant Headteacher will, having made an assessment, take appropriate action to support the staff.

11. **Confidentiality**

All concerns raised will be treated in confidence.

If a member of staff raises an issue, every effort will be made not to reveal their identity. It must be recognised, however, that in order to investigate the matter, information must be obtained and/or other workers questioned, therefore total confidentiality cannot be guaranteed. If criminal proceedings require that information is passed on it may become necessary to reveal the staff member’s identity. In such situations the worker will be consulted before this action is taken, however, the school will endeavour to maintain confidentiality whenever possible.

If there is an unauthorised disclosure of their identity, disciplinary action may be taken against that individual.

12. **Anonymous Allegations**

Where a concern is raised anonymously, these will be considered at the discretion of the School taking into account the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegation from attributable sources.
13. **Untrue Allegations**

The School expects that whistleblowing will be made in “good faith” and will treat abuse of the Whistleblowing procedure extremely seriously. The school reserves the right to take appropriate action against the whistle-blower if they are found not to be acting in good faith.

14. **The Responsible Officer**

The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy. They will maintain a record of concerns raised and the outcomes and will report as necessary to the Governing Body but in a form which does not endanger confidentiality. This policy will be reviewed by the Governing Body as necessary.

15. **Whistleblowing Advice Line - NSPCC**

In addition to individual agency requirements to have own whistle blowing policies in place, the government has commissioned NSPCC to provide an alternative service. This is for those who feel dissatisfied in using their agency’s internal procedures.

The NSPCC has recently launched a whistleblowing helpline to provide free advice and support to professionals wanting to raise concerns about how child protection issues are being handled in their own or other organisations.

The advice line was commissioned by the Home Office as a firm commitment made by Government in its response to failures to protect children from sexual exploitation in Rotherham and the Government’s subsequent Tackling Child Sexual Exploitation report.

**Who can call?**

Anyone can call the whistleblowing advice line if they have a concern about a child and how that concern is being handled. We urge professionals to call if they believe:
- their own or another employer will cover it up
- their employer will treat them unfairly for complaining
- the concern hasn’t been sorted out and they have already told them about it.

The advice line provides free help and advice to people who suspect their organisation might be putting children at risk, even if they’re not certain that this is the case. You can call the advice line about an incident that happened in the past, is happening now, or that you believe might happen in the future.

**The number is:** 0800 028 0285

16. **Ofsted**

Normally, concerns should be first raised internally, for example with the line manager. If whistle-blower prefers not to do this, or they have tried
and been dissatisfied with the outcome they can call Ofsted's dedicated Whistleblowing Hotline (0300 123 3155). It is staffed from 8am to 6pm, Monday to Friday.

A list of the Prescribed Regulators for England, Scotland and Wales is available on the Public Concern at Work website: www.pcauw.co.uk
Member of Staff has a concern

Raises with Head teacher/ chair of governors either orally or in writing. Date noted.

Concern directed to LADO, Director or Director of Finance, Director of Legal and Governance Services (Monitoring Officer) or Chief Executive

Within 5 working days of noted date – Relevant officer to acknowledge concern in writing and inform complainant about process involved

Within 10 working days of noted date – decision taken on whether further investigation necessary, whether disciplinary issue, timescales agreed, etc.

Within 15 working days of noted date – staff to receive information on how concern is being addressed i.e. whether further investigation will take place, if not, why not, how feedback will be given to worker, timescales, etc.

On completion of investigation, staff member to receive, subject to legal constraints etc., feedback on the outcome of any investigation.

If member of staff remains dissatisfied with action taken and wishes to take the matter outside the school, they contact one of the prescribed regulators listed at the back of this policy.

Council employees should, before proceeding, seek advice from their TU or HR to ensure they are not breaching the Council Code of Conduct.

In no circumstances should Council employees contact the media/press.

Monitoring Officer maintains record of concerns raised and outcomes and reports to relevant bodies as required.