



# **Whistleblowing Procedure**

## **For School Employees**

***NOTE: THIS PROCEDURE IS INTENDED FOR USE BY MAINTAINED SCHOOLS DUE TO THE PROVISIONS RELATING TO THE COUNCIL'S WHISTLEBLOWING OFFICER***

**written: May 2016**

**Brent's Whistleblowing Procedure remains unchanged since 2016.**

**Reviewed by: the Finance & Resource committee of Elsley**

**Primary School's Governing Board**

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## **1. INTRODUCTION**

Employees are often the first to realise that there is something seriously wrong but may not feel confident to express their concerns. The Governing Body recognises that 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 Governing Body is committed to the highest standards of openness, probity and accountability and strongly encourages employees to come forward and raise concerns about any aspect of the school's work. This school expects the highest standards from all of its employees, Governors and its contractors and will ensure concerns can be raised without fear of reprisals or victimisation internally within the school, rather than overlooking a problem or raising the matter externally. There is both a legal and moral duty to speak up about something which is improper, unethical or inappropriate in order for the school to investigate and remedy the wrongdoing.

The Governing Body has put in place a whistleblowing policy to encourage and enable employees to raise serious concerns. The Governing Body will not tolerate harassment and victimisation and will take action to protect employees when a concern is reported in good faith.

This is a staff whistleblowing policy and as such this policy applies to all employees and governors. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, will also have access to it.

## **2. AIMS OF THE POLICY**

The aims of the policy are to:

- encourage all improper, unethical or inappropriate behaviour to be identified and challenged at all levels in the organisation;
- ensure all employees feel supported in speaking up in confidence and reporting matters they suspect may involve anything improper, unethical or inappropriate;
- provide a clear procedure for reporting concerns and receive feedback on any action taken;
- manage all disclosures in a timely, consistent and professional manner;
- provide assurance that all disclosures will be taken seriously, treated in confidence and managed without fear of retaliation;
- re-assure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made a disclosure that is in the public interest.

### 3. SCOPE

Whistleblowing disclosures should only concern matters which are in the public interest and are made in good faith.

This policy is intended to cover concerns that fall outside the scope of other policies, although the school reserves the right to determine which policy is appropriate. The following are outside the scope of this policy:

- Matters that concern day-to-day issues relating to an employee's employment including terms and conditions, issues relating to harassment and bullying, or a complaint about another employee which would normally be referred to the employee's line manager in the first instance, or if necessary can be pursued using the school's grievance policy;
- Matters that would normally be dealt with by the school/Council's collective bargaining arrangements with its recognised trade unions;
- Concerns relating to child protection issues should be reported to the school's Designated Senior Person for Child Protection (DSP).
- Allegations concerning fraud, corruption or financial irregularity. In such cases contact should be made direct to the Council's designated Whistleblowing Officer. This is the Head of Audit and Investigations.
- Complaints from the public that relate to standard of service delivered by the school or its contractors, which should be reported through the school's complaints procedure.

The Policy is designed to deal with concerns that relate to specific issues that are in the public interest. Only genuine concerns should be reported.

Whistleblowing means a disclosure of information where the individual making the disclosure reasonably believes that one or more of the following matters is happening, took place in the past, or is likely to happen in the future. This is not an exhaustive list of examples:

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of an individual;
- damage to the environment;
- a failure to comply with the school's policies and procedures;
- any conduct which may damage the school's reputation;
- deliberate concealment of information relating to any of the above.

#### **4. REPORTING IN GOOD FAITH**

If a disclosure is made in good faith, but is not confirmed by investigation, no action will be taken against an employee.

Employees should not make reports which they do not reasonably believe to be true, which are malicious, or which they know are outside the scope of public interest. Disciplinary action may be taken against an employee who makes a disclosure frivolously, maliciously, for personal gain or knowingly in bad faith.

Any investigation into disclosures of potential malpractice under this policy will not influence or be influenced by any disciplinary or redundancy procedures that already affect an individual. Disciplinary, capability, grievance or supporting attendance procedures may not be halted as a result of an individual whistleblowing.

#### **5. CONFIDENTIALITY AND SUPPORT**

The Governing Body recognises that employees may want to raise concerns in confidence and will make every effort not to reveal the identity of employee who has raised a concern/disclosed information. However, in some circumstances it may not be possible to maintain confidentiality; if, for example, an employee is required to come forward as a witness.

The school will take steps to minimise any difficulties employees may experience as a result of raising a concern. If an employee is required to give evidence in criminal or disciplinary proceedings the school will arrange for advice and support to be given on the proceedings.

The school will not tolerate harassment and victimisation and will take steps to protect individuals who raise concerns in good faith.

It is acknowledged that employees need to be assured that concerns will be properly addressed and subject to legal constraints the school will provide information about the outcome of any investigation.

#### **6. ANONYMOUS DISCLOSURES**

This policy encourages employees to put their name to the concerns they are raising. Anonymous concerns may carry much less weight as they are considerably more difficult to investigate. As part of the investigation procedures the individual who raised the concern is likely to need to be contacted for further information and to verify the details provided. All complaints made anonymously will be investigated wherever possible.

## **7. PROTECTION**

The Employment Rights Act 1996 provides individuals with protection from victimisation, dismissal or any other detriment provided they have a reasonable belief that what they have reported is true and the report is made in good faith.

The Governing Body views harassment or victimisation very seriously and undertakes to ensure that no one who reports any concern under this policy in good faith will be subject to any detriment for coming forward, regardless of whether or not the concern is ultimately substantiated.

If an employee believes that they are being victimised or subjected to detriment by any person as a result of reporting a concern or assisting with any investigation under this policy, they should inform the headteacher or the school's Chair of Governors and appropriate action will be taken to protect them from any reprisal.

If any employee is aware of the victimisation or harassment of a whistle-blower, they have a responsibility to bring it to the attention of one of the individual's stated above.

The school will treat any victimisation or harassment of an employee who has made a report in good faith under this policy as a disciplinary offence.

## **8. ADVICE**

If you wish to receive advice from a relevant professional before making a report under this policy, you should contact any of the following:

- the Chief Finance Officer, Brent Council
- the Operational Director Regeneration (Health & Safety matters only), Brent Council
- the Human Resources Director, Brent Council
- the Chief Legal Officer, Brent Council
- the Operational Director Safeguarding, Partnerships & Strategy, Brent Council
- Your trade union

Contact details are provided in paragraph 14.

Alternatively you may wish to seek advice from Public Concern At Work (a whistleblowing charity). Tel: 0207 404 6609 Website: <http://www.pcaw.org.uk/advice>

## 9. REPORTING A CONCERN

It is advisable to report a concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue.

In the first instance concerns should normally be reported to a senior leader or the headteacher except when they are involved in the concern (see section 11). An employee reporting a concern will not be expected to prove a disclosure, but will be asked to demonstrate that there are sufficient grounds for the concern and it is made in good faith and the public interest.

If the employee believes:

- the concern to be extremely serious or sensitive;
- the concern involves a senior leader or the headteacher;
- the concern has been raised with the headteacher previously, but has not been dealt with properly;
- there is reasonable belief that relevant information may be concealed or destroyed if the matter is raised directly with a senior leader or the headteacher;
- they may be victimised if the matter is raised directly with the headteacher;

the concern should be reported directly to the school's Chair of Governors.

Before raising a concern an employee may wish to take advice on the matter from any of those listed in section 8 above, or discuss any concerns with a trade union representative or work colleague. Your trade union representative may then assist you in reporting your concerns.

If more than one employee has the same concerns, the disclosure can be in the form of a joint report.

Concerns can be raised verbally or in writing. Where possible, the following information should be included:

- an outline of the disclosure, and how it represents information in the public interest;
- names of those believed to be involved in the disclosed offence;
- names of any person who has relevant information;
- details of how the employee became aware of the suspected activities;
- which of the school's policies has been breached;
- names of any person with whom the disclosure may have been shared;
- the employee's name and contact details.

## **10. HOW THE SCHOOL WILL RESPOND**

The headteacher/senior leader/Chair of Governors will arrange an investigation into the concern(s) raised, either by investigating the matter themselves or delegating the task to an appropriate individual.

The person who carried out the investigation will then report to the headteacher/senior leader/Chair of Governors 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 in consultation with their HR provider.

## **11. REPORTING A CONCERN TO THE COUNCIL'S WHISTLEBLOWING OFFICER**

The Council's Whistleblowing Officer is the Head of Audit and Investigations.

You may make a written or verbal report to the Council's Whistleblowing Officer if:

- pursuing your concerns through the management structure of your School is not, or is no longer, appropriate (see paragraph 9); or you fear that you will be victimised if the matter is raised within your management structure; or
- you fear that relevant information may be concealed or destroyed if the matter is raised within your management structure.

You should write to, email or telephone the Whistleblowing Officer (or any of the officers within the Audit and Investigation Team) outlining your concerns. Please bear in mind you may be asked to put the details in writing later.

You will be advised whether the referral is appropriate for this procedure, and if it is, you will be informed of the next steps in the process. This will normally include an interview with a member of the Audit and Investigation team. Then an investigation into the concerns you have raised will be carried out.

If your allegation is not proven or there is insufficient evidence on which to base a conclusion, you will be advised accordingly. It will not be necessary in these cases for a report to be prepared as this could compromise your identity unnecessarily.

In cases where action is necessary as a result of your allegation, a report will usually be sent to the headteacher responsible for the School under investigation. Where the report concerns inappropriate action by the headteacher but not by the Chair of Governors the report will be sent to the relevant Chair of Governors. The headteacher (or as applicable the Chair of Governors) will be responsible for implementing the recommendations in the report. You will be advised when the investigation is complete but it may not always be

possible to tell you the details of the findings as this may be confidential or may prejudice further action.

If the investigation concerns inappropriate action by the headteacher and the Chair of Governors, the report will be sent direct to the one of the following:

- Operational Director Safeguarding, Partnerships & Strategy (Brent Community schools);
- Diocesan Director of Education, Diocese of Westminster (Catholic schools);
- Director of School Support Services, London Diocesan Board of Schools (Church of England schools);

If you are concerned about the headteacher or Chair of Governors receiving the report you should discuss this with the investigator.

The Council's Audit and Investigation team do not handle whistleblowing concerns in relation to Academies. Any concerns should be raised directly with the Board of Directors/Governors or the regulatory body (Education Funding Agency).

## **12. CONTACT**

Wherever possible, employees will be kept informed of the progress of the investigation and outcome, although it may not be possible to disclose full details of the progress or the outcome of the investigation if provision of details would be inconsistent with obligations of confidentiality in relation to others.

## **13. EXTERNAL REPORTING**

A report made externally, i.e. to the police, media or Member of Parliament, will only be protected under the Employment Rights Act 1996 if the following apply:

- the employee reasonably believed the concern/disclosure to be substantially true;
- the disclosure has not been made for personal gain;
- the disclosure has already been raised within the school, unless the employee had reasonable grounds to believe they would be victimised or that there may be a cover-up or that the matter is exceptionally serious.

## **14. FURTHER INFORMATION AND ADVICE**

If an employee requires any further advice or guidance on any aspect of this policy they should contact Human Resources in the first instance.