



**WHISTLEBLOWING
PROCEDURE
For School Employees**

WHISTLEBLOWING PROCEDURE

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WHISTLEBLOWING PROCEDURE

1.1 OVERALL CONTEXT

The School expects the highest standards of behaviour of all employees, school management including school governors, and its contractors.

The Whistleblowing Procedure is intended to encourage employees and others to report inappropriate action by any of the above which would not normally be revealed due to fears of victimisation or retribution.

The Procedure provides a framework to ensure that the School and those who act on its behalf conduct themselves in a proper manner.

The School makes clear that no employee or other person covered by this procedure will be subject to victimisation or other detriment by making a report under this procedure which they make in good faith. A report is made in good faith if the person reasonably believes it to be true, provided the person's dominant purpose for making the report was not some ulterior motive which in all the circumstances of the case made the report unreasonable. An ulterior motive is a motive other than attempting to ensure by the report that steps are taken to remedy the wrong which is occurring or has occurred. Examples of ulterior motives could include personal antagonism or personal gain.

1.2 LEGAL CONTEXT

The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act (PIDA) 1998 The Human Rights Act 1998. Those protected by PIDA will include supply, agency and sessional teachers as well as teachers in regular service.

1.3 ADVERSE IMPACT ANALYSIS

The School wishes to ensure that its policies and procedures do not impact unfairly on employees with reference to race, age, sex, religion or belief, sexual orientation or disability. Line managers, Headteachers and Governors must therefore ensure that their application of this procedure does not have this adverse impact on particular groups. Any review of the procedure would include assessing the overall impact.

1.4 PRINCIPLES

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. School staff including Headteachers and Governors should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Failure by a member of school staff to report to an appropriate manager his/her knowledge of serious malpractice or wrong doing by others, where that wrong doing or malpractice relates to conduct of the School's business, including activities carried out by contractors on its behalf, will be considered to be a disciplinary offence

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

No person covered by this procedure will be victimised for raising a matter under this procedure in good faith. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has reasonably raised a legitimate concern.

Victimisation of a person covered by this procedure for raising in good faith a disclosure within the scope of this procedure will be a serious disciplinary offence.

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

Maliciously making a false allegation is a disciplinary offence. Making a report under this procedure other than in good faith will also be a disciplinary offence. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any legitimate concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a Chair of Governors.

1.5 SCOPE OF THE PROCEDURE

The procedure applies to a report where it is the reasonable belief of the employee or other person making the report that the report tends to show one or more of the following:-:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a failure by a person to comply with a legal obligation has occurred, is occurring or is likely to occur;
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of an individual has been , is being or is likely to be endangered;
- damage to the environment has occurred, is occurring or is likely to occur;
- failure to comply with the School's policies and procedures has occurred, is occurring or is likely to occur;
- conduct has occurred, is occurring or is likely to occur which may damage the School's reputation;
- deliberate concealment of information relating to any of the above has occurred or is likely to occur; and
- in relation to the conduct of the School's business, including activities carried out by contractors on its behalf.

1.6 MATTERS OUTSIDE THE SCOPE OF THE PROCEDURE

The procedure does not cover:

- Issues at work which affect an employee personally, which can usually be referred to their line manager, or if necessary be pursued using the School's Fairness at Work Procedure or the School's adopted grievance procedure.

- Matters that would normally be dealt with by the School's collective bargaining arrangements with its recognised trade unions.
- Matters relating to child abuse which should be reported to the Named Person in the School or the Service Manager for Child Protection in the Council's Children and Families Department or in his/her absence to the Assistant Director of Social Care Telephone 020 8937 4091.
- Matters relating to the Protection of Vulnerable Adults should be referred to the Service Manager in the Adult and Social Care Department or the Assistant Director of Community Care Telephone 0208 937 4230.
- Allegations concerning fraud, corruption or financial irregularity. In such cases contact should be made direct to an Audit Investigations Manager on 020 8937 1261. (the protection provided under the Employment Rights Act 1996 as amended by Public Interest Disclosure Act 1998 would apply in this case).
- Complaints from the public that relate to standard of service delivered by the School and Council or its contractors which should be reported through the School's Complaints procedure.

1.7 WHO IS COVERED BY THE PROCEDURE

All employees, contractors (and their staff), partner agencies (including the Health Authority and voluntary sector groups), agency workers, including supply teachers, sessional teachers, consultants, trainees and self employed people providing work for the School may make reports under this procedure outlining any concerns.

2. OUTLINE OF PROCEDURE

The Whistleblowing Procedure covers the following:

- Reporting a concern within the management structure of your School, including Senior Staff within the school and members of the governing body.
- Reporting a concern to the Whistleblowing Officer (the Head of Audit and Investigations).
- What will happen when you report a concern to the Whistleblowing Officer.
- Conclusion of the investigation.
- Anonymous reports.
- Anonymity.
- Statutory protection.
- Protection of School employees.
- Advice.
- Reporting outside the School and Council.
- Review of Whistleblowing Procedure.

3. **REPORTING A CONCERN WITHIN THE MANAGEMENT STRUCTURE OF YOUR SCHOOL**

- 3.1 In the first instance you should normally report any concerns to your line manager, preferably in writing.
- 3.2 However, if you feel the matter is extremely serious or sensitive, or involves your line manager, or if you feel your line manager has not dealt with the matter properly, you should report the matter to the Headteacher. In the case of it involving the Headteacher, or if you feel the Headteacher has not dealt with the matter properly, you should report it to the School's Chair of Governors. Where it may involve the Chair of Governors, or if you feel the Chair of Governors has not dealt with the matter properly, you may report the matter to the Whistleblowing Officer (see paragraph 4.2 of this procedure).
- 3.3 Before raising your concern you may wish to take advice on the matter from any of those listed in paragraph 11 of this procedure or discuss your concerns with a colleague first. If you are not the only person affected, you may wish to make a joint report.
- 3.4 It is advisable that you report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue.
- 3.5 In raising your concern in writing, you should give as much detail as possible, ie the background and history, giving names and relevant dates and the reasons why you are particularly concerned about the situation.
- 3.6 If you feel hesitant about putting your concern in writing at this stage you should telephone the manager to whom you wish to make the report and arrange to meet them. Do bear in mind you may be asked to put the details in writing later.
- 3.7 You may raise your concerns with your trade union representative if you wish. Your trade union representative may then assist you in reporting your concerns.

4. REPORTING A CONCERN TO THE COUNCIL'S WHISTLEBLOWING OFFICER

- 4.1 The Council's Whistleblowing Officer is the Head of Audit and Investigations
- 4.2 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 3.2); 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.
- 4.3 You should write to, email or telephone the Whistleblowing Officer (or any of the officers within the Audit and Investigation Team) outlining your concerns. Bear in mind you may be asked to put the details in writing later.

5. WHAT WILL HAPPEN WHEN YOU REPORT A CONCERN TO THE WHISTLEBLOWING OFFICER

- 5.1 You will be advised whether the referral is appropriate for this procedure.
- 5.2 Receipt of your report will be logged by the Whistleblowing Officer, following which you will normally be interviewed by a member of the Audit and Investigations Team. You may be accompanied at the interview by a trade union representative or friend if you feel this would help.
- 5.3 In most cases you will be asked to provide a written statement detailing the allegations following the interview.
- 5.4 You will receive a written acknowledgement of your report and will be informed of the action that will be taken to investigate your concern within 10 working days of receipt. You will also be given an estimate of the likely timescale of the investigation, although this cannot be guaranteed.
- 5.5 The allegation will normally be investigated by the Head of Audit and Investigations or a member of his investigating team.
- 5.6 Where appropriate, the Audit and Investigations Team may refer the matter to other investigations, such as Health and Safety Officers, in which case you may be interviewed by those officers.
- 5.7 Wherever possible, you will be kept informed of the progress of the investigation, unless the Head of Audit and Investigations considers that there is a risk of the investigation being prejudiced by disclosures of the process being taken. You may not receive 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 or would prejudice any action which may be taken as a result of the investigation.
- 5.8 In some circumstances the matter may be referred to an external agency, such as the police if crime is involved. Wherever possible the Whistleblowing Officer will advise you of this before doing so.

6. CONCLUSION OF INVESTIGATION

- 6.1 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.
- 6.2 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.
- 6.3 If the investigation concerns inappropriate action by the Headteacher and the Chair of Governors, the report will be sent direct to the Director of Children and Families. If you are concerned about the Headteacher or Chair of Governors receiving the report you should discuss this with the investigator.

7. ANONYMOUS REPORTS

- 7.1 Whilst it is accepted that anonymous allegations do not carry the same weight, any such reports received by the School will be considered at its discretion and where such a decision is made, appropriate investigations made as far as possible into the circumstances. In exercising this discretion account will be taken of the seriousness, credibility of the matters raised and the likelihood of confirming the allegation from the sources quoted.

8. ANONYMITY

- 8.1 During the initial stages of the investigation, if you so wish, the School or Council guarantees that your identity will only be disclosed to those directly involved in investigating the allegation. We will do our best to maintain your anonymity throughout the enquiry **but this may not be possible. For example it may be obvious to those under investigation who has made the allegation.** We will always seek your permission before formally identifying you.
- 8.2 In cases where disciplinary action is taken, it may be necessary for you to provide witness evidence. We will try to gather evidence to support your allegation without requiring your attendance at a hearing, but this may not always be possible. We may also need to disclose your identify to other investigating agencies but will discuss this with you before doing so.

9. STATUTORY PROTECTION

- 9.1 The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998, provides individuals making disclosures protected by the Act 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.

10. **PROTECTION TO SCHOOL EMPLOYEES AND OTHERS COVERED BY THIS PROCEDURE**

- 10.1 No action will be taken against you by the School if you make a report under this procedure in good faith but it is not confirmed by the investigation.
- 10.2 If you consider that you have been, are being or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns to the Whistleblowing Officer. The matter will then be dealt with as a new referral under this procedure.
- 10.3 The School or Council will treat any victimisation or harassment of a person covered by this procedure who has made a report in good faith under this procedure as a serious disciplinary offence.
- 10.4 Employees should not make reports other than in good faith or maliciously make false reports. Disciplinary action may be taken against an employee who does so.
- 10.5 If you are already the subject of a disciplinary, capability or redundancy procedure, this will not normally be halted as a result of your report.

11. **ADVICE**

- 11.1 If you wish to receive advice from a relevant professional in the Council before making a report under this procedure, you should contact any of the following:

The Director of Children & Families (Tel: 020 8937 3130)
The Director of Health, Safety & Licensing (Tel: 020 8937 5358)
The Director of Finance & Corporate Resources (Tel: 020 8937 1424)

Alternatively, you may wish to ask for confidential help from your trade union or professional organisation.

You may also contact any of the following organisations outside the Council for assistance with your concern:

Audit Commission Public Interest Disclosure Act Hotline
Tel: 020 7630 1019

Public Concern at Work
Tel: 020 7404 6609

12. **REPORTING OUTSIDE THE COUNCIL**

- 12.1 This procedure is intended to provide you with an avenue within your School or the Council to raise concerns. The School hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the School or the Council following completion of the process set out earlier in this Procedure, the following are possible contact points:

- The Audit Commission
- The Health & Safety Executive
- The Environment Agency

or other appropriate regulatory body.

Note that a report made to such a body will only be protected under the Employment Rights Act if the following apply:-

- You make the report in good faith ; and
- You reasonably believe that the information disclosed, and any allegation contained in it, are substantially true ; and
- You reasonably believe that your report falls within the type of matters specified in legislation made under the Employment Rights Act for that body.

12.2 A report made externally, ie to the police, media or Member of Parliament, but not to an appropriate regulatory body, will only be protected under the Employment Rights Act if the following apply:

- If you reasonably believed the information and any allegation contained in it to be substantially true; and
- The allegation has not been made for personal gain; and
- You make the report in good faith ; and
- The allegation has already been raised with the School or Council or with an appropriate regulatory body ; or
- you reasonably believed you would be victimised if the allegation was so raised; or
- where there is no appropriate regulatory body, you reasonably believed that it is likely there would be a cover-up if the allegation was raised with the School or Council or
- that the matter is exceptionally serious.; and

in all the circumstances it was reasonable to make the report.

13. **REVIEW OF WHISTLEBLOWING PROCEDURE**

The procedure and reports made under it should be reviewed at least annually.