



Whistle blowing for School Based Employees

Schools have a range of policies model and procedures that deal with behaviour at work: these include discipline, grievance, bullying, discrimination and harassment and the recruitment and selection process.

There may be some times however where the matter falls outside these areas and needs to be handled in a different way. Examples might be where information on the following areas is being suppressed or the activity is going unreported and unchecked by management:

- Malpractice or ill treatment of a pupil or peer by a member of staff or governor, or a criminal act has been or is likely to be committed against that person.
- Suspected fraud against the School/Council.
- Disregard for legislation, particularly in relation to safeguarding or health and safety at work issues.
- Damage to the environment.
- Showing undue favour over a contractual matter or a job applicant
- the unauthorised use of public funds
- Breaches of financial and procurement procedures

This procedure takes into account the requirements of the law, specifically the Public Interest Disclosure Act. An employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure.

1. Introduction

Employees are often the first to realise that there may be something wrong within the workplace. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances they may consider it easier to ignore the concern rather than report what may only be a suspicion of malpractice.

The Local Authority and the Governing Body are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we would hope employees who have serious concerns about any aspect of the school's work would come forward and

voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all employees at a school.

2. Aims and scope of this policy

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about inappropriate practice or behaviour
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This policy is intended to cover major concerns that fall outside the scope of other procedures.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees or governors or others acting on behalf of the school can be reported under this policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the school subscribes to;
- is against the school's standing orders, financial regulations, contracts code, or other policies;
- falls below established standards of practice;
- amounts to improper conduct

3. Safeguards - Harassment or victimisation

Governing bodies are committed to good practice and high standards and want to be supportive of employees.

Governing bodies recognise that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

Governing bodies will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

4. Confidentiality

All concerns will be treated in confidence and your identity, if you so wish, will not be revealed without your consent. However, circumstances may dictate that for a successful outcome you may need to come forward as a witness and the person leading the investigation will discuss this with you at the appropriate time.

5. Anonymous Allegations

The school recognises that you may want to raise a concern in confidence under this policy. If you ask that your identity is protected, it will not be disclosed without your consent. If the concern cannot be resolved without revealing your identity (for instance because your evidence is needed in court) this will be discussed with you.

Investigations into anonymous allegations are limited by the sufficiency of the information provided. Some discretion will need to be applied when considering anonymous allegations to determine the likelihood of a successful outcome from the information provided.

6. Untrue allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation which can be shown to have been made frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. How to raise a concern

As a first step, you should normally raise concerns with your immediate manager or the Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that school management or governors are involved, you should approach the Chair of Governors. As the responsible officer, the Chair of Governors will be informed of each concern that is raised under the procedure.

If the Chair of Governors is suspected of the malpractice, the Assistant Director of Education should be approached. If the matter is definitely related to fraud or corruption against the school/Council you should always immediately contact the Head of Audit

David.Hughes@rbkc.gov.uk

020 7361 2389

The Head of Audit operates a secure confidential hotline for employees wishing to raise issues covered in this policy in confidence or anonymously, messages can be left at anytime.

Hotline: 0800 783 2406

The earlier you express the concern, the easier it is to take action. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

You may obtain advice/guidance on how to pursue matters of concern from the HR department .

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 concerns. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. How your concerns will be dealt with

Depending on the nature of the concern you will receive a response from the Head of Audit/ Assistant Director of Schools or from the Chair of Governors.

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 should take. The overriding principle is the public interest. Concerns or allegations which fall within the scope of specific procedures should normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, you will receive a response:

- acknowledging that the concern has been received
- indicating how the matter will be dealt with
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not.

The amount of contact between the individuals considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

The governing body will take steps to minimise any difficulties that you may experience as a result of raising a concern. If you are required to give evidence in criminal or disciplinary proceedings, the Local Authority will arrange for you to receive advice about the procedure. The governing body accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

9. The responsible officer

The Chair of Governors has overall responsibility for the maintenance and operation of this policy. The Chair maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Local Authority.

How the matter can be taken further.

This policy is intended to provide you with an avenue within the school and the Local Authority to raise concerns. If you are not satisfied with any action taken and if you feel it is right to take the matter outside the Children's Services department the following are possible contact points:

- Public Concern at Work

Tel: 020 7404 6609 Email: whistle@pcaw.co.uk

Web: www.pcaw.co.uk

- The National Audit Office

The Comptroller and Auditor General

National Audit Office

157-197 Buckingham Palace Road

London

SW1W 9SP

Tel: 020 7798 7999

Website: www.nao.org.uk/contact-us/whistleblowing-disclosures/

- your trade union
- relevant professional bodies or regulatory organisations

If you do take the matter outside the Local Authority and the Council you should ensure that you do not contravene your contract of employment by disclosing confidential information.