



## BERRYMEDE JUNIOR SCHOOL

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# Whistleblowing Policy

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## WHISTLEBLOWING POLICY

### Introduction

The Governors and Headteacher are committed to delivering a high quality education service to its pupils and expects high standards from their staff and contractors. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are threefold: -

- to encourage staff to raise concerns about malpractice within the School without fear of reprisal
- to reassure staff that concerns will be taken seriously
- to provide information about how to raise concerns and explain how the Governors and the Local Education Authority (LEA) will respond

### Scope of the Policy

This policy applies to all School employees and former employees, agency staff and contractors engaged by the School. There is a separate procedure for pupils and parents to raise concerns about school related issues.

### What is whistleblowing?

In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others. As the person blowing the whistle you will not necessarily be directly affected by the danger or illegality. Consequently you will not necessarily have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying and you are entitled to seek redress for yourself.

### Blowing the Whistle on Malpractice

Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following: -

- the physical, emotional or sexual abuse of pupils or staff
- financial maladministration
- unauthorised use of School funds
- fraud and corruption
- failure to comply with legal obligations
- endangering of an individual's health and safety
- damage to the environment
- a criminal offence
- failure to follow financial and contract procedure rules
- showing undue favour to a contractor or a job applicant
- miscarriages of justice
- deliberate concealment of information relating to any of the above

Staff should raise their concerns with the Headteacher, or Assistant Headteachers or their manager or the LEA as soon as any suspected malpractice becomes apparent. Remember that the earlier you raise concerns the easier it will be to take action. You (the whistleblower) are a witness to events, not a complainant and so you do not need to wait for proof of malpractice before raising concerns.

When reporting a concern you should provide as much information and detail as possible. In particular you should provide the full names of the people involved or who know about what is happening, including the names of Councillors or contractors, dates of events and any relevant documentation. This will help the investigator to focus on the main issues quickly.

There will be some cases where it is not appropriate for you to raise concerns with your Headteacher/Manager, for example where you suspect your Headteacher/Manager already knows about the malpractice and appears to be 'turning a blind eye', or where you suspect your Headteacher/Manager may be involved. In those cases, you should report your concerns to the

Governors. You may alternatively raise the matter with one of the following if for whatever reason you are unable to raise your concerns with one of the above: Head of Schools Human Resources (020 8825 9478), the Head of Audit (020 8825 8794) or the Head of Legal Services (020 8825 8615). Ealing Council operates a 24-hour fraud hotline, tel: 0800 328 6453 (free call) where information can be left anonymously or you can email [fraudreferrals@ealing.gov.uk](mailto:fraudreferrals@ealing.gov.uk)

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. You will be advised whether an investigation takes place or not. When making a decision the Headteacher will consider whether continuing with an investigation is in the public interest.

### **Advice and Support**

The School recognises that staff may wish to seek advice and support from their professional association or trade union before blowing the whistle and you are strongly advised to do so. They may also accompany you at any meetings. Employees may also wish to seek advice from 'Public Concern at Work (PCAW), an organisation which is entirely separate from the Council. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted by telephone on 020 7404 6609 or via e-mail on [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk).

You may also seek confidential advice from Care First the Council's independent counseling service (0800 174319).

Whistleblowers who consider that they have been victimized as a result of whistleblowing should make a formal complaint to their employer immediately giving details of the way in which they believe they have been subject to detriment and their reasons for thinking that the detriment might be connected with their disclosure. You might also wish to contact the Schools Human Resources Consultancy Team on 020 8825 9478. You may also choose to raise the matter with:

- Professional Association/Trade Union
- Councillor
- Member of Parliament
- Legal Adviser

It is the responsibility of your employer to ensure that you are not victimized as a result of whistleblowing.

### **Confidentiality**

The School understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, the School recognises that whistleblowers may wish to raise concerns in confidence. If you (the whistleblower) make a request for the matter to be kept confidential then your identity will not be revealed without discussing the matter with you first.

### **Anonymous Allegations**

It is recognised that the purpose of a whistleblowing policy is to allow people to make protected disclosures with the protection being against any reprisals or victimisation for disclosures made honestly and in good faith. It is very difficult for some people to come forward and make a disclosure and the prospect of having to identify yourself can make the action of whistleblowing all the more daunting. You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate. The decision whether to investigate an anonymous allegation will be made by the Headteacher and/ or the Chair of Governors and/or the LEA. When making this decision they will take into account the seriousness of the issues raised, the credibility of what is being said and the likelihood of confirming the allegation from other sources.

### **Protection for the Whistleblower**

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to the external auditor or the police. The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action, which has been taken, although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. The Headteacher and Governors will support you in this process and ensure that you are clear about what will happen.

The Headteacher, Governors and the LEA will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action.

### **Allegations not made in Good Faith**

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract. In the case of contractors, the matter will be reported to the Council's relevant Contract Manager so that a decision can be made about the appropriate action to take.

### **Blowing the Whistle Outside the School**

In certain circumstances it may be appropriate to raise concerns outside the School to the appropriate 'prescribed regulator'. This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, professional association, trade union or PCAW (see above) before reporting them outside the School or LEA.

Examples of prescribed regulators are set out below:

- Ofsted (whistleblowing helpline); 0300 123 3155 or [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)
- National Audit Office: 020 7798 7999
- Information Commissioner: 0303 123 1113
- Environment Agency: 03708 506 506
- Health and Safety Executive: 0300 0031 647

As a last resort and provided it is appropriate in all circumstances, you may choose to raise your concern outside the School to someone other than a prescribed regulator, e.g. to the Police or your MP. You should only do this if, in addition to the conditions above, they meet one of three preconditions.

Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

- reasonably believed that you would be victimised if you raised the matter internally within the School; or
- reasonably believed that the matter would be 'covered up' and there is no prescribed regulator; or
- you have already raised the matter internally or with a prescribed regulator

You may also choose to raise the matter with the Local Authority Designated Officer (LADO), (020 8825 8364), if the matter concerns a potential safeguarding/child abuse issue.

### **Complaints, Grievances and Members**

This policy should not be confused with other policies that exist for dealing with complaints or grievances. Guidance on handling complaints about Councillors can be found in the Convention on Working Relations, in the Ealing Council Constitution. Employees who are aggrieved about their own employment situation should consider whether to use the grievance procedure after having discussed the matter with their immediate manager and/or their trade union representative.

### **Reviews and Operation of this Policy**

The Governors have overall responsibility for the operation of this policy. (This policy has been formally adopted by the Governors and may be reviewed from time to time.)