

Whistle Blowing Policy



RHODES AVENUE PRIMARY SCHOOL

Approved by: FGB

Date:

Last reviewed on: Spring 2020

Next review due by: Spring 2022



Whistleblowing Policy

Spring 2020

Status

This Whistleblowing Policy is effective from Spring 2020 and is in line with policy guidance from the Local Authority.

Links to other Policies/Documents

Rhodes Avenue Safeguarding Policy
Keeping Children Safe in Education (Dfe 2019)
Rhodes Avenue Code of Conduct Document
Equalities Policy (Gov UK 2010)
Rhodes Avenue Managing Allegations Against Staff Policy

Introduction

Rhodes Avenue school is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the school's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harboring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur. Staff are informed of the policy through regular staff meetings and updates are shared appropriately.

This Whistleblowing policy explains how the school and Council will meet their obligations in relation to the *Public Interest Disclosure Act (PIDA) 1998* and the *Enterprise and Regulatory Reform Act 2013*. Both Acts aim to protect employees against victimisation if they make a 'protected disclosure.'

<https://www.gov.uk/government/publications/the-public-interest-disclosure-act/the-public-interest-disclosure-act>

<https://www.gov.uk/government/publications/enterprise-and-regulatory-reform-act-2013-a-guide>

Keeping Children Safe in Education (September 2019) also applies a statutory duty for schools to provide a mechanism in which individuals are able to raise concerns about poor or unsafe safeguarding practice.

Aims

The aims of this policy are:

- To assist staff in feeling confident about raising concerns regarding fraud, malpractice

and improper conduct within the school;

- To ensure workers using this policy are protected from reprisals or victimisation if they have a reasonable belief that they have made a disclosure which is in the public interest;
- To ensure that there is a clear process for whistleblowing concerns to be raised and addressed;
- To ensure that workers receive a response to their concerns; and that workers are aware of how to pursue them if they are not satisfied.

Scope

This policy may be used by all workers at the school to raise concerns of wrong doing in the workplace that is in the public interest.

Definitions

The term '*worker*' is used in this policy to broadly include employees, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the school.

Whistleblowing takes place when a *worker* discloses information regarding a wrongdoing in the workplace that is in the public interest. This could involve an individual or group of individuals involved in breaking the law in the workplace or an individual attempting to cover up an unlawful act.

It is distinct from the grievance procedure which should be used if an employee has a complaint relating to their personal circumstances in the workplace. Personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistleblowing legislation, unless a particular case is in the public interest. Such complaints should be raised by employees under the grievance policy.

Concerns about wrongdoing within the school such as malpractice, breach of health and safety law or any other illegal or unethical act either on the part of management, the governing body or by fellow employees may be raised using this procedure.

The Public Interest Disclosure Act (1998) (PDA 1988) lists six concerns which can be raised the Worker must disclose information that relates to one of these six types of "relevant failure":

- A criminal offence has been committed, or is likely to be committed.;
- A person has failed or is likely to fail to comply with any legal obligation to which they are subject. For example, a breach of contract, or a breach of statutory requirement;
- A miscarriage of justice has occurred or is likely to occur;
- The health and safety of an individual has been or is likely to be endangered;
- The environment has been or is likely to be damaged;

Information regarding any of the above has or is likely to be deliberately concealed. Any malicious allegations made under the Whistleblowing Policy may result in an internal investigation by Rhodes Avenue Primary School and possibly an investigation by the police. Similarly any inappropriate behaviour from other employees due to the *Whistleblowing Policy* being used may be subject to disciplinary procedures.

Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in the public interest with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first.

NSPCC Whistleblowing contact number (KCSIE para 50-53) 0191 516 7720

Fraud

Disclosures regarding fraud are dealt with separately under the Council's Fraud Response Plan and any allegations should be reported to the Head of Audit and Risk Management, Haringey Council on 0208 489 5973.

Haringey Council also operates a Fraud Hotline on: 0500 500 777 where information can be left anonymously. Emails can also be sent to fraudcall@haringey.gov.uk, or you can write to the Fraud Team at PO Box 22727, London, N22 7WS.

Assurances to Whistleblowers

If a worker makes a disclosure of information on one or more of the matters listed in *The Public Interest Disclosure Act 1998* and they have a reasonable belief that the information shows one of the six relevant failures the *worker* will not suffer any detriment (including dismissal), even if after investigation it transpires that the concern is unfounded. The school will not tolerate the harassment or victimisation of any worker raising a genuine concern and will take appropriate action, including disciplinary procedures, to protect workers raising a concern which is in the public interest.

If a *worker* requests that their identity is protected, the school will try and protect their anonymity as far as is possible. If the situation arises where the school is unable to resolve the concern without revealing the worker's identity (for instance because the *worker's* evidence is needed in court), the school will discuss with the *worker* how the matter should proceed. However, it must also be stated that if a *worker* chooses not to disclose their identity it will be much more difficult for the school to look into the matter or to protect an individual's position or to give feedback.

The complainant is encouraged to put their name to any allegations as a result. Please note that staff must:

- believe the disclosure of information is in the public interest;
- believe it to be substantially true;
- not act maliciously; or knowingly make false allegations; and
- not seek any personal gain.

Procedure for Making Complaints

In the first instance *workers* should raise their concerns with the Headteacher, Deputy Headteacher, line manager, Chair of Governing Body or Trade Union Representative. There must be reasonable grounds for any suspicions, and as much detail as possible provided.

There may be a case where it is not appropriate for a *worker* to raise concerns with their Headteacher/Manager, for example where the *worker* suspects their Headteacher/Manager may be involved. In those cases, Workers should report their concerns orally or in writing to the Chair of the Governing Body.

The Assistant Director of Corporate Governance (Haringey's Monitoring Officer), will be informed by the school of the issue that has been raised under the school's *Whistleblowing Policy*. The officer will monitor the situation and outcome of investigations.

Once a concern has been raised, the school will carry out an initial assessment to determine the scope of any investigation. The school will inform the '*whistleblower*' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information. At these meetings they may be accompanied by a union representative or work colleague.

The school will aim to keep the *whistleblower* informed of the progress of the investigation and its likely timescale, unless the report is made anonymously.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the school's Disciplinary Policy has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

There are no rights of appeal against any decisions taken under this procedure. The school will keep a log of whistleblowing complaints and provide this to the Council on request.

Workers should feel confident in raising any concerns under the Whistleblowing Policy, as long as there is a reasonable belief they are acting in the public interest. However, in cases where allegations are found to be malicious, made in bad faith or for personal gain (for example made due to an employee holding a grudge against another employee), the employee may be subject to disciplinary action under the school's Disciplinary Policy.

External Advice

The law encourages *workers* to make an internal disclosure as the primary method of whistleblowing, however, the school fully recognises that staff may wish to seek advice and support from their trade union before deciding to make a whistleblowing complaint.

In certain circumstances it may be appropriate to raise concerns outside of the school to the appropriate 'prescribed regulator'. It is recommended that this only done after a *Worker* has attempted to address concerns directly with the school or Council and through the whistleblowing policy.

The concern raised must be in the genuine interest of the public and the individual must also believe the information to be substantially true, i.e. more than just suspicion. The Worker is advised to discuss his/her concerns with a legal advisor or trade union before taking the step of reporting concerns outside of the school.

The charity [Protect](#) – (formerly Public Concern at Work), provides free confidential advice to workers who have concerns about wrongdoing in the workplace.

Government Whistleblowing Advice Line – PROTECT – 020 7404 6609

Concerns raised by Children

The school works hard to ensure that children know how to seek help if they are worried about anyone's behaviour or conduct towards them. The child protection policy, for dealing with allegations against other children and disciplinary policy for allegations against staff should be referred to when dealing with safeguarding concerns

If an allegation about a member of staff or volunteer is related to the safety or wellbeing of a child the school's Safeguarding policy should be referred to and the Local Authority Designated Officer (LADO) will be contacted if necessary.

The Department For Education's "*Keeping Children Safe in Education*" (2019) documentation includes guidance on safeguarding of children in schools.

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Monitoring and Review

The school will maintain a log of all reported whistleblowing and review this policy at least every two years. The Governors are responsible for formally adopting this policy. The Headteacher should ensure that the policy is consequently implemented and all workers are aware of how to access the policy.

The school will maintain a log of all reported allegations and review the policy every 2 years or in line with any legislative changes, whichever comes first.

Schools should contact the relevant HR schools team before any amendments or changes are made to this policy as it may be necessary to consult with Trade Unions regarding proposed changes.

Equalities

Rhodes Avenue will ensure that it complies with its duties under the *Equality Act 2010* and have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the abovementioned Act.

<https://www.gov.uk/guidance/equality-act-2010-guidance>

Procedures for policy monitoring/review and dissemination

All members of staff and governors will receive a copy of this policy. Copies are available to parents on request. This Policy has been approved by the Governing Body and the School Leadership Team and it will be reviewed in line with the school's *Policy Schedule* and guidance from the Local Authority.

Staff/persons responsible:

Headteacher
Deputy Headteacher
Designated Safeguarding Lead
Haringey Local Authority
The Governing Body