London Borough of Hounslow

Model Whistleblowing Policy for Schools

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1 Introduction

This Policy is designed specifically for Schools, the wider Local Authority has a separate policy. It is understood that staff at Hounslow's Schools are committed to the effective running of the school and aims to provide children with the best education. However, all organisations face the risk of things going wrong from time to time or may on occasions unknowingly harbour illegal and/or unethical conduct. This risk can be reduced, and these issued addressed through a culture of accountability and openness in dealing with these matters.

This policy sets out how the School, and the Local Authority meet their obligations in relation to both the
Public Interest Disclosure Act (1998) and the Enterprise and Regulatory Reform Act (2013). Both acts prevent an employee facing victimisation if they make a protected disclosure.

The purpose of the Whistleblowing Policy is as follows:

To provide workers with a clear and safe route for reporting concerns
To ensure a clear process for whistleblowing concerns to be raised and addressed
To ensure workers receive a response to the concerns that they have raised.

Where it is decided that further action is necessary following a concern raised under this policy, the consequent action will be conducted under the appropriate employment policy or procedure.

Equality & Diversity Policy Statement Managers must be fair, consistent and objective in dealing with allegations and/or concerns raised under this policy. The school will ensure that all cases will be handled fairly and in line with the Schools Equality and Diversity Policy, and that no member of staff will face discrimination on the grounds of:

Age
Disability
Gender reassignment
Marriage or civil partnership
Pregnancy and maternity
Race
Religion or belief
Sex
Sexual orientation

2 Scope

This policy applies to all employees, workers and volunteers of the London Borough of Hounslow schools whose governing body has agreed to its adoption. For the purposes of this policy, the term 'worker' will be used to describe all of these groups.

Whistleblowing concerns usually pertain to the conduct of workers within a school. However, they may also relate to the action of a third party, for example, a service provider. The law allows for a worker to raise a concern in the public interest in relation to a third party if the worker reasonably believes that an illegal or unethical act has been committed by the third party. Staff are encouraged where possible to report their concerns internally.

3 When should this policy be invoked?

If a worker has a concern about possible wrongdoing at work, they should report it under this Policy.

The Public Interest Disclosure Act (1998) sets out that 'Wrongdoing' covers the following matters: a criminal offence, a failure to comply with a legal obligation, a miscarriage of justice, bribery, endangering the health or safety of an individual, damage to the environment or the deliberate concealment of information tending to show one of these things. This list is not exhaustive. Acts of 'Wrongdoing' can place the pupils, education of the pupils and reputation of the School and Local Authority in jeopardy if not prevented.

Where staff are aggrieved about issues directly affecting them, they should use the Grievance Procedure to pursue their concerns. The Schools Grievance Procedure can be accessed in the school office

Concerns raised either by a child or another adult in relation to safeguarding, or actions committed by a school worker, including a member of teaching staff should be pursued through the **Procedure for schools dealing with allegations of abuse made against by professionals**. This procedure can be accessed in the school office.

4 Protection for workers

Staff who raise a genuine concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result, providing they reasonably believe that the disclosure is made in the public interest.

The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provide workers with further protection from detriment and dismissal for reporting concerns. Workers must comply with this legislation, particularly as regards the nature of the information given and the person or body to whom it is being reported, in order to receive protection.

Workers do not need to provide evidence for the School to investigate their concerns, though they will be expected to have reasonable grounds for making the disclosure.

If a person is victimised, or subjected to any detriment, by a colleague for having raised a concern, this will be treated as misconduct on the part of the perpetrator (s) and will be investigated under the Schools' Disciplinary Procedure. If misconduct is discovered as a result of any such investigation, this will lead to disciplinary action being taken against the perpetrator (s).

The School will take all steps to ensure that the identity of a whistle-blower is not disclosed unless this is necessary. If, for any reason, the whistle-blower's identity must be disclosed,this will be discussed with them beforehand.

A person, who is reporting a concern, can be accompanied by a trade union representative or a work colleague at any meetings about the disclosure.

If it is found that an employee has knowingly made a malicious allegation under this procedure, this will be treated as a disciplinary matter. For 'workers' who are not direct employees' other action may be pursued. In some cases, raising a malicious concern may also result in police action.

5 Confidentiality

All concerns reported under the Whistleblowing Policy will be handled sensitively and discreetly. The school is committed to maintaining confidentiality as far as is practicable.

Obligations rest on all parties involved, including the whistleblower, to do their utmost to protect the identity of the person reporting the concern. Should there be any exceptional circumstances where the whistleblower's identity must be disclosed (for instance, if the case went to court), they would be

advised of this in advance.

Any breaches of confidentiality may be considered under the school's Disciplinary Policy.

6 Procedure for raising a concern under this policy

Staff who have a concern about wrongdoing should first raise it with their line manager or a member of the School Leadership Team (If the employee has any personal interest in the matter, s/he should inform the manager at the outset.

If staff feel unable to raise the matter with their manager, for whatever reason, there are other people within the school to whom the concern can be reported:

- The Chair of the Governing Board
- A trade union official
- Strategic HR Lead for Schools and Children's and Adult Services – Yvette.Mayers@hounslow.gov.uk

Nothing in this Policy overrides the Governing Body's duties and responsibilities as set out in the 'Scheme for Financing Schools'. **There are also potential implications for the Local Authority and therefore Hounslow Local Authority's Internal Audit Service and the Head of Finance (Children's and Adult Services) must be informed wherever a concern, regarding financial matters, is reported.**

Should a line manager or other recipient of a concern require any advice or be unsure about their obligations with regard to financial matters, they should contact Internal Audit and the Head of Finance (CAS).

If the concern relates to possible fraud, corruption, financial malpractice or bribery, under the Bribery Act 2010, staff are asked to raise the matter with the Head of Internal Audit at the Local Authority, who is best placed to deal with such issues.

Internal Audit contact number: 020 8583 2350

If an employee feels that the matter is so serious they cannot discuss it with any of the above, they should contact The Executive Director of Children's and Adult Services

Staff who feel unable to raise a concern with one of the people listed above, may wish to disclose the matter to a prescribed regulatory body. In doing so, staff must be acting in good faith and have a reasonable belief that the matter is true.

The full list of prescribed regulatory bodies is set out in the 'Public Interest Disclosure (Prescribed Persons) Order' 1999 or as amended The Public Interest Disclosure (Prescribed Persons) Order 1999 (legislation.gov.uk)

7. The Response

The identity of the whistleblower should not normally be disclosed to the Headteacher/Chair of Governors without the whistleblower's consent. If the Headteacher (or Chair) is notified of the identity of the whistleblower and the role of investigating manager is delegated to another person, the identity of the whistleblower will not be disclosed to the investigating manager without the whistleblower's consent.

If the whistleblower works in the area concerned, they are likely to be interviewed as part of the investigation. However, neither the investigating manager nor any colleagues will be made aware of

their identity. This seeks to preserve the anonymity of the whistleblower while the concerns are investigated.

In certain exceptional circumstances, the recipient may need to refer the concern to an appropriate authority e.g., the Police or the External Auditor. Where the matter is referred to the Executive Director of Children's and Adult Services, he/she may discuss with the Chair of Governors and/or Headteacher (as appropriate) the support that may be provided by Local Authority Officers to undertake the investigation or the possibility of an independent enquiry being commissioned involving people from outside the Local Authority.

Issues reported to the line manager

When an issue is reported to the line manager directly, the manager should consider the most appropriate means of dealing with the concern. The manager may wish to take advice, either from their own manager or from one of the senior managers listed at paragraph 6.2, before proceeding.

The line manager should produce a summary of their response for record keeping purposes and provide a copy to the whistleblower.

The manager must ensure that the identity of the whistleblower is kept confidential in any investigation of the case.

The line manager must notify one of the named postholders listed at paragraphs 6.2 and that a concern has been reported and of the outcome of any investigation. The named postholder must record the concern, action taken and outcome on the school's whistleblowing register.

Issues reported outside of line management

When an issue is reported outside the line management, the person receiving the complaint will assess the concerns and determine whether further investigation is appropriate. They must record the concern, and the recommended action, on the school's whistleblowing register.

How the School Will Respond

The person to whom the disclosure is made should produce a summary of their response for record keeping purposes and provide a copy to the whistleblower.

Where further action is required, the recipient will send a factual report to an appropriate manager asking them to investigate. This person will take on the role of the investigating manager. The identity of the whistleblower must not be disclosed to the investigating manager.

If the whistleblower works in the area concerned, they are likely to be interviewed as part of the investigation. However, neither the investigating manager nor any colleagues will be made aware of their identity. This seeks to preserve the anonymity of the whistleblower while the concerns are investigated.

In certain exceptional circumstances, the recipient may need to refer the concern to an appropriate authority e.g., the Police, the External Auditor, or they may discuss, with the Chief Executive, the option of an independent enquiry involving people from outside the school.

Anonymous Reports

Where a concern is reported anonymously, it is much more difficult for the matter to be investigated. The school will nonetheless treat any anonymous reports seriously and endeavour to investigate them. Where it is considered that an investigation cannot be progressed, this will be noted on the

whistleblowing register.

The decision about whether to investigate an anonymous concern is wholly at the discretion of the person to whom the matter is reported.

Investigation

The investigating manager must have not been involved in the issues under investigation and must not be in a position where it could be perceived that they have benefited from the findings.

Should any further information be required from the whistleblower, the investigation manager will discuss this with the named postholder (see para. 6.2), who will be responsible for contacting the whistleblower.

At the conclusion of the investigation, the manager will be required to produce a report of their findings. They may also wish to make recommendations or there may be action required under other employment policies.

Where further action is required, which involves the investigating manager's own staff, the manager should proceed accordingly notifying their line management as appropriate.

Where further action is recommended in respect of other staff, the investigating manager should contact the relevant line manager (or senior manager / Chief Officer) and discuss an appropriate way forward.

Where action under the School's Disciplinary Procedure is recommended, the investigating manager will present the management case at the Disciplinary Panel.

The investigating manager should consider what feedback it is possible and appropriate to share with the whistleblower. This should form part of the recommendations that they make in their investigation report.

The investigating manager must forward a copy of their report to the named postholder, who referred the case to them, along with a note of any further action proposed. The investigating manager should also notify the named postholder of any feedback they have provided to the whistleblower so this can be recorded on the register.

The named postholder must ensure that the school's whistleblowing register is updated at the conclusion of the investigation.

Unless the case is particularly complex, cases should normally be concluded within four weeks of the issue being reported.

7 Contact with the Whistle-blower

Once an individual has reported a concern, there should not be a need for any further input from them during the process, except in some cases as set out in para. 6.10.

The named postholder to whom the whistleblower raised the concern with should consider whether further support for or liaison with the whistleblower is appropriate and then take any steps necessary. This may include personal support for the whistleblower or any interventions to help rebuild trust and relationships in the workplace.

The school will provide any feedback on the outcome to the whistleblower, which it is appropriate to share. This may mean that the whistleblower does not receive any feedback beyond an

acknowledgement that their concerns are being considered.

8 Raising a concern externally

The school strongly discourages staff from raising concerns externally in the first instance and instead wishes to foster confidence in the internal reporting mechanisms set out in this Policy.

However, the School would prefer that workers raise issues with an appropriate external contact than not at all. If staff choose to follow this route, then, providing that reasonably believe they are acting in the public interest and have evidence to back up their concern, they may wish to contact one of the following:

a relevant prescribed person (Please see Appendix 1)
the Police

Staff should be aware that, should they choose to report a concern externally, there are more stringent criteria which must be complied with if they are to receive the protection offered by the Public Interest Disclosure Act (1998).

9 If staff are dissatisfied

Whilst the School cannot guarantee that it will respond to all matters in the way which staff reporting them may wish, it will endeavour to handle matters fairly and properly.

If the process set out in the Policy has been followed and staff still believe wrongdoing is continuing, or are unhappy with the response, there is no formal appeal mechanism. However, they can refer to the other levels and named bodies within this policy.

Staff who are aggrieved about action which has been taken, or considered being taken, against them as a result of invoking this policy can lodge a grievance under the School's Grievance Policy.

10 Monitoring

Details of all disclosures made under this policy are recorded on a central register for monitoring purposes. This includes the nature of the concern, action recommended (or reasons for no action being taken), the outcome and any feedback provided to the whistleblower.

The whistleblowing register is a secure file and access is strictly limited to the named postholders named in paragraph 6.2.

The whistleblowing register should be reviewed every 2 years by The Governing Body.

11 Roles and Responsibilities

Headteacher and Governing Body

The governing body is responsible for ensuring that this policy is adopted at the school, and the headteacher for ensuring that it is consequentially implemented.

The Headteacher and Governing Body are responsible for ensuring that all workers at the school are made aware of and have access to this policy.

Schools HR Team

Schools HR and Commercial Services are available throughout the process, including the provision of advice to the investigating manager if necessary.

All Workers at the School

All workers at the school are responsible for familiarising themselves with this policy and ensuring that they behave in accordance with it.

Support for Workers

Confidential Helpline

Protect (formerly Public Concern at Work) is an independent charity and is the UK's leading authority on whistleblowing. The charity runs an independent, confidential helpline on whistleblowing issues. If workers are unsure about whether or how to raise a concern, or if they want confidential advice, they can contact 020 3117 2520. Their lawyers offer free, confidential advice to callers.

Appendix 1- Additional Information.

List of relevant 'Prescribed persons'

- Staff who feel unable to raise a concern with one of the people listed at paragraphs 2.4 – 2.6, may wish to disclose the matter to one of the following prescribed regulatory bodies. In doing so, staff must reasonably believe that they are acting in the public interest.

- The full list of prescribed regulatory bodies is set out on the government website. Of the bodies listed, those which are most likely to be relevant to local authority staff are set out below:

Area	Prescribed Person
Business, Finance or Fraud	Commissioners for Her Majesty's Revenue and Customs The Comptroller and Auditor General Director of the Serious Fraud Office Financial Conduct Authority
Police and Justice	National Crime Agency Chief Executive of the Criminal Cases Review Commission
Children's Interest	Her Majesty's Chief Inspector of Education, Children's Services and Skills NSPCC
Education	Office of Qualifications and Examinations Regulation Ofqual) Secretary of State for Education
Equalities and Human Rights	Equality and Human Rights Commission
Data Protection and Freedom of Information	The Information Commissioner
Pensions	The Pensions Regulator
Trade Unions	Certification Officer