



HEATHSIDE SCHOOL  
HAMPSTEAD

# WHISTLEBLOWING POLICY AND PROCEDURE

## Introduction

Our school expects to run all aspects of school business and activity with full regard for high standards of conduct and integrity. It also expects all staff to maintain high standards in accordance with all of the School's policies and procedures. In the event that members of school staff, parents, or the school community at large become aware of activities which give cause for concern, the school has established the following Whistle Blowing Policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

A culture of open communication and accountability is encouraged to help prevent such situations involving criminal, illegal or inappropriate activities occurring, and to address them when they do occur.

This procedure is an addition to normal line management procedures. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as Grievance and Disciplinary Procedures for staff or the School's Complaints Procedure.

This procedure should only be used when all other existing procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about their perception of mismanagement or weak management, rather than malpractice.

## Aims of Policy

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Head teacher, and members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

### **What is whistleblowing?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns; \* See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

### **What is a whistleblower**

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public, pupils, other members of staff.

As a whistleblower you're protected by law - you will not be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

### **Complaints that count as whistleblowing**

You're protected by law if you report any of the following:

- a criminal offence, e.g. fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, e.g. doesn't have the right insurance
- you believe someone is covering up wrongdoing

### **Complaints that don't count as whistleblowing**

Personal grievances (e.g. bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.

Report these under the school's grievance policy.

Contact the Advisory, Conciliation and Arbitration Service (ACAS) for help and advice on resolving a workplace dispute.

#### **ACAS helpline**

Telephone: 0300 123 1100

Monday to Friday, 8am to 6pm

If Staff are uncertain whether something is within the scope of this policy, they should seek advice from the Headteacher and if the matter is in relation to an alleged wrongdoing by the Headteacher then Staff should seek the advice of another member of the senior leadership team or an Advisory Board member.

### **Raising a whistleblowing concern**

The School hopes that in many cases Staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact another member of the Senior Management Team or the Head teacher.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The School will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The School will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

### **Confidentiality**

The School hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will

endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's identity, the School will discuss this with the member of staff first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If some individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues, this could give rise to action under the School's Disciplinary Procedure.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work (Independent whistleblowing charity)

Helpline: 020 7404 6609 E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk) Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

### **External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases Staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

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 good faith 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. Staff should contact one of the other individuals set out above for guidance.

Normally, you should first raise your concern internally, for example with your line manager. If you prefer not to do this, or you have tried and been dissatisfied with the results you can call Ofsted's dedicated Whistleblowing Hotline (**0300 123 3155**). It is staffed from 8am to 6pm, Monday to Friday.

### **Investigation and outcome**

Once a member of Staff has raised a concern, 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.

In most cases a panel of three senior staff (or the Advisory Board if the issue concerns the Headteacher) will investigate any issue. In rare cases, the School may appoint an investigator or team of investigators including Staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

The School will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the School concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Disciplinary Procedure.

Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the School will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher has the right to seek external advice.

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 Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

### **Protection and support for 'whistleblower's**

It is understandable that 'whistleblowers are sometimes worried about possible repercussions. The School aims to encourage openness and will support Staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher, or another member of the Senior Management Team, immediately.

Staff must not threaten or retaliate against 'whistleblower's in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in

which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher in the first instance.

### **Safeguarding**

If a member of staff suspects that there is a serious safeguarding issue that they feel that the Headteacher is not taking seriously or that they believe there is a serious safeguarding issue involving the Headteacher they should in the first instance contact a member of the school's Advisory Board.

## **Appendix 1**

### **Don't think what if I'm wrong – think what if I'm right**

#### **Reasons for whistleblowing:**

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

#### **What stops people from whistle blowing:**

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

#### **How to raise a concern:**

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Head Teacher, or the Designated Child Safeguarding Officer.
- If your concern is about your immediate manager/Head Teacher, or you feel you need to take it to someone outside the school contact The Local Authority
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.



### **What happens next?**

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

### **Self-reporting**

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

### **Further advice and support**

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, or your professional trade union.