



Woolmore School

SCHOOL POLICY

Name	Whistleblowing Policy
Agreed by	Headteacher
Date agreed	April 2023
Date for Review	April 2024

Summary

The governors and staff of Woolmore Primary School seek to run all aspects of school business and activity with full regard for high standards of operation, probity and accountability. Woolmore Primary School is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion – governors, staff, pupils and their families, and our visitors – can raise the matter with full confidence that the matter will be appropriately considered and resolved. We welcome comments and feedback which could help us improve our school.

However, we recognise that sometimes concerns could be of a very serious nature and would need to be dealt with under a formal procedure.

- Staff have access to a grievance procedure, which sets out the scope of issues which can be dealt with under that procedure.
- Any allegations of wrong-doing against our staff are dealt with under our policy *Managing Allegations Against Staff*, which should be read in the context of our Safeguarding and Child Protection policy.

In addition, this policy on Whistleblowing confirms that employees who, in the course of raising concerns, disclose information in the public interest do so without fear of harassment or victimisation and are protected from detriment and/or dismissal – in line with the Public Interest Disclosure Act 1998. Throughout this policy, the term *whistle-blower* denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the *Second Report of the Committee on Standards in Public Life: Local Spending Bodies* published in May 1996.

Woolmore Primary School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. Existing good practice within Woolmore Primary School – in terms of our systems of internal control, both financial and non-financial, and the external regulatory environment in which the school operates – ensures that cases of suspected fraud or impropriety rarely occur. However, this document is a public commitment that when concerns are expressed, they are taken seriously, they will be thoroughly investigated and action will be taken to deal with any wrongdoing which is exposed.

As concerns may be extremely sensitive, this policy allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school. This policy does not form part of any employee's contract and may be amended at any time.

The governors are committed to the principles that any concerns raised under this Whistleblowing policy will:

- be raised and dealt with confidentially, inside the school environment and outside it;

- be subject to a thorough and appropriate investigation of the matter, undertaken without delay, to bring it to a satisfactory conclusion;
- lead to a conclusion which will deal not only with the specific concern raised and the parties involved, but will also include a review of whether systemic problems have been revealed by the discovery of something having gone wrong;
- allow for an employee who brings forward a concern and is not satisfied with the findings to take that concern further.

When might the whistleblowing policy apply?

If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy. Whistleblowing is the disclosure of information. This may include, but is not limited to:

- any criminal activity;
- abuse of position;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- bribery;
- financial fraud or mismanagement including but not limited to manipulation of accounting records and finances, inappropriate use of school assets or funds, decision-making for personal gain;
- negligence;
- serious breaches of school policies and/or procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest).
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- public examination fraud;
- the deliberate concealment of any of the above matters.

Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and similar opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- while it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

This policy should not be used for complaints about an employee's personal circumstances, such as the way s/he has been treated at work. In these cases, an employee should use the school's Grievance Procedure (or anti-harassment and bullying policy as appropriate) or, if the matter relates to salary, the salary review procedures documented in the school's pay policy.

Respecting confidentiality

Wherever possible Woolmore Primary School seeks to respect the confidentiality and anonymity of the *whistleblower* and will as far as possible protect him/her from reprisals. Woolmore Primary School will not tolerate any attempt to victimise the *whistleblower* or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

Raising unfounded malicious concerns

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

Whistleblowing to the Council

The *whistleblower* should raise their concerns internally in the first instance to allow those school staff and governors the opportunity to investigate the concerns and deal with them under the terms of this policy. However, if the concerns are very serious, to the extent that the employee believes that they may not be fairly investigated by the school in the first instance, the employee may report their concerns direct to the Local Authority, to be dealt with under their whistleblowing procedure. Such serious concerns could include (but are not limited to) allegations of malpractice involving more than one member of the senior leadership and/or governors, or persistent professional negligence. We therefore make the London Borough of Tower Hamlets Whistleblowing Policy available to staff.



Woolmore School

SCHOOL PROCEDURE

Name	Whistleblowing Procedure
Agreed by	Headteacher
Date agreed	April 2023

Procedure

This procedure outlines how the school's Whistleblowing Policy is implemented.

1. Reporting the concerns

The *whistleblower* should raise their concerns with either Tracy Argent, Headteacher, or Samantha Rashid, Chair of Governor with responsibility for Whistleblowing (or with both). The *whistleblower* may raise their concerns:

- in person (appointments may be made via the school office);
- by telephone;
- or in writing, in which case the letter should be marked private and confidential and addressed to one of the above named individuals and sent or handed in to the school office.

All matters will be treated in strict confidence and anonymity will be respected wherever possible. The chair of the governing board will be responsible for receiving any concerns about the headteacher.

Alternatively, if the *whistleblower* considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed in the first instance to the Corporate Director of Governance (Monitoring Officer) at the London Borough of Tower Hamlets (LBTH) on 020-7364 5000, where it will be dealt with under the terms of the LBTH Whistleblowing Policy (see below). LBTH will respect the confidentiality of the *whistleblower*. LBTH, and/or the Local Education Authority (LEA) will ensure relevant officers of the Department for Education and Employment are informed as appropriate.

2. How will the matter progress?

The individual(s) in receipt of the information or allegation will be designated the investigating officer(s) and will acknowledge receipt of the concerns in writing. Throughout the investigation, the investigating officers will keep the *whistleblower* will be kept updated on the progress of the investigation and how long it is expected to take before a conclusion can be reached.

The investigating officer(s) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance: for example, other members of school staff, legal or personnel advisors, the police, the Department for Education and Employment, the London Borough of Tower Hamlets.

Records will be kept of work undertaken and actions taken throughout the investigation. Records will be kept safely and in accordance with the School's Data Protection policies.

The investigating officer(s), possibly in conjunction with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.

The *whistleblower* will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governing body and the London Borough of Tower Hamlets.

If the *whistleblower* is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), the governing body and/or directed to the London Borough of Tower Hamlets.

LONDON BOROUGH OF TOWER HAMLETS: WHISTLEBLOWING POLICY

Introduction

Tower Hamlets is committed to the highest standards of behaviour, openness, probity and accountability of all employees, councillors and its contractors and as such takes very seriously any form of malpractice that is identified or discovered.

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something you have witnessed at work. An important aspect of accountability and transparency is a mechanism to enable councillors, employees, contractors, suppliers and partners to voice concerns about such wrongdoings in a responsible and effective manner.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may not express your concerns because you feel that speaking up would be disloyal to your colleagues, managers, or to the Council. You may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

We expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work which you believe shows serious malpractice or wrongdoing within the Council to bring it to our attention and this policy puts an easy mechanism in place to report your concerns and to raise issues.

All employees of London Borough of Tower Hamlets may use this Policy. This includes permanent and temporary employees. It also covers agency workers and employees seconded to the Council. Contractors working for the Council may also use this Policy in order to make us aware of any concerns that they, their employees or sub-contractors may have with regard to any contractual or other arrangement with the Council. Any concerns relating to non-Council business, however, should be raised with the relevant contractor's organisation, regulator or other suitable agency.

Scope

This Policy and associated procedures is not designed to be used where more appropriate procedures are available. For example, your issue may be a personal grievance about a problem or concern you have about your work, working conditions or relationships with colleagues. If so, then these should raise these with your line manager in the first instance or use the Council's Dispute Resolution processes.

This Policy and its procedures/guidance are designed to enable you to raise concerns at a high level and to disclose information which you believe shows malpractice, impropriety, criminal activity, or dangers to health and safety.

This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the instigation of other procedures e.g. disciplinary. Further you need to be acting in the public interest and which is why personal grievances and complaints are not usually covered by this Policy.

The Policy is intended to cover concerns where you reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud);
- unauthorised use or misuse of public funds
- failure to comply with an obligation set out in law;
- abuse of position, whether or not for personal gain
- miscarriages of justice;
- endangering of someone's health and safety;

- damage to the environment;
- conduct which may damage the Council's reputation;
- other unethical conduct; and
- covering up wrongdoing in the above categories.

Our assurances to you

Your safety

The Mayor, Councillors, the Chief Executive and Corporate Leadership Team are committed to this Policy and recognise that the decision to report a concern can be a difficult one to make. If you raise a genuine concern under this Policy, you should have nothing to fear, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken, no action will be taken against you.

It is important to note that this assurance does not extend to those who make malicious or vexatious allegations or who make an allegation for personal gain. This could be construed as gross misconduct and disciplinary action may be taken against you.

Statutory protection

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for you to take a case to an employment tribunal if you have been victimised at work or you have lost their job because they have 'blown the whistle'. This is on the basis that you have a reasonable belief that what you have reported is true and the report is in good faith.

Harassment or victimisation

The Council will not tolerate any harassment or victimisation (including informal pressures) from your colleagues, peers, managers, or from external sources, and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, capability, or redundancy procedures that already affect you.

If you consider that you have been, are being or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns to the Council's Monitoring Officer. The matter will then be dealt with as a new referral under this procedure.

Your confidentiality

We will treat all concerns raised in a confidential and sensitive manner. Your identity will be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process could reveal the source of the information and you may need to provide a statement as part of the evidence required. In such cases, we will always ask your consent to disclose your identity. Further, it is always possible that your identity could be guessed.

Anonymous allegations

It is not unusual for individuals who are thinking about raising a concern to want to make it anonymously. However it is best that concerns are raised openly as it makes it easier for consideration and investigation of the concern. It is recognised, however, that there are circumstances when you would wish to keep your identity confidential.

Anonymous concerns that do not have a point of contact to which correspondence can be sent (e.g. an email address) will be considered at the discretion of the Council. In exercising this discretion the following factors will be taken into account

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Therefore, whilst we do not rule out the possibility of conducting investigations where you have not given a point of contact, it should be noted that, in practice, we are unlikely to be able to proceed in the majority of such cases because of the practical difficulties that arise. No contact point will often present a barrier to effective investigation because it is impossible to contact you to check information received, ask for more details, or give feedback.

The Responsible Officer

The Corporate Director, Governance (as Monitoring Officer) has overall responsibility for the maintenance and operation of this policy.

Recording and monitoring

The Monitoring Officer will maintain a confidential and secure register of all concerns raised through this Whistleblowing Policy. Investigations undertaken as a result of concerns being raised through these channels will be reported to the Audit Committee. Furthermore, weaknesses in Tower Hamlets controls may be identified through our investigations and recommendations to improve these will be raised with relevant managers and Chief Officers.

All records will be treated as confidential and kept no longer than necessary in accordance with Data Protection rules. Individuals have a right to request and have access to certain personal data: however, some information may be withheld in order to protect a third party.

Review of Whistleblowing Policy

This Policy and reports made under it will be reviewed annually by the Monitoring Officer who will make a report to the Audit Committee.

External contacts

Whilst we hope this Policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator than not at all. If you do not wish to report your concern to the Monitoring Officer: you can get legal advice from a lawyer, or tell a prescribed person or body.

A Prescribed person or body as set out in the "prescribed persons list" published by the Department for Business, Innovation and Skills. The organisations and individuals on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with the sector, often as a regulatory body. An up-to-date list can be found here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-ofprescribed-people-and-bodies--2>

If you tell a prescribed person or body, it must be one that deals with the issue you are raising, e.g. a disclosure about wrongdoing in a care home can be made to the Care Quality Commission.

If you raise concerns outside the Council you should ensure that it is to either one of the prescribed persons or bodies as set out in the "prescribed persons list" published by the Department for Business, Innovation and Skill. Through this Policy however, the Council also guarantees like protection if it is a qualified disclosure made to:

- The Police
 - Public Concern at Work 020 7404 6609 <http://www.pcaw.org.uk/> (The whistleblowing charity who can give advice and help on whistleblowing)
 - The Local Government Ombudsman 0300 061 0614 http://www.lgo.org.uk/forms/ShowForm.asp?fm_fid=62
- 7.5 You should not disclose information that is confidential to the Council or to anyone else, such as a client or contractor of the Council, except to either one of the prescribed persons or bodies as set out in the "prescribed persons list"