

## WHISTLE BLOWING POLICY

### 1. Rationale

---

The governing body is committed to the provision of high quality services and promoting the highest standards of openness, probity and accountability. Employees and others who have serious concerns about any aspect of the school's work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage.

It is in the interests of the governing body, employees and the public that wrongdoing is exposed and dealt with effectively. Members of staff are often the first to realise that there may be something seriously wrong within an organisation. In many circumstances it will be appropriate for staff to raise their concerns with their headteacher and this policy is not intended to discourage this practice. However, where staff may be cautious about expressing their concerns because they feel that speaking up would be disloyal to their colleagues or to their school, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Alternatively, there may also be circumstances where a member of staff has reported their concern to their headteacher and received an unsatisfactory response. This confidential policy is intended to ensure that suspicion of wrongdoing can be dealt with speedily and effectively.

This policy seeks to balance safeguards for members of staff who raise genuine concerns about malpractice against the need to protect other members of staff, the school and members of the governing body against uninformed or vexatious allegations which can cause serious difficulty for innocent individuals.

### 2. Aims of the Policy

---

The aims of this policy are:

- To promote a culture of openness and a shared sense of integrity throughout the school by inviting all employees to act responsibly in order to uphold the reputation of the school and maintain public confidence.
- To provide safeguards so that members of staff feel able to raise concerns about malpractice ('a discloser') within the school, without fear of adverse repercussions to the individual and a rapid mechanism for investigation of those concerns.
- To provide feedback on action taken and advice on how to pursue those concerns further if the individuals are not satisfied with the outcome.

"Malpractice" for the purpose of this policy, includes the following on the part of another employee, a member of the governing body or school, or any other person or persons acting on behalf:

- fraud or financial irregularity;
- corruption, bribery or blackmail;
- other criminal offences;
- failure to comply with a legal or regulatory duty or obligation;

## Gresham Primary school

- miscarriage of justice;
- endangering the health or safety of any individual;
- endangering the environment;
- improper use of authority or powers;
- serious financial maladministration arising from the deliberate commission of improper conduct;
- unethical or improper conduct or conduct which breaches school/governing body policies or falls below the standards which the school/governing body subscribes to;
- abuse of clients, improper discrimination against or relationship with clients;
- concealment of any of the above.

### 3. Application of the Policy

---

This policy is intended to tackle genuine concerns of malpractice experienced by:

- an employee of the school;
- agency staff and self-employed staff employed on school work; or
- contractors employed on school work;
- members of the school's Governing Body.

For the purposes of this policy an individual who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the school is referred to as 'the discloser'.

### 4. This Policy Does NOT Apply To:

---

- the relationship between employees, their managers and the governing body, for which harassment and bullying or collective dispute policies are more appropriate; or
- concerns and complaints by members of the public.

### 5. Designated assessors

---

Designated assessors are senior members of staff of appropriate experience and standing within the council who have received appropriate training in this policy and have been appointed to act as "designated assessors" by the Executive Director for Children, Families & Education (CE) Department in the Council.

Following receipt of a discloser the Executive Director CFE will identify a designated assessor who will be responsible for the preliminary investigation of a discloser and making recommendations to the council's monitoring officer and the Executive Director CFE as to what further steps, if any, should be taken.

A designated assessor may decline to investigate a discloser on reasonable grounds such as:

- previous involvement or interest in the matter concerned;
- incapacity or unavailability;
- if satisfied, after consulting the departmental complaints officer ('People'), that some other designated assessor would be more appropriate to consider the matter.

## 6. Making a Discloser

---

### Stage One

An individual, who has grounds to believe that the malpractice has occurred, is occurring or is likely to occur in connection with the school, should raise their concerns first with the headteacher, without delay. This may be done orally or in writing.

### Stage Two

If the individual feels unable for whatever reason to raise the matter with the headteacher under stage one, then they should raise the matter with the chair of governors, without delay.

On receipt of the discloser, the headteacher/chair of governors will offer to interview the discloser in confidence. The interview should take place as soon as practicable after the initial discloser. The discloser may be accompanied by a local trade union representative or work colleague at the interview. The *headteacher*/chair of governors may also be accompanied by an administrative assistant/clerk to take notes, which will not identify the discloser. For safeguards in relation to confidentiality, see section 9 below.

The purpose of the interview will be for the headteacher/chair of governors to:

- obtain as much information as possible from the discloser about the grounds of the belief of malpractice; and
- to consult with the discloser about further steps which could be taken.

### Stage Three

If stage one and/or two have been followed and the individual still has concerns, or if they feel that the matter is such that they feel they cannot raise it with the headteacher or the chair of governors, for example because it concerns them or it is very serious, then the discloser should communicate the discloser by an email to [schoolwhistle@croydon.gov.uk](mailto:schoolwhistle@croydon.gov.uk).

Alternatively, there is a confidential reporting facility available to schools. The service is provided by Public Concern at Work (0207 404 6609) who will provide advice.

The initial discloser should be made either:

- wherever possible, in writing;
- otherwise orally, e.g. by telephone or at interview with a designated assessor.

The discloser should provide as much supporting written evidence as possible about the discloser, the grounds for the belief of malpractice and indicate why they have not felt able to raise their concerns through normal management channels.

Where a discloser is made through the governing body's confidential reporting facility, full details of the allegations will be recorded and a report passed on to the DCO (Department for People) for referral to one of the designated assessors. The discloser may not wish to provide their identity and if he/she does provide these details, they will not be passed to the departmental complaints officer (Department for People) or any other school employee without the discloser's express consent.

## Gresham Primary school

Disclosers are encouraged to give details of their identity. Anonymous disclosers are much less powerful but will nevertheless be considered having regard to:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation through other suitable sources.

On receipt of the discloser, the designated assessor will offer to interview the discloser in confidence. The interview should take place as soon as practicable after the initial discloser but no later than 3 weeks of the matter being raised to the designated assessor by the Executive Director CFE.

The discloser may be accompanied by a local trade union representative or work colleague at the interview. The designated assessor may be accompanied by an administrative assistant to take notes, which will not identify the discloser. For safeguards in relation to confidentiality, see section 9 below.

The purpose of the interview will be for the designated assessor to:

- obtain as much information as possible from the discloser about the grounds of the belief of malpractice; and
- to consult with the discloser about further steps which could be taken.

### **7. Enquiries and Report by headteacher/chair of governor/ designated assessor**

As soon as practicable after the interview or after the initial discloser if no interview takes place, the headteacher/chair of governors or the designated assessor should determine their recommendations as to the further steps that should be taken such as:

- a report to the police or other appropriate public authority;
- investigation by the governing body's internal auditor (this will be the usual course where there are allegations of financial irregularities);
- a full investigation either internally by the governing body or externally e.g. by the governing body's auditors or by investigators appointed by the governing body;
- action under the school's grievance, disciplinary, harassment and bullying or complaints policies;
- referral for consideration under other specific policies (e.g. child protection);
- no further action (the basis for which see below).

The headteacher/chair of governors' or designated assessor's recommendations will be made to the governing body's monitoring officer and the Executive Director CFE to decide whether or not they agree with them.

The recommendation will be made without revealing the identity of the discloser except in the circumstances set in Section 9 below.

The grounds on which the headteacher/chair of governors or designated assessor may recommend that no further action are as follows:

## Gresham Primary school

- if satisfied that the discloser has not shown that malpractice within the meaning of this policy has occurred, is occurring or is likely to occur;
- if satisfied that the discloser is not acting in good faith e.g. if after investigation it appears that the discloser is wilfully malicious or vexatious,(in which case it may be referred for disciplinary action);
- if the matter concerned is already the subject of legal proceedings, or has already been referred to the police or other public authority;
- if the matter is already, has already been, or should be, the subject of proceedings under one of the school/governing body's other policies relating to staff.

Once it has been decided what further steps (if any) should be taken, the headteacher/chair of governors or designated assessor will, where their identity is known, inform the discloser of the decision. If no further action is proposed, the headteacher/chair of governors or designated assessor will give the discloser the reasons for this in writing.

If the governing body decides not to fully implement any recommendations the Executive Director CFE reserves the right to issue a warning and to inform the Secretary of State.

### **8. External Discloser**

---

It is recognised that in exceptional circumstances, or if dissatisfied after using this policy, an individual might wish to make a discloser without using the school's policy. However, individuals considering such a step are advised to take legal advice before making an external discloser.

They may make an external discloser:-

- on a confidential basis directly with bodies such as the external auditor or other appropriate public authority or such person as may be prescribed by the secretary of state under Section 43F of the Public Interest Discloser Act 1998. Before taking any such action, the discloser is encouraged to inform the headteacher/chair of governors or designated assessor.
- if they have reasonable grounds for believing that discloser would lead to evidence being concealed or destroyed or that the discloser will be subjected to a detriment as a result of making the discloser.
- on a confidential basis for the purpose of taking legal advice.

### **9. Safeguards and Confidentiality**

---

Any document, report or recommendation prepared by the headteacher/chair of governors or designated assessor in relation to the matter will not identify the discloser, unless:-

- the discloser has consented to this in writing; or
- there are grounds to believe the discloser has acted maliciously; or
- where the headteacher/chair of governors or designated assessor is under a legal obligation to do so; or
- where the information is already in the public domain; or
- on a strictly confidential basis to the designated assessor's administrative assistant; or

## **Gresham Primary school**

- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The headteacher/chair of governors or designated assessor will ensure that all information relating to the discloser (including that held electronically) is kept secure so that, as far as practicable, only the headteacher/chair of governors or designated assessor and his or her administrative assistant shall have access to it.

Disclosers will be under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague (if any) keeps this matter strictly confidential save, as permitted under this policy, as required by law or until such time as it comes into the public domain. Where the trade union representative needs to discuss the matter with another union official for advice he/she will be allowed to do so but must keep within the confines stated above.

The discloser will not be required by the governing body, without his or her consent, to participate in any enquiry or investigation into the matter established by the school unless there are grounds to believe that the discloser may have been involved in the misconduct or malpractice.

Where the discloser participates in any enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. The obligations of the headteacher/chair of governors or designated assessor detailed above will remain in relation to the identity of the individual as the original discloser of information.

The governing body will not (and it will use all reasonable endeavours to ensure that employees do not) subject the discloser to any detriment, on the grounds of the discloser's disclosure of information under this policy (unless there is proved abuse of this policy through the making of wilfully malicious or vexatious disclosures). The discloser should report any complaints of such treatment to the headteacher/chair of governors or designated assessor. If the discloser wishes the headteacher/chair of governors or designated assessor to take action in relation to such complaints, the discloser may be asked to consent in writing to the headteacher/chair of governors or designated assessor revealing the discloser's identity for the purposes of any such action.

### **10. Monitoring**

---

The governing body will produce an annual report on the use of this policy and the outcome of investigations, including disclosures where no further action is taken. Such reports will not normally identify the discloser. In the event that there have been no disclosures the governing body should minute this at the September meeting.

### **11. Review**

---

This policy may be amended by the governing body from time to time.

### **Further information**

---

Standards Board for England

## Gresham Primary school

London Borough of Croydon - Anti-Fraud and Corruption Policy  
Department of Trade & Industry - Employment Relations Directorate

### **Who to Contact for Advice on the Policy**

---

Email: [educationenquiries@croydon.gov.uk](mailto:educationenquiries@croydon.gov.uk) Telephone: 0208 604 7223  
Email: [schoolwhistle@croydon.gov.uk](mailto:schoolwhistle@croydon.gov.uk),

**Confirmation the Whistleblowing Policy in respect of Gresham Primary School has been discussed by the governing body:**

**Confirmation the Charging Policy in respect of Gresham Primary School has been discussed by the governing body:**

Signed by:

Chair of Governors: ..... Date: .....

Headteacher: ..... Date: .....

Agreed at the governing body meeting on: .....

Minute reference: .....

## APPENDIX A WHISTLEBLOWING PROCEDURE

---

### GUIDANCE FOR THE HEADTEACHERS/MANAGERS ON RESPONDING TO A MATTER OF CONCERN RAISED BY AN EMPLOYEE

1. The headteachers should ensure that employees are aware of the Whistleblowing Policy and know where it can be located.
2. If you receive a discloser in respect of any of the matters set out under section 2 'Aims of the policy' in the Whistleblowing Policy you must take the following action:
  - take the matter seriously and do not dismiss or belittle the information,
  - respect as far as possible the confidentiality of the employee, and adhere to the policy under section 9 'Safe guardings and confidentiality' where the employee has specifically asked for confidentiality,
  - ensure that the employee understands the Whistleblowing Policy,
  - offer to interview the discloser in confidence,
  - discuss ways that the employee could be supported,
  - investigate the concern objectively, dealing with all parties with sensitivity and tact,
  - seek advice from the governing body's departmental complaints officer in the People Department (Croydon LA),
  - set out clearly how the concern is to be taken forward,
  - ensure that dated notes are made and kept of the process followed,
  - notes of discussions etc.,
  - keep the person raising the concern informed about the progress made and outcome of the investigation,
  - provide the governing body's departmental complaints officer in the People Department (Croydon LA) with details of the concern and inform them about the progress and outcome of the investigation.
3. If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the governing body's departmental complaints officer in the People Department (Croydon LA).
4. Note that if the concern relates to fraud, this should be reported to the governing body's internal auditor.