



## **Whistleblowing Policy 2022**

**The policy was adopted by the Governing Body of Robert Blair School in Autumn 2022**

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## 1. PURPOSE

- 1.1 The policy is designed to enable all employees to notify the Headteacher, Chair of Governors and the Council Whistleblowing Officer (**CWO**) of any reasonable suspicion of illegal or improper conduct that is made in the public interest and which would not normally be revealed due to fears of victimisation or retribution. This policy sets out the way in which individuals may raise a protected disclosure and how those disclosures will be dealt with.
- 1.2 This policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 which offer protection to employees who "blow the whistle" on their employer by making a qualifying disclosure. A disclosure is not protected unless the employee reasonably believes that the disclosure is made in the public interest.
- 1.3 The policy aims to:
  - encourage employees to feel confident in raising serious concerns and to question and act upon concerns of malpractice
  - provide avenues to raise those concerns and receive feedback on any action taken
  - ensure that employees receive a response to their concerns and are aware of how to pursue them if they are not satisfied
  - reassure employees that they will be protected from possible reprisals or victimisation if the disclosure is a qualifying disclosure.

## 2. APPLICATION OF THE POLICY

- 2.1 This policy can be used by any person who works or who has worked for the school. There is a separate policy for pupils and parents to raise concerns about school related issues.
- 2.2 Whistleblowing occurs when a concern is raised about danger or illegality that affects others. The person 'blowing the whistle' will not necessarily be directly affected by the danger or illegality. Consequently the whistle blower is not likely to have a personal interest in the outcome of any investigation into the concern(s). This is different from a complaint or grievance where the complainant is alleging that they have been personally poorly or unfairly treated.
- 2.3 This policy is not intended to cover matters that concern day to day issues relating to an employee's terms and conditions of employment or a complaint about another employee which can usually be referred to their line manager and/or their trade union representative, or if necessary be pursued using the School's Grievance Policy. Section 8 references other relevant policies and procedures.
- 2.4 Any concerns that employees have about any aspect of service provision or the conduct of employees, governors or others acting on behalf of the school can be reported under this policy. In particular, they are encouraged to disclose information that they reasonably believe shows one or more of the following:
  - a criminal offence

- a failure to comply with a legal obligation
- a miscarriage of justice
- a danger to the health and safety of an individual
- damage to the environment
- a failure to comply with the school's policies and procedures
- a significant breach of child protection and/or safeguarding policy and procedures
- any conduct which may damage the school's reputation
- a deliberate attempt to conceal any of the above

2.5 In practice, as well as relating to the points outlined in 2.4, the disclosure could be about:

- something that makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the school or Islington Council subscribes to; or
- something that is against the school's or Islington Council's procedures, rules and policies; or
- something that falls below established standards of practice; or
- something that amounts to improper conduct; or
- the unauthorised use of public funds; or
- fraud and corruption; or
- a significant breach of child protection and/or safeguarding policy and procedures
- homophobic, racial, religious, sexual or physical abuse of children, staff, governors, or other users or
- conduct which is an offence or a breach of the law;
- disclosures related to actual or potential miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- other unethical conduct;

2.6 Other parties may have a role within the policy including: Islington's CWO, the Local Authority Designated Officer (**LADO**) for concerns relating to Child Protection, the Health and Safety Manager as well as outside organisations such as Public Concern at Work (and diocesan officers in the case of a church school). Specific roles and responsibilities are outlined in **Appendix A**.

### 3. KEY PRINCIPLES

3.1 The policy is designed to support the governors' and senior school leaders' commitment to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment it is expected that staff will report any

serious concerns they might have about any aspect of the school's work or colleagues.

- 3.2 All staff have a professional duty to pass on any concerns involving the safeguarding or protection of children to someone who can deal with it. This will include concerns about fellow professionals, or anyone who works with or comes into contact with, children. These have to be dealt with in accordance with local child protection procedures.
- 3.3 A key commitment is that staff will be able to express their concerns without fear of being victimised or penalised in any way. The policy aims to encourage and enable staff to raise concerns internally, rather than ignoring the problem or taking it outside the organisation.
- 3.4 Staff will not suffer any detriment for making a report in good faith and their disclosure will be dealt with in the utmost confidence. A whistle blower will not be victimised for raising a matter under this policy. Any harassment, victimisation or less favourable treatment of a whistle blower for making a disclosure under this policy will be treated as a disciplinary offence and may lead to summary dismissal.
- 3.5 If an allegation is determined to have been made frivolously, maliciously or for personal gain, disciplinary action may be taken against the whistleblower in line with the disciplinary policy.

## **4. THE WHISTLEBLOWING PROCEDURE**

### *4.1. Stage 1: Reporting concerns*

- 4.1.1 In the first instance, staff should raise their concerns as soon as any suspected malpractice becomes apparent with the person who has immediate responsibility for their work (their line manager). As a whistleblower would normally be a witness to events, and not a complainant, staff do not need to wait for proof of malpractice before raising their concern.
- 4.1.2 If, however, the staff member feels that it is inappropriate to raise the matter with their line manager (for example, if they suspect that that person already knows about the malpractice, or appears to be ignoring it or where they suspect that they may be involved), then they should consider which of the following people may be the most appropriate:
  - The Deputy Headteacher
  - The Headteacher
  - The Chair of Governors
  - The CWO (see Appendix A)
- 4.1.3 If the report concerns inappropriate action by the Headteacher or Governors, they should send their report directly to the CWO.
- 4.1.4 When reporting a concern, the staff member should provide as much information and detail as possible. In particular they should provide the full names of the people involved, including the names of staff or contractors, dates of events and any relevant documentation.

- 4.1.5 Officers receiving whistle blower reports must inform the CWO **within 1 working day** of receipt of the report. Reports relating to Child Protection should also be reported to the LADO for possible investigation. The CWO will inform the Director of Schools and Young People's Services and Head of Schools HR (and diocesan officers in the case of a church school) as appropriate.
- 4.1.6 The whistle blower will receive a written acknowledgement of the report **within 2 working days** of receipt of the report and be informed of the action being taken to investigate the concern. If they are unhappy with the response, they may take the matter to a higher level or one of the organisations listed in this policy.
- 4.1.7 Initial enquiries will be made by the line manager (or other individual to whom the report is made) **within 3 working days** of receipt of the report to determine whether the concern falls within the scope of the policy and if so, whether an investigation is appropriate. When making a decision the line manager (or other individual to whom the report is made) shall consider whether continuing with an investigation is in the public interest.
- 4.1.8 The line manager (or other individual to whom the report is made) shall report their findings, and any recommendations, to the Headteacher. The Headteacher must ensure that the recommendations are acted on fully unless there is a good reason for not doing so. If there is a good reason for not acting on the recommendation, these must be reported to the Governing Body at the next meeting.

#### *4.2. Stage 2: Investigation*

- 4.2.1 If, following the initial enquiries of the line manager (or other individual to whom the report is made), it is determined that a detailed investigation is to be undertaken, the next steps will include:
- An interview with the whistle blower **within 10 working days** of receipt of the report. The whistle blower may be accompanied at the interview by a trade union representative or a work place colleague; and
  - If the initial concerns were made verbally, then the whistle blower will be asked to provide a written statement.
  - An interview with the person against whom the allegations have been made. The individual may be accompanied at the interview by a trade union representative or a work place colleague.

#### *4.3. Stage 3: Conclusion of the investigation and subsequent actions*

- 4.3.1 If the allegation is not proven or there is insufficient evidence on which to base a conclusion, the whistle blower will be advised accordingly.
- 4.3.2 In cases where action is necessary as a result of the findings, a report will be sent to the Headteacher and the Chair of Governors, who will be responsible for implementing the recommendations in the report.

- 4.3.3 The whistle blower will be advised when the investigation has been completed but it may not always be possible to provide the details of the findings as these may be confidential.

## **5. CONFIDENTIALITY**

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle blower. However, in order to investigate the matter properly it is impossible to guarantee complete confidentiality.
- 5.2 Some cases are clearly so serious that police may have to be involved. In these cases it may be necessary to reveal the identity of individuals.
- 5.3 While these procedures are being carried out, all parties will need to agree that the issue will be kept confidential. The whistle blower's identity will be kept confidential unless they are happy to be named, or unless there are grounds to believe that they have acted maliciously. If there are no such grounds, the manager will only reveal the identity if:
- they have to do so by law;
  - the information is already known;
  - it is revealed in confidence to a qualified lawyer in order to get legal advice; or
  - the whistle blower has to provide evidence at a disciplinary hearing or other proceedings.

## **6. ANONYMOUS ALLEGATIONS**

- 6.1 Although staff may report any concerns anonymously, they are encouraged to give their name when raising concerns. From a practical perspective, anonymous allegations are likely to be more difficult to investigate, and protection against reprisals and feedback can be afforded only to identifiable individuals.
- 6.2 Whilst it is accepted that anonymous allegations do not carry the same weight, any such reports received by the school will be considered at its discretion. In exercising this discretion account will be taken of the seriousness, credibility of the matters raised and the likelihood of confirming the allegation from the sources quoted. The decision whether to investigate an anonymous allegation will be made by the Headteacher in consultation with the Chair of Governors and the CWO.

## **7. FURTHER GUIDANCE AND QUESTIONS**

- 7.1 Refer to Appendix A.

## **8. OTHER POLICIES AND PROCEDURES**

- 8.1 Any other policy or procedure set out by the School in writing or made generally known to employees prior, or subsequent, to the adoption of this policy are separate requirements and remain in full force and effect.
- 8.2. The following policies and procedures are particularly relevant to this policy and should be taken into account where appropriate:
- Child Protection Policy
  - Disciplinary Policy
  - Grievance Policy

## APPENDIX A: SOURCES OF ADVICE AND SUPPORT

Enquiries and questions in relation to this policy or its applicability to particular individuals or situations should be addressed to the Headteacher or such other officer as shall be designated from time to time by the Governing Body.

You may also consult the following officers in Islington Council before making a report under this policy:

- Islington Council Whistleblowing Officer, CWO 079 7983 4012
- Local Authority Designated Officer, LADO 020 7527 8066
- Health & Safety Manager 020 7527 5971
- Head of Schools' Human Resources 020 7527 5677
- Diocesan officers (in the case of a church school)

The following organisations outside the School can also be contacted:

- Audit Commission Public Interest Disclosure Act Hotline Tel: 020 7630 1019
- Public Concern at Work 020 7404 6609 or visit their website <http://www.pcaaw.co.uk/>

For a full list of bodies and person who you can make a disclosure to see:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>

Alternatively, you may wish to ask for confidential help from your trade union