

Whistleblowing Policy

Date	Review Date	Coordinator	Nominated Governor
May 2019	June 2020	Leigh Carmichael	

(in line with Barnet LA Policy and Guidance.)

Introduction

Frith Manor Primary School's Governing Body and Barnet Council seek to run all aspects of school business and child safeguarding with full regard for highest standards of conduct and integrity.

This policy is mandatory for London Borough of Barnet maintained schools under paragraph 11.9 of the Scheme for Financing Schools under S.48 of the Schools Standards & Framework Act 1998.

Section 10 of the Children Act 2004 places a duty on relevant partners, persons or bodies working with children to co-operate with a view to improving the well-being of children in the area of the local authority. It is this duty that supports early intervention to safeguard and promote children's and young people's wellbeing in order that good outcomes can be delivered. Failure to do so puts children at risk.

Context and Scope

1) It is the clear responsibility of all members of staff and volunteers to act on any concerns or information that gives them concern about the safety and wellbeing of a child or children arising from circumstances or events within the school or outside of school. Such a concern in a whistle blowing context may be related to:

- The conduct or behaviour of a member of staff or volunteer towards an individual child or children.
- Information that suggests a member of staff or volunteer is unsuitable to work with children.
- Belief that the Designated Safeguarding Lead, senior managers or Governors have failed to take appropriate action in response to safeguarding concerns raised.

2) The school is committed to tackling fraud and other forms of malpractice and treats these issues seriously. The type of activity or behavior, which is dealt with under this policy includes:

- manipulation of accounting records and finances
- inappropriate use of school assets or funds

- decision-making for personal gain
- any criminal activity
- abuse of position
- fraud and deceit
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- deliberate concealment of the above

In the event that members of school staff, or governors become aware of activities which give cause for concern, the following whistleblowing policy, or code of practice, 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.

Throughout this policy, the term “whistleblower” denotes the person raising the concern or making the complaint.

We recognise that some concerns may be extremely sensitive and therefore the system 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.

The school is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.

The provisions of this policy apply to matters of safeguarding and financial mismanagement or impropriety. It is not for matters of more general grievance, which would be dealt with under school complaints and grievance procedures.

What action should the Whistleblower take?

The whistleblower is encouraged to raise the matter internally in the first instance to allow those school staff and governors in positions of responsibility and authority the opportunity to right the wrong and identify an explanation for the behaviour or activity causing concern.

At school level there are a number of individuals to specifically deal with such matters and the whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter,

**Headteacher
Chair of Governors**

(or Designated Safeguarding Governor)

Designated Safeguarding Leads

The whistleblower may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals. All matters should be treated in strict confidence and anonymity respected wherever possible.

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 to either,

For Financial Matters

the **Council's Whistleblowing Officer** - who has powers to investigate all potential fraud or irregularity, or,
the **Council's Monitoring Officer** – who has a duty to the Council to deal with illegality, maladministration and wrongdoing and is responsible for the overall operation and maintenance of the Council's whistleblowing policy. The Council's Whistleblowing telephone number is **020 8359 6123**.

For Safeguarding Matters

MASH - Any adult working or volunteering is also able to make referrals directly to Barnet Children' Services by calling the Multi-Agency Safeguarding Hub (MASH) on 02083594066

The **NSPCC Whistleblowing Advice Line** on 0800 028 0285. This anonymous, free of charge service provides support to employees wishing to raise concerns about how their organisation has handled a child protection concern.

The Police call 999

Respecting Confidentiality

Individuals reporting concerns or wrong doing should note:

- everything possible will be done to respect your confidentiality, if that is what you want . Sometimes, though, it is necessary to take a statement as part of the investigation and enforcement process. In that case the issues will be discussed with you beforehand.
- Completely anonymous reports carry much less weight. They will only be acted upon at the discretion of the School / Council, having regard to the seriousness of the issues, the credibility of the report and the likelihood of obtaining confirmation elsewhere,
- The earlier you express concern the easier it is to take action,
- You will not be required to prove your allegation but you will be asked to give as much detail as possible.

How will the matter be progressed?

The individual(s) in receipt of the information or allegation (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 involvement of other members of school staff, LA legal, personnel or finance officers, the police.

Records will be kept of work undertaken and actions taken throughout the investigation. 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 outcome of the investigation when the matter is completed unless this is not possible for legal reasons. Sometimes this can take a long time, especially if there is a long investigation or court proceedings are involved. Depending on the nature of the allegation and whether or not it has been substantiated, the matter will be reported to the governing body and the LA.

Protection from reprisal

Anyone who makes a report in good faith will be protected from victimisation or reprisal. The Public Interest Disclosure Act 1998 gives statutory protection for employees who report in good faith on crime, illegality, or deliberate concealment of these. The protection covers reports to the employer or a regulating authority. The Act protects the employee from being subjected to discipline or dismissal or any other detriment from making the report.

If you are already the subject of disciplinary, capability or redundancy procedure they will not necessarily be halted as a result of your whistleblowing.

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.

If you are not satisfied

If you are not satisfied with the response to your whistleblowing report within your school you can contact:

For Financial Matters:

The Chief Internal Auditor or Monitoring Officer. If you are not satisfied with the response from these officers who can contact the Chief Finance Officer or the Chief Executive, both of whom have personal responsibility for probity within the Council.

For Safeguarding Matters

Chris Munday

Strategic Director- Children & Young People

London Borough of Barnet, North London Business Park, Oakleigh Road

South, London N11 1NP

Tel: 020 8359 7099

The school hopes that you will be satisfied with the whistleblowing routes offered by this policy. But if you are not and you want to take the matter up outside the Council, you can contact your ward Councillor (if you live in the borough), the external auditor, the Department for Education & Skills, or the police, or take legal advice. If you do this make sure that you do not put yourself at legal risk by disclosing confidential information in circumstances where that is not allowed. Ask the person you contact about this.

Conclusion

Existing good practice within schools in terms of systems of safeguarding and internal control both financial and non-financial and the external regulatory environment in which schools operate ensure that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and action will be taken.

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Employment Rights Act 1996
- Public Interest Disclosure Act 1998
- Public Interest Disclosure (Compensation) Order 1999
- Public Interest Disclosure (Prescribed Persons) Order 1999
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003
- Equality Act 2010
- Enterprise and Regulatory Reform Act 2013
- Data Protection Act 2018

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
- Data Protection: a toolkit for schools (DfE)
- Preparing for the General Data Protection Regulation (GDPR) - Information Commissioner's Office

We are aware that the General Data Protection Regulations (GDPR) has entirely replaced the previous Data Protection Act (DPA) making changes to many previous data protection rules and regulations that schools, academies and other educational establishments adhered to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We believe whistle blowing is the reporting of suspected wrongdoing in the workplace which is regarded as making a disclosure in the public interest. We actively encourage all school personnel and visitors to school to report any serious concerns they may have about any aspect of the school such as:

- health and safety concerns
- damage to the school environment
- a criminal offence that has taken place or is about to take place
- disobeying the law
- the covering up of a wrong doing
- the conduct of its personnel or others acting on behalf of the school.

We believe school personnel, supply staff, and students on work experience are protected by law if they make a disclosure on any of the above, that is if they think what they are reporting is true, that they think they are telling the right person and if they believe their disclosure is in the public interest. If the law is broken when a disclosure is made

We understand that those wishing to make a disclosure may do so to the Headteacher, to a member of the local authority, to a prescribed person such as Her Majesty's Chief Inspector of Education, to a legal adviser or to a Member of Parliament.

We believe that where the concern relates to an individual's own employment the school's Grievance Policy must be used. However, if the concern relates to something which is against the school's policies, falls below standards of practice or amounts to improper conduct then the procedures in this policy must be used.

We are committed to the highest possible standards of openness, integrity and accountability.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To encourage all school personnel to report any serious concerns about any aspect of the school or the conduct of its personnel or others acting on behalf of the school.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body:

- has delegated powers and responsibilities to the Headteacher to ensure all school personnel and school volunteers are aware of and comply with this policy;
- will provide support for a member of staff who has raised a concern;
- will provide support for a member of staff against whom allegations have been made;
- must keep both parties informed of all progress during any investigation;
- will take no action against a member of staff if, after investigation, their concern has not been confirmed;
- will take disciplinary action if a concern is raised frivolously, maliciously or for personal gain;
- has responsibility for ensuring that the school complies with all equalities legislation;
- has nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- has responsibility for ensuring funding is in place to support this policy;
- has responsibility for ensuring this policy and all policies are maintained and updated regularly;
- has responsibility for ensuring all policies are made available to parents;
- has nominated a link governor to:
 - visit the school regularly;
 - work closely with the Headteacher;
 - ensure this policy and other linked policies are up to date;
 - ensure that everyone connected with the school is aware of this policy;
 - attend training related to this policy;
 - report to the Governing Body every term;
 - annually report to the Governing Body on the success and development of this policy.

- has responsibility for the effective implementation, monitoring and evaluation of this policy

Role of the Headteacher

The Headteacher will:

- ensure all school personnel and volunteers are aware of and comply with this policy;
- work in conjunction with the Senior Leadership Team to ensure all school personnel and volunteers are aware of and comply with this policy;
- encourage all school personnel to raise any concerns they have regarding actual or potential breaches of duty or a failure by the school;
- provide support for a member of staff who has raised a concern;
- provide support for a member of staff against whom allegations have been made;
- keep both parties informed of all progress during any investigation;
- work closely with the link governor;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy by speaking with school personnel, parents and governors;
- annually report to the Governing Body on the success and development of this policy.

Role of School Personnel

School personnel have a duty to speak out against and report any:

- criminal offence that has been committed, is being committed or is about to be committed;
- person who has failed, is failing or is about to fail compliance with any legal obligation that they are subject to;
- miscarriage of justice that has occurred, is occurring or is likely to occur;
- health and safety issue that has endangered, is endangering or is likely to endanger any person;
- damage to the school environment that has been committed, is being committed or is about to be committed.

School personnel, who speak out against and report any of the above, will receive support from the Governing Body. The Governing Body will give support to any member of the school personnel against whom allegations have been made.

However, school personnel must be aware that if they are treated unfairly after blowing the whistle they should consider taking their case to an employment tribunal.

School personnel have a duty to the school not to disclose confidential information. However, in accordance with the provisions of the Public Interest Disclosure Act 1998 this does not prevent an employee from seeking independent advice nor discussing their concern with the charity Public Concern at Work.

School personnel should consider reporting any concerns to their line manager; the Headteacher; Chair of Governors; the local authority; their union or association; Ofsted; the Children's Commissioner; the NSPCC; or the whistle blowing charity Public Concern at Work.

But initially they should raise the concern internally before using a public agency.

School personnel must be aware that all raised concerns are investigated and every effort is made to ensure confidentiality for all parties. When a concern has been raised the following procedure must be followed:

Stage 1

- All concerns should be made in person or in writing.
- The person raising the concern may wish to receive help from the local authority or from their trade union representative.
- At any future meeting the employee may be accompanied by a colleague or their trade union representative.

Stage 2

- Within 10 working days the person with whom the concern has been registered acknowledges receipt in writing.
- The letter will state the following:
 - How the concern will be dealt with;
 - How long it will take to provide a final response;
 - Information on employee support services.

Stage 3

- After initial enquiries have been conducted, a decision will be made if an investigation should take place.
- The investigation will be either:
 - an internal investigation;
 - a referral to the police;
 - a referral to the Council Auditor;
 - an external independent enquiry.

Stage 4

- The employee will be informed in writing of the outcome of the investigation by the Governing Body.
- The employee has the right to take their concern to an independent body if they feel it has not been addressed adequately.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook
- reports such as the annual report to parents and Headteacher reports to the Governing Body

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on this policy on induction which specifically covers:
 - The school's whistle blowing procedures
 - Confidentiality
 - Safeguarding and Child Protection
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Implementation and Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

Headteacher:	Leigh Carmichael	Date:	May 2019
Chair of Governing Body:	Wendy Kravetz	Date:	May 2019