



The Federation of Mill Hill and Woodcroft Primary Schools Whistleblowing Policy

Contents:

- Introduction
- When might the whistleblowing policy apply
- What action should the whistleblower take
- How will the matter be progressed
- Respecting confidentiality
- Raising unfounded malicious concerns
- Whistle Blowing Procedure by Hampshire County Council Personnel Services

Co-ordinator responsible for the policy in consultation with the staff and governors:

Head Teachers

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Introduction

The staff and governors of the Federation of Mill Hill and Woodcroft Primary School seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. In the event that members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern. The Federation has established the following whistleblowing policy, or code of practice, 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.

Throughout this policy, the term *whistleblower* 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.

The Federation of Mill Hill and Woodcroft Primary School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. We recognise that some concerns may be extremely sensitive and has therefore developed a system which 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.

We are 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 suspected fraud and impropriety and not matters of more general grievance which would be dealt with under the school grievance procedures.

When might the whistleblowing policy apply?

The type of activity or behaviour which Mill Hill and Woodcroft Primary Schools consider should be dealt with under this policy includes:

- i) manipulation of accounting records and finances
- ii) inappropriate use of school assets or funds
- iii) decision-making for personal gain
- iv) any criminal activity
- v) abuse of position
- vi) fraud and deceit
- vii) serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest)
- viii) Any other activity that could be construed as dishonest, illegal, immoral or compromising the integrity and reputation of the school”

What action should the whistleblower take?

The Federation encourages the whistleblower 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 give an explanation for the behaviour or activity.

The Federation has designated a number of individuals to specifically deal with such matters and the whistleblower is invited to decide which of those individuals (listed below) would be the most appropriate person to deal with the matter:

Head Teacher
Chair of Governors
Vice Chair of Governors

(Contact details for these individuals are held by the Admin Manager at both Mill Hill and Woodcroft Primary School).

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 will be treated in strict confidence and anonymity will be 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 in the first instance to the Council's Head of Audit.

The Council has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistleblower. The Council will ensure relevant officers of the Department for Education and Employment are informed as appropriate.

In addition, information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work Suite 306
16 Baldwins Gardens London
EC1 N 7RJ
Telephone number 020 7404 6609

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, legal or personnel advisors, the police, the Department for Education and Employment, the Council.

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 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 Council.

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 Council.

Respecting confidentiality

Wherever possible, the Federation seeks to respect the confidentiality and anonymity of the whistleblower and will as far as possible protect him/her from reprisals. We 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.

Conclusion

Existing good practice within both Mill Hill and Woodcroft Primary Schools in terms of their systems of internal control both financial and non-financial and the external regulatory environment in which the schools operate ensure that cases of suspected fraud or impropriety rarely occur. This whistle blowing 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 Federation and therefore both schools. This document is a public commitment that concerns are taken seriously and will be actioned.

In addition to the Federation's internal whistle blowing policy and procedures, we adhere to the whistle blowing policy and procedures published by Hampshire County Council. This is published below.

Public Interest Disclosure Act 1998 Procedure for Protected Disclosures ("Whistleblowing")

1. Introduction

This procedure is intended to operate in accordance with the provisions of the Public Interest Disclosure Act 1998 (as amended) (hereafter known as 'the Act'). The Act gives protection to staff and workers who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties. The matters that come within scope of the Act and this procedure are set out in Step 2 of the procedure below.

The 'Whistleblowing' procedure has been developed for use in maintained schools and can also be adopted by, and used in, Academy schools. It is intended to enable staff to report wrongdoing in the federation where it would be in the public interest to do so. The wrongdoing has to be such as to potentially affect the general public, rather than simply being a complaint of an individual nature, such as a personal grievance*, which is not normally covered under whistleblowing law. [*An individual personal grievance will normally need to be dealt with via other internal school procedures.]

The 'Whistleblowing' procedure provides for matters to be referred externally where necessary, ultimately to a 'prescribed person' (see Step 5.2 of the procedure below). However, the procedure encourages staff to raise their concerns initially within the

school as a first priority, rather than to make a disclosure outside of the school. In the vast majority of cases this will enable matters to be dealt with much more efficiently and speedily.

The Act applies to all workers as well as staff and this procedure applies to all teaching and other staff, whether employed by the County Council or employed directly by the federation, external contractors providing services on behalf of the school or the County Council, teacher trainees and other trainees, volunteers and other individuals who work for or provide services on behalf of the federation. These individuals are collectively referred to in this procedure as staff or staff members.

2. Principles

The Governing Body of the federation will treat all disclosures made under the procedure very seriously and allegations about such matters will be dealt with quickly and with appropriate confidentiality at all times.

The procedure gives protection from victimisation, discrimination or disadvantage to staff who make such a disclosure in the public interest. This protection applies in respect of such a detriment arising from an act, or a failure to act, either by the employer or by a fellow worker, whether the latter be with or without the employer's knowledge. The procedure also ensures that the person making the disclosure receives an appropriate response to their disclosure and is made aware of how they may pursue the matter outside of the school if the response given is not satisfactory.

This "Whistleblowing" Procedure should not be confused with others, such as individual or collective grievance procedures that exist to enable staff to raise concerns about their own employment. It is designed to deal with issues that fall outside of the scope of those procedures and therefore excludes all matters that are more appropriately covered by them.

3. Time limits

There are no time limits on raising concerns under this procedure, but they should be raised at the earliest opportunity. Where time limits are included within this procedure, they exist to ensure that disclosures are dealt with as quickly as possible, and to ensure a prompt initial response from management. The investigation that takes place after a disclosure is made is not time limited, but will be conducted as quickly as possible within the circumstances of the disclosure.

4. Representation

Staff are entitled to representation by a professional association/trade union representative/work colleague at any meeting or interview held in relation to the disclosure made. Staff should specify that they are making a disclosure under this procedure.

5. Unfounded or improperly made allegations

- If an allegation is unfounded or unsubstantiated (i.e. there is no factual basis or evidence to support the allegation) but the staff member has made the allegation honestly and in the reasonable belief that it was in the public interest, no action will be taken against them.
- If an allegation is deemed to have been made falsely, maliciously, frivolously or for personal gain, then the person making the allegation may face disciplinary action. Care should be

- taken in dealing with such allegations as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

Model Procedure

Step 1 - Raising a concern

Concerns under this procedure should initially be raised with the staff member's immediate line manager. If the staff member believes their manager is involved in the malpractice, they may raise their concerns with a more senior member of staff, including the Headteacher. If the staff member believes it is not appropriate to raise the matter with the Headteacher, he/she may approach the Chair of Governors. (In the event that the matter cannot be raised within the school, the staff member may raise their concerns in accordance with Step 5). The relevant manager is encouraged to take advice from Education Personnel Services who may involve other departments of Hampshire County Council or other relevant external organisations where appropriate.

Within ten working days of a concern being raised, the person receiving it will write to the staff member acknowledging receipt and indicating what initial steps will be taken to deal with it. Where possible an estimate will be given of the time it will take to provide a final response.

Concerns may be raised orally or, preferably, in writing. These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information, etc. Staff must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.

Staff may wish to make anonymous disclosures although it may be important for the investigating manager to know the source of information to enable a full investigation. The manager would also need to take into account the nature and credibility of an allegation before deciding to proceed with an investigation. However, staff should be re-assured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity. The Act provides protection against victimisation to anyone who makes a protected disclosure in good faith.

Step 2 – Determine whether the concern raised is a Protected Disclosure

Qualifying disclosures are disclosures of information where the staff member reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- a criminal offence (e.g. fraud, corruption, sexual or physical abuse of pupils/students or others);
- a failure by a person to comply with any legal obligation to which he/she is subject;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment, or
- a deliberate attempt to conceal any of the above matters.

Following disclosure of one of the above matters, the person receiving the disclosure must determine whether it is a 'qualifying disclosure' under the Act, by considering the following:

- whether any factual information was actually disclosed, as opposed to opinion only, to the employer (or relevant person);

- whether the individual making the disclosure believed that the information tended to show that one of the matters above has occurred, is occurring or is likely to occur; and
- whether that belief was reasonable.

If the above criteria are met, the disclosure will qualify as a protected disclosure, and the remainder of this procedure will apply. If the criteria are not all met but the staff member's disclosure was made in good faith, investigations should still take place into the allegations and the staff member should not be discriminated against because they have raised such an allegation. If it is found that the disclosure was made for malicious purposes or for personal gain, the federation should deal with this under the disciplinary procedure, where relevant ([guidance on disciplinary issues](#) can be found in the Manual of Personnel Practice).

Step 3 - Investigation

A preliminary investigation will need to be undertaken to establish whether the alleged act or omission could actually have occurred, be occurring or be likely to occur in the future. The investigation is not, at this stage, to determine whether the alleged act or omission has actually occurred, but to determine the facts of the case (e.g. was the alleged individual actually where they were purported to be, what does the evidence show). More about [investigations](#) can be found in the Manual of Personnel Practice:.

Allegations that have some foundation to them should be followed up with a full internal investigation, which may result in one or more of the following:

- no case to answer;
- disciplinary action taken against the alleged individual;
- referral to Social Services or the Police, or other relevant organisation;
- referral to Internal Audit or other County Council departments (for County Council maintained schools).

If the allegations are unfounded (no evidence or proper basis that supports the allegation), or unsubstantiated (can neither be proven nor disproven), no action need be taken by the federation, although it would be pertinent to determine why the staff member felt the need to raise the allegation in the first place, e.g. is there a training need within the school?

If it is found that the allegation was made for malicious purposes or for personal gain, the federation should deal with this under the disciplinary procedure ([guidance on disciplinary issues](#) can be found in the Manual of Personnel Practice).

Step 4 – Communication

Subject to legal constraints and the need to protect the rights of individuals, the staff member raising the concern will be informed of the outcome of any investigation at the earliest practicable opportunity, to reassure them that appropriate action has been taken. Such information will not include confidential details about formal action taken against another member of staff.

For reasons of sensitivity and confidentiality, all communications with staff who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

Step 5 - Taking the matter further

In the event that a member of staff feels that their concerns have not been resolved through the above process, they may write to the Chair of the Governing Body, if they have not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.

Within 10 working days of a concern being raised, the Chair of Governors will write to the member of staff to acknowledge that the concern has been received and indicate what steps will be taken to deal with the matter, as well as providing an estimate of the time it will take to provide a final response. The Chair of Governors may decide to set up a small group of governors, where appropriate, to investigate the concerns. The Chair of Governors will then inform the staff member of the outcome of this process on the same basis as required of the manager above.

In the event that the matter cannot be satisfactorily resolved within the federation, the member of staff may escalate their concerns further. How they do this will depend on the status of the federation, as follows:

5.1 Hampshire County Council maintained schools

Staff should raise their concerns, in writing, within the County Council's Children's Services Department, in the following order:

- a. Area Director of the relevant school
- b. Director of Children's Services
- c. Chief Executive of Hampshire County Council

These officers will follow the same basic procedure outlined above in the same timescales and will feed back the outcome to the worker. The address for all of the above is: Children's Services Department, Hampshire County Council, Elizabeth II Court East, The Castle, Winchester, SO23 8UG or childrens.services@hants.gov.uk.

If a member of staff is dissatisfied with the response of the Governing Body and the County Council, and subject to the concern being a protected disclosure (see step 2), they can raise the matter, as appropriate, with any of the following:

- An elected Member of the County Council
- The Local Government Ombudsman
- Others as set out below

5.2 Hampshire County Council Maintained and Academy and Independent schools

Staff in Hampshire County Council maintained schools who are dissatisfied after having raised concerns under 5.1 above, and staff in Academy and Independent schools, can also raise their concerns, as appropriate, with any of the following, subject to the concern being a protected disclosure (see step 2 above):

- a local Member of Parliament;
- a relevant professional body or inspectorate (e.g. Ofsted or Health & Safety Executive);
- A 'prescribed person' as designated by the Act, a full list of whom can be found on the Gov.uk website under "[Whistleblowing: list of prescribed people and bodies](#)".

Staff can only make a disclosure to a prescribed person if they:

- make the disclosure in good faith;
- reasonably believe the information is substantially true;
- reasonably believe they are disclosing the issue to the appropriate person or body (e.g. Health and Safety issues to the HSE).

In taking their concern outside of the federation, staff must ensure that, as far as possible, the matter is raised without personal information relating to other staff, or confidential information about unrelated matters, being disclosed. A staff member who approaches an accredited legal advice centre, e.g. Public Concern at Work (0207 404 6609 or www.pcaw.org.uk) or Citizens Advice Bureau, must not breach the duty of confidence in this procedure to the Governing Body.

6. Failure to follow this procedure

Any staff member who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.