



**St Mary's CE Primary School**  
Felsham Road  
Putney

# **Whistleblowing Policy**

*Vision: Delivering excellence, allowing all to flourish*  
*Mission: Creating a culture of wonder, guided by Christian faith*  
*Values: Endurance, Compassion, Thankfulness*

March 2019

## **Introduction**

The Governing Body has introduced this Code of Practice to establish sound procedures for the referral and investigation of any reports of malpractice.

St Mary's is committed to operating with honesty and integrity and expects all staff to observe the highest standards of behaviour and ethical conduct. Such behaviour is modelled by the Senior Leadership Team and clear expectations of good conduct are communicated to all staff.

However, every organisation must accept the risk that things might go wrong or that they might unknowingly harbour illegal or unethical conduct. This policy is an acknowledgement of that fact, but our starting point in the prevention of wrongdoing is the creation of a culture of openness and transparency.

St Mary's operates an 'Open Door' policy and all stakeholders are encouraged to raise concerns and can do so without fear of recrimination or reprisal. This is done through informal conversations as part of the day-to-day management of the school. If necessary, complaints or concerns are dealt with by following the school's formal Complaints Policy or the Grievances and Discipline Policy, as appropriate.

This policy outlines the process by which concerns about danger, risk, fraud, malpractice or wrong doing which affect others can be raised, first internally and if a satisfactory response is not received, externally.

The reporting arrangements for such matters have become known as "whistleblowing". St Mary's distinguishes whistleblowing concerns from personal grievances or complaints, which are dealt with by the statutory policies specified above.

The school recognises that putting a formal structure in place for disclosing and reporting whistleblowing concerns is the right thing to do. It can also help protect children and vulnerable adults to whom the Governing Body owes a duty of care.

No particular concerns have prompted a more formal procedure on "whistleblowing" at this time.

These arrangements are based on a new Local Government Management Board model draft together with existing Wandsworth practice. Also included are the key points from a recent Audit Commission report recommending appropriate action in response to suspected fraud.

### **1. Why reporting is important**

In any organisation, the employees are often the first to realise that there could be something seriously wrong within the organisation. However, these concerns often go unexpressed because of fears that speaking up would be disloyal to their colleagues or to their organisation.

They 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.

The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees with serious concerns about any aspect of the school's work (e.g. abuse or neglect of a child) to come forward and voice those concerns via the appropriate complaints, grievances or whistleblowing procedures.

This policy is available to all stakeholders and should be followed by anyone wishing to raise a concern that has not been satisfactorily dealt with by existing procedures

The Governing Body recognises the need for confidentiality. A whistleblower's identity will be kept confidential if requested, unless disclosure is required by law.

This policy has been written in consultation with the professional association and trade union representatives of teaching and support staff and has their support.

## **2. Aims and Scope of this Policy**

This policy aims to:

- provide avenues for you to raise serious concerns about any aspect of the school's work and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the Governing Body's response; and;
- reassure you that you will be protected from possible reprisals or victimisation for reasonable whistleblowing in good faith.

A serious concern may be about something that you sincerely believe in good faith:

- is unlawful; or
- is against the policies of the school; or
- falls below established standards or practice; or
- amounts to improper conduct; or
- is a health and safety risk to the public as well as other employees; or
- involves damage to the environment; or
- involves the unauthorised use of public funds; or
- involves possible fraud and corruption; or
- involves sexual or physical abuse of a member of the school community.

## **3. How to raise a concern**

### **Who to contact**

Any concern should be raised first with your immediate manager, unless the concern relates to the conduct of that manager. In which case you should approach their superior or the Head Teacher. Highly serious and sensitive issues should be raised directly with the Head Teacher. If you believe the

senior management is involved, you should approach the Chair of Governors or alternatively, the Director of Children's Services or the Borough Solicitor.

If you believe a concern is not being listened to, contact the Chair of Governors or Wandsworth Council Human Resources.

### **How**

Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

If you do not feel able to put your concern in writing, you can telephone or ask to meet the relevant person as specified above. If appropriate, such a meeting can take place off the school site.

The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may invite your trade union or professional association to assist you to raise a matter and may wish to seek their advice prior to initiating this procedure.

### **Fraud**

Fraud within the public sector costs the taxpayer hundreds of millions of pounds each year and, in general, detected cases of fraud and corruption are on the increase.

All public sector organisations are likely to be affected in some way by fraudulent or corrupt activity.

The Metropolitan Police report that they cannot prosecute over half of fraud and corruption cases because of inappropriate action taken before the case is referred to them. Consequently the action that you take, if/when you first suspect fraudulent activity, may be crucial.

If you suspect fraud, corruption or financial irregularity, you must always inform the Head Teacher.

If the person suspected is the Head Teacher, you must contact the Chair of Governors.

In either case the Head Teacher and the Chair of Governors will report the concern to Wandsworth Council Human Resources and Audit departments. Wandsworth HR can be contacted via the switchboard on: **0208-871-6000**, or alternatively can be reached at: **Wandsworth Council, The Town Hall, Wandsworth High Street, London, SW18 2PU.**

#### **4. What happens next**

The action taken by the School will depend on the nature of the concern. The matters raised may:

- be investigated internally
- be referred to the Police
- be referred to the external Auditor
- form the subject of an independent inquiry

In order to protect individuals, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle will be the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, the School will write to you:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place, and if not, why not.

The amount of contact you then receive will depend on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

If a meeting is arranged (off site if you wish), you have the right to be accompanied by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

The School and the Governing Body will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the School will advise you about the procedure.

The School accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigation.

#### **5. Safeguards**

##### **Harassment or Victimisation.**

The Governing Body is committed to good practice and high standards and wants to be supportive of employees. The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The

Governing Body will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

This does not mean that if you are already the subject of disciplinary, redundancy or other procedure, that those procedures will be halted as a result of your whistleblowing.

### **Confidentiality**

The Governing Body will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

### **Anonymous Allegations**

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be investigated thoroughly although follow-up action will in such cases be at the discretion of the Governing Body.

In exercising the discretion, the factors to be taken into account would include:

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

### **Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, when it appears that there are clear grounds for suggesting that you may have acted frivolously, maliciously or vexatiously, the Governing Body will undertake a disciplinary investigation. Dependent on the outcome, disciplinary action may then follow.

## **7. How the matter can be taken further, if necessary**

This policy is intended to provide you with a clear route to raise concerns within the and for the concerns to be dealt with and settled appropriately. However, if you feel that this has not happened, and if you feel it is right to take the matter outside the Council, please contact either:-

- the Audit Commission at [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk), or
- the Police (where your concern relates to a criminal matter)

Please use only these routes to raise a concern externally. Complaints made to other bodies, individuals or the media may actually hamper a speedy, full and professional investigation of the concern that you have expressed.

Information which is provided to you on a confidential basis must be treated as such and this may only be overridden where there is a clear public interest in disclosing it and you act in good faith and reasonably. You would need to ensure that you could justify your disclosure because it would be a serious betrayal of trust to use confidential information for any personal advantage, or for malicious or other improper reasons.

## **8. Record Keeping**

The Chair of Governors has overall responsibility for the maintenance and operation of this policy. The school maintains a confidential record of concerns raised and the outcomes (so as not to endanger your confidentiality) and will report as necessary to the Governing Body.

## **9. Checklist of Do's and Don'ts**

Lastly, some of the key points from the procedure on whistleblowing are summarised below:-

### ***DO***

(a) Make an immediate note of your concerns

Note all relevant details such as what was said in telephone or other conversations, the date, time and the names of any parties involved.

(b) Convey your suspicions to someone with the appropriate authority and experience.

- To the Council's Audit department for suspected fraud, or corruption or financial irregularity.
- Usually, to your immediate manager or their supervisor for other matters

(c) Deal with the matter promptly, if you feel your concerns are warranted. In a case of suspected fraud, it is important to remember that any delay may cause the Governing Body to suffer further financial loss.

### ***DON'T***

(a) Do nothing

(b) Be afraid of raising your concerns.

- You will not suffer any recrimination from the Governing Body or the Authority, as a result of raising in good faith a serious concern.

- The Governing Body will treat any matter you raise sensitively and confidentially.

(c) Approach or accuse any individuals directly.

(d) Try to investigate the matter yourself.

There are special rules surrounding the gathering of evidence for use in disciplinary or court proceedings. Any attempt to gather evidence or other information by someone who is unfamiliar with these rules may destroy the case.

(e) Convey your suspicions to anyone except those with the proper authority and as set out in this policy and procedure.

## **10. Advice and Guidance**

Further advice and guidance on how a matter may be pursued under this policy can be obtained from the Director of Children's Services at Wandsworth Council.

### Links with other School Policies and Practices

This policy links with and should be read in conjunction with a number of other school policies, practices and action plans including:

- Grievances & Discipline Policy
- Complaints Policy

This policy and practice complies with the advice and guidance provided by Public Concern at Work.

### Consultation and Participation

Following Resources Committee governor approval, the Policy will be formally adopted by the full governing body.

### Monitoring and Review

All staff will then review this policy once every year as well as responding to trends that suggest the need for earlier review.

Policy last reviewed by:

Name: **Susan Abraham - SBM**

Date: **March 2019**

The School's Whistle Blowing Policy was reviewed in: **March 2019**

Formally adopted by Governors: **March 2019**

Suggested Date of Next review: **March 2020**