WHISTLEBLOWING POLICY AND PROCEDURE

1. Introduction

The Governing Body is committed to the provision of high quality services and promoting the highest standards of openness, probity and accountability. Members of staff 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 School, the Governing Body, members of staff 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 Head teacher/manager and this procedure is not intended to discourage this. 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 Head teacher/ manager and received an unsatisfactory response.

This policy and procedure is intended to ensure that suspicion of wrongdoing can be dealt with speedily and effectively. It 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 the Governing Body against uninformed or vexatious allegations which can cause serious difficulty for innocent individuals.

2. Aims of the Policy

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

Malpractice" for the purpose of this policy, includes the following on the part of another member of staff, a member of the Governing Body, or any other person or persons acting on the schools behalf:

- Abuse of clients, improper discrimination against or relationship with clients;
- Fraud or financial irregularity;
- Corruption, bribery or blackmail;

- Other criminal offences;
- Failure to comply with a legal or regulatory duty or obligation;
- Miscarriage of justice;
- Endangering the health or safety of any individual;
- Endangering the environment which results permanent damage;
- 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/Council policies or falls below the standards which the School/Council subscribes to;
- Concealment of any of the above.

3. Application of the Policy

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

- a member of the school staff;
- agency staff and self -employed staff employed on school work;
- the staff of Council 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 members of staff, their managers and the Governing Body, for which the employee complaints procedure or collective dispute procedures are more appropriate.
- concerns and complaints by members of the public to which the school complaint procedure will apply
- agency, self-employed or contract workers as an alternative to such dispute resolution procedures.

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 procedure and have been appointed to act as "Designated Assessors" by the Executive Director CYPE (Children Young People and Education) in the Council.

Following receipt of a disclosure the Executive Director CYPE (or a senior contact officer to which this is delegated) will identify a Designated Assessor who will be responsible for the preliminary investigation of a disclosure and making recommendations to the Council's Monitoring Officer and Executive Director CYPE (Children Young People and Education) as to what further steps, if any, should be taken.

With the agreement of the Executive Director CYPE (or senior officer to whom this is delegated) a Designated Assessor may seek assistance from another officer where specialist knowledge or additional support may be required for proper investigation of the disclosure.

The Executive Director CYPE (Children Young People and Education) may revoke any such designation as necessary and appoint new Designated Assessors.

6. Making a Disclosure

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 their Head teacher/manager. This may be done orally or in writing.

Stage Two

If the individual feels unable for whatever reason to raise the matter with their Head teacher/manager under stage one, then they should raise the matter with their Chair of Governors.

On receipt of the disclosure, the Head teacher/Chair of Governors will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure. The Discloser may be accompanied by a local trade union representative or work colleague at the interview. The Head teacher/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 Head teacher/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 their Head teacher or the Chair of Governors, for example because it concerns them or it is very serious, then the Discloser should communicate the disclosure by an email to SchoolWhistleBlowing@croydon.gov.uk

The initial disclosure should be made either:

- wherever possible, in writing;
- otherwise orally, e.g. by telephone or at interview with a Designated Assessor (contact a Director or Head of Service in the Education Department) – contact details for the Education Senior Leadership Team can be obtained from educationenquiries@croydon.gov.uk

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

Alternatively, there is a confidential reporting service available to Schools. The service is provided by **Protect** (formerly **Public Concern at Work) (telephone number 020 7404 6609 (advice line)**

who will provide advice and, should the Discloser wish them to do so, also provide details of the allegations to the Executive Director CYPE (Children, Young People and Education) who will refer it to a Designated Assessor to be dealt with in accordance with this procedure.

Where a disclosure is made through the Council's confidential reporting facility, full details of the allegations will be recorded and a report passed on to Executive Director CYPE (Children, Young People and Education) for referral to one of the Designated Assessors.

Disclosers are encouraged to give details of their identity. If in making a disclosure the Discloser provides details of their identity these will not be passed to the Executive Director CYPE (Children, Young People and Education) or any other member of School or Council staff without the Discloser's express consent (and see Section 9 below)

Anonymous disclosures are much less powerful but may nevertheless be considered having regard to:

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

On receipt of the disclosure, where their identity is known, the Designated Assessor will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure but no later than within 3 weeks of the matter being referred to the Designated Assessor by the Executive Director CYPE (Children, Young People and Education). The Discloser may be accompanied by a local trade union representative or work colleague. 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 including why the disclosure is considered to be in the public interest; and
- to consult with the Discloser about further steps which could be taken.

7. Enquiries and Report by Head teacher/Chair of Governor/ Designated Assessor

As soon as practicable after the interview (or after the initial disclosure if no interview takes place) and where possible within 3 weeks of the interview or initial disclosure if not interview takes place, the Head teacher/Chair of Governors or the Designated Assessor will 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 Council's Internal Auditor (this will be the usual course where there are allegations of financial irregularities) or referral to the Regional Schools Commissioner if an Academy;
- a full investigation either internally by the Council or externally e.g. by the Council's auditors or by investigators appointed by the Council;
- action under the School's grievance, disciplinary, harassment and bullying or complaints procedures;
- referral for consideration under other specific procedures (e.g. child protection);
- no further action (the basis for which see below).

The Head teacher/Chair of Governor's or Designated Assessor's recommendations will be made to the Council's Monitoring Officer and the Executive Director CYPE (Children. Young People and Education) to decide whether or not they agree with them. If the recommendations are agreed, they will be referred to the Governing Body for implementation.

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 Head teacher/Chair of Governor or Designated Assessor may recommend that no further action are as follows:

- if satisfied that the Discloser has not shown that malpractice within the meaning of this procedure 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 disclosure is willfully 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 / Council's other procedures relating to staff.

Once it has been decided what further steps (if any) should be taken, the Head teacher/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 Head teacher/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 CYPE (Children, Young People and Education) reserves the right to issue a warning and to inform the Secretary of State.

8. External Disclosure

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

They may make an external disclosure:-

- 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 Disclosure Act 1998. Before taking any such action, the Discloser is encouraged to inform the Head teacher/Chair of Governors or Designated Assessor where one is already undertaking an investigation.
- if they have reasonable grounds for believing that disclosure would lead to evidence being concealed or destroyed or that the Discloser will be subjected to a detriment as a result of making the disclosure.
- on a confidential basis for the purpose of taking legal advice.

9. Safeguards and Confidentiality

Any document, report or recommendation prepared by the Head teacher/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 Head teacher/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/administrative support; or
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The Head teacher/Chair of Governors or Designated Assessor will ensure that all information relating to the disclosure (including that held electronically) is kept secure so that, as far as practicable, only the Head teacher/Chair of Governors or Designated Assessor 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 procedure, as required by law or until such time as it comes into the public domain.

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 Head teacher/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 members of staff do not) subject the Discloser to any detriment, on the grounds of the Discloser's disclosure of information under this procedure (unless there is proved abuse of this procedure through the making of willfully malicious or vexatious disclosures).

The Discloser should report any complaints of such treatment to the Head teacher/Chair of Governors or Designated Assessor.

If the Discloser wishes the Head teacher/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 Head teacher/Chair of Governors or Designated Assessor revealing the Discloser's identity for the purposes of any such action.

Further information

https://www.croydon.gov.uk/council-and-elections/policies-plans-and-strategies/complaints-and-whistleblowing-policies

https://www.gov.uk/whistleblowing

Who to Contact for Advice on the Procedure

Please use the following contact details:
Email: educationenquiries@croydon.gov.uk
Telephone: 020 8726 6000 x23993

APPENDIX - WHISTLEBLOWING PROCEDURE

GUIDANCE FOR HEAD TEACHERS/MANAGERS ON RESPONDING TO A DISCLOSURE

1. You should ensure that members of staff, agency or self- employed staff and contractors employed on school work are aware of the Whistleblowing Procedures and know where it can be located.

2. If you receive a disclosure in respect of any of the matters set out under section 2 'Aims of the procedure' in the Whistleblowing Procedure you must take the following action:

   2.1 take the matter seriously and do not dismiss or belittle the information;

   2.2 respect as far as possible the confidentiality of the employee, and adhere to the procedure under section 9 'Safeguards and confidentiality' where the employee has specifically asked for confidentiality;

   2.3 ensure that the employee understands the Whistleblowing procedure;

   2.4 offer to interview the Discloser in confidence;

   2.5 discuss ways that the employee could be supported;

   2.6 investigate the concern objectively, dealing with all parties with sensitivity and tact;

   2.7 seek advice from the contact officer nominated by the Executive Director People if applicable or using the contact details given on page 8 of this document;

   2.8 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;

   2.9 keep the Discloser informed about the progress made and outcome of the investigation;

   2.10 provide the contact officer nominated by the Executive Director CYPE if applicable with details of the concern and inform them about the progress and outcome of the investigation.

   2.11 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 using the contact details given on the previous page of this document.

3. Note that if the concern relates to an alleged fraud, this should be reported to the Council's Internal Auditor.