

Whistleblowing Policy

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Frequency of review:	3 years
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Date of next review:	Autumn 2021
Display on website:	No
Purpose:	<ul style="list-style-type: none"> - To encourage the whistleblower to feel confident in raising concern and to provide a confidential method of raising concerns - To ensure the whistleblower receives a response to their concerns and, if not satisfied, is aware of how to take the matter further - To reassure the whistleblower they will be protected from reprisals or victimisation for whistleblowing in good faith - To ensure compliance with section 11.11 of the LA's Scheme for Financing Schools
Consultation:	F&R committee
Links with other policies:	<ul style="list-style-type: none"> - Q20 of the SFVS - Anti-Bribery and Corruption Policy - Theft and Fraud Prevention Policy - Financial Risk Assessment Policy

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General Guidance

Policy statement

Kew Riverside Primary School is part of the London Borough of Richmond upon Thames and, together, we are committed to achieving the highest possible standards of service; this includes honesty, openness and accountability, and we recognise that employees have an important role to play in achieving this goal.

Any of us, at one time or another, may have concerns about what is happening at work. Often these concerns are easily resolved. However, where your concern involves, for example, a danger to the public or colleagues, illegal practice, misconduct or financial malpractice, it can be difficult to know what to do.

You may be worried about raising such an issue, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, to the school or to the local authority. You may have already said something but found that you have spoken to the wrong person or raised the issue in the wrong way, and are not sure what, if anything, to do next.

The school has introduced this policy to enable everyone to blow the whistle safely so that issues are raised at an early stage and in the right way. The school welcomes your genuine concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of the public, staff and the school. If something is troubling you which you think should be looked into, do not wait for proof - raise the issue using this procedure.

If, however, you are aggrieved about issues relating to your employment, please use the Grievance Procedure.

Purpose of this policy is to:

- encourage the Whistleblower to feel confident in raising concerns
- provide the Whistleblower with a confidential method of raising concerns
- ensure the Whistleblower receives a response to their concerns and, if not satisfied, is aware of how to take the matter further
- reassure the Whistleblower they will be protected from reprisals or victimisation for whistleblowing in good faith

This whistleblowing procedure is primarily for concerns where the interests of others or of the school are at risk.

This policy forms part of the Code of Conduct for all employees

Definitions

Kew Riverside Primary School has a range of policies and procedures, which deal with standards of behaviour at work; they cover, for example, discipline, grievance, discrimination, harassment and bullying, and recruitment and selection. Staff are encouraged to use these procedures when appropriate.

This whistleblowing policy is a means to deal with serious or sensitive concerns about matters such as:

- fraud or financial irregularity
- corruption, bribery or blackmail
- failure to comply with legal or regulatory duty or obligation
- malpractice or abuse of a client including improper discrimination or relationships with clients
- a miscarriage of justice
- endangering the health and safety of any individual or individuals
- endangering the environment
- unethical or improper conduct or conduct which breaches school or Local Authority policies, or falls below the standards which the school subscribes to, e.g. breach of codes of conduct or Financial Regulations/Contract Standing Orders
- serious maladministration arising from the deliberate commission of improper conduct
- showing undue favour over a contractual matter or to a job applicant
- concealment of any of the above

The policy does **NOT** apply to the following:

- relationships between employees, their managers and/or the Local Authority, for which harassment, bullying and other dispute procedures are more appropriate
- concerns or complaints by members of the public, to which the Local Authority's Corporate Complaints Procedure would apply
- concerns or complaints about the behaviour of Members of the Council (Councillors), to which the Members Code of Conduct would apply

Who is covered by this procedure

- employees of the school
- agency staff, trainees and self-employed staff employed on school work
- staff of LA contractors employed on LA work
- partner agencies (including the health authority and voluntary sector groups undertaking work on behalf of or in conjunction with the LA)

Our commitment to you

1. Your protection

The school is committed to this policy. If you raise a genuine concern in accordance with this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith (honestly), it does not matter if you are mistaken or if there is an innocent explanation for your concerns. You will not be asked to provide proof. Of course, this assurance is not extended to someone who maliciously raises a matter they know is untrue. Disciplinary action will be taken against employees who knowingly make false allegations.

2. Your confidence

The school will not tolerate the harassment or victimisation of anyone raising a genuine concern. If you are anxious, you can ask to talk to someone in private and, if you ask us not to disclose your identity, we will consider this carefully with you first. Your identity may need to be shared with governors and/or the Local Authority during the investigation, but you will be told if this is the case. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in a disciplinary procedure or in court), we will discuss with you whether and how we can proceed.

3. Anonymous concerns

If you do not tell us who you are it will be much more difficult for your concern to be investigated and for us to protect your position or give you feedback. Accordingly, while we will consider anonymous reports, we may not be able to use this policy, but will investigate concerns raised anonymously if possible.

WHAT YOU SHOULD DO

1. The normal procedure

These notes explain what you need to know and the steps you should take if you have any concerns. This procedure is in addition to that outlined in Standards in the Code of Conduct. Also see **Appendix 1 and 2** about how to raise concerns.

The school encourages the Whistleblower to raise their concerns internally in the first instance. This allows the relevant officers to properly investigate your concerns and take relevant action where necessary.

- As a first step, you should normally raise concerns with the head teacher

The initial disclosure should be made:

- wherever possible, in writing
- otherwise orally, by telephone or face-to-face in a meeting with the head teacher or one of the individuals listed in **Appendix 1**

You should provide as much supporting evidence as possible. The earlier the concern is expressed and the more information you can provide, the easier it is to investigate and for appropriate action to be taken.

Where a disclosure is made under the Whistleblowing Policy, full details of the allegations will be recorded by the head teacher (or their deputy), who will pass this on for assessment.

Where you make a disclosure, you are encouraged to give details of your identity. Anonymous disclosures are more difficult to investigate. Where you do provide your identity, this information will not be passed on without your express consent.

The school acknowledges the difficulties raising concerns and, as such, a trade union representative or work colleague may raise the matter on your behalf (where you are the Whistleblower), accompany you when making the allegation, or may accompany you in meetings where the allegation/s is discussed.

2. Taking it further

If these steps have been followed but have not worked, or you feel the matter is so serious that you cannot discuss it with any of the above, please contact one of the following:

- the Local Authority's Monitoring Officer, Legal and Electoral Services, on 020 8545 3338
- Internal Audit and Risk Management, Alix Wilson on 020 8891 7291 or Margret Culleton on 020 8891 7248
- the Chief Executive on 020 8891 7167
- the Chair of the Audit Committee - contact the Committee Clerk on 020 8891 7156
- if your concerns involve potential fraud or criminal activities, the Local Authority's Fraud Line on 0800 389 9795

3. Referral outside the school and local authority

While we hope this policy gives you the reassurance you need to raise such matters internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as regulators or the police. Public Concern at Work, or, if applicable, your union will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely, including:

The Health and Safety Executive
The Audit Commission
The Environment Agency
The Serious Fraud Office
HM Revenue and Customs
The Department for Business, Innovation and Skills
The Charity Commission
The Information Commissioner

The school stresses that you should raise concerns internally first, but the law also provides for you to make a wider disclosure (which could include the police or an MP) **if, and only if:**

- the matter is exceptionally serious
- you are reasonably afraid that you would be victimised
- you believed reasonably that there would be a cover up and there is no prescribed person, or
- the matter was raised internally or with a prescribed person but was not dealt with properly

ADVICE AND ASSISTANCE

1. Role of trade unions

The school recognises that employees may wish to seek advice and to be represented by their trade union officers when using the provisions of this policy. A number of trade unions have issued guidance on 'whistleblowing', and the school acknowledges and endorses the role trade union officers play in this area. You may contact the Staff Side Secretary on 020 8891 7286 for initial advice and how to contact recognised trade union representatives.

2. Independent advice

You may also wish to contact Public Concern at Work (<http://www.pcaw.co.uk/>), a charity working in this area which can provide free and confidential advice. Telephone 020 7404 6609 or e-mail helpline@pcaw.co.uk.

THE PROCESS EXPLAINED

1. How the school will deal with the matter

Once you have told the head teacher (or their deputy) of your concern, it will be assessed, maintaining full confidentiality. The head teacher (or their deputy) will make an initial assessment as to what action should be taken. This may involve an informal review, an internal inquiry or a full investigation.

The initial assessment may identify the need to involve third parties, such as other members of staff, the governors, the Local Authority's Internal Audit department, External Audit, Legal and Electoral Services, Human Resources or the police. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection, health and safety or discrimination issues), will normally be referred for consideration under those procedures.

The head teacher will offer to interview you in confidence no later than 3 weeks after receipt of the disclosure. You may be accompanied by a trade union representative or work colleague. An interview may not be necessary if the head teacher was the officer to whom the initial disclosure was made.

The purpose of the interview is for the head teacher to obtain as much information from you as possible, and to consult you on the further steps which could be taken.

Within 4 weeks of the interview, or 4 weeks of the initial disclosure where an interview does not take place, and after consultation, the head teacher will determine their recommendations as to the further steps to be taken. These may include:

- a report to the police or other appropriate authority
- investigation by the Local Authority's Internal Audit department and its Anti-Fraud Team (this will be the usual course where there are allegations of financial irregularities or corruption)
- a full investigation, either internally by the head teacher or externally by the Local Authority, e.g. by the LA's auditors or by investigators appointed by the LA
- action under the Local Authority's grievance, disciplinary, harassment and bullying or complaints procedures
- referral for consideration under other specific procedures (e.g. child protection)
- no further action (see below)

The head teacher may recommend that no further action is taken based on the following:

- where s/he is satisfied that there has been no malpractice
- if s/he determines that the disclosure was not made in good faith, i.e. that the disclosure was wilfully malicious. In this situation, the case may be referred for disciplinary action
- if the matter concerned is already the subject of legal proceedings, has been referred to the police or other public authority
- if the matter is already / has been / or should be the subject of proceedings under one of the school's other procedures relating to staff

The head teacher's recommendations will be made to the chair of governors, who will decide whether or not they agree. Any recommendation will be made without revealing your identity (as Whistleblower) except in exceptional circumstances (see below).

Once it has been agreed what further steps, if any, should be taken, the head teacher will inform you of the decision and, where no further action is proposed, reasons for this decision will be made to you in writing.

Subject to legal constraints, you will be informed of the outcome of any investigations; however, you will not be provided with specific details of any disciplinary action, which will remain confidential to the individual(s) concerned.

Any document, report or recommendation prepared by the head teacher in relation to your disclosure will not identify you, unless:

- you have consented to this in writing
- there are grounds to believe you have acted maliciously
- where the head teacher is under a legal obligation to do so
- where the information is already in the public domain
- on a strictly confidential basis to a professionally qualified solicitor, for the purpose of obtaining legal advice

The head teacher will ensure that all information in relation to your disclosure is kept secure and access to it is restricted.

2. If you are dissatisfied

While the school cannot guarantee to respond to your report in the way in which you might wish, we will handle the matter fairly and properly. By using this procedure, you will help us to achieve this. If you are dissatisfied with the response, you can raise the matter with the other levels and bodies set out in the Policy.

IN SUMMARY

DO

- make an immediate note of concerns which fall within the scope of this policy
- note all relevant details, such as what was said, the date, time and names of the people involved
- let someone know about your suspicions (see 'Taking it Further' pages 5/6)
- deal with the matter quickly - any delay may allow the problem to continue or worsen

DON'T

- do nothing
- be afraid of raising concerns
- approach or accuse individuals directly
- try to investigate the matter yourself

IF IN DOUBT – RAISE IT!

HEAD TEACHER'S GUIDE

The head teacher's role

It is the head teacher's responsibility to ensure that employees are made aware of this policy and they are given an opportunity to raise any questions about its operation. The policy also applies to agency staff, volunteers, and others working for the school or Local Authority, who must all be made aware that the policy is also available to them.

All concerns must be looked into and the employee(s) told the outcome. Where a concern is raised directly with you and it is not appropriately dealt with through other policies or procedures, you must report the disclosure to the chair of governors. The chair of governors will decide who will be the officer responsible for dealing with the disclosure. This may be you, as you were in receipt of the original disclosure; however the chair of governors may decide that an independent officer may be more appropriate, depending on the nature of the concern.

Where you are the responsible officer, you must interview the employee (the Whistleblower) within 3 weeks of receipt of the disclosure. You may already have undertaken an interview when the disclosure was first made and decide that a further interview is not required.

The purpose of the interview will be for you to obtain as much information as possible from the Whistleblower and to consult them on the further steps which could be taken.

Within 4 weeks of the interview, or 4 weeks of the initial disclosure where an interview does not take place, and after consultation with the chair of governors, you will make recommendations as to the further steps to be taken and notify the Whistleblower accordingly. Where no further action is to be taken, you must inform the Whistleblower of this decision in writing.

You will be responsible for informing the Whistleblower of the outcome of any investigations or further action taken. Any information provided to the Whistleblower may be subject to legal constraints and, therefore, must be agreed in advance with the chair of governors.

This policy is based on the view that openness and accountability is the ideal. However, where circumstances make it necessary, the matter may need to be dealt with under terms of strict confidentiality. This could include not informing the subject of the complaint until, or if, it becomes necessary to do so.

If the decision is made to take formal disciplinary action against the subject, they must be informed of the complaint against them.

What you should do

Make sure you are aware of the procedure to follow:

1. Where a concern is raised and cannot be dealt with appropriately through another policy or procedure, it must be reported to the chair of governors.
2. All concerns should be recorded, including the date the concern was raised, dates of interviews with employees, who was present at each interview and the action agreed.
3. The records should be kept safely and securely; they may be required for disciplinary action or criminal investigation.

4. Should any criminal activity or fraud be suspected, the Local Authority's Head of Internal Audit and Risk Management and the Head of HR must be informed in order to decide at what stage the police should be involved.

Action must be taken to protect the employee raising the concern from acts of recrimination. You should not wait for victimisation to take place before taking such action.

DO

- be responsive to staff concerns
- note all details
- evaluate the allegation objectively
- advise the appropriate officer(s)
- deal with the matter promptly

DON'T

- ridicule suspicions raised by staff
- approach or accuse any individuals directly
- convey your suspicions to anyone other than those with the proper authority
- try to investigate the matter yourself

Recording, Monitoring and Review

The head teacher will maintain a register containing all concerns that are brought to his/her attention and must ensure that sufficient details of the concerns raised are provided for the register.

The chair of governors will review the register and produce a report to the Local Authority. The report will not mention any employees, only the concerns raised, the number of such concerns and highlighting any subsequent outcome(s).

This policy will be reviewed annually by the full governing body.



List of Named Persons (for Whistleblowing Reporting)

It is the school's duty to make all governors, school employees, agency staff, and volunteers aware of the whistleblowing policy, which has been reviewed and approved by the full governing body.

It is also the school's duty to ensure that you have read and understood the whistleblowing policy, and that you are aware of the procedures in place in the event you need to raise concerns about what is happening at work - for example, a possible danger to the public or colleagues, illegal practice, misconduct, persistent breaches of regulations, or financial malpractice.

The following people have been designated as the named persons to whom you should report your concerns:

In the first instance, contact one of the following people:

Name	Position	Contact Details
Darren Norman	Headteacher	020 8487 8437 darrennorman@kewriverside.richmond.sch.uk
In the absence of the headteacher		
Nell Webb	Deputy Headteacher	020 8487 8437 nellwebb@kewriverside.richmond.sch.uk
Laura Martin	Assistant Headteacher	020 8487 8437 lauramartin@riverside.richmond.sch.uk

Should you feel unhappy about the way your concerns have been handled and would like to take the matter further, contact:

Name	Position	Contact Details
Stephen Hyams	Chair of Full Governing Body	020 8487 8437 governors@kewriverside.richmond.sch.uk
Shraddha Kaul	Chair of Finance and Resources Committee	020 8487 8437 governors@kewriverside.richmond.sch.uk



Whistleblowing Procedures

How to raise a serious or sensitive concern

Report to a member of the School Leadership Team



If you cannot, or it has not worked, report to the Headteacher



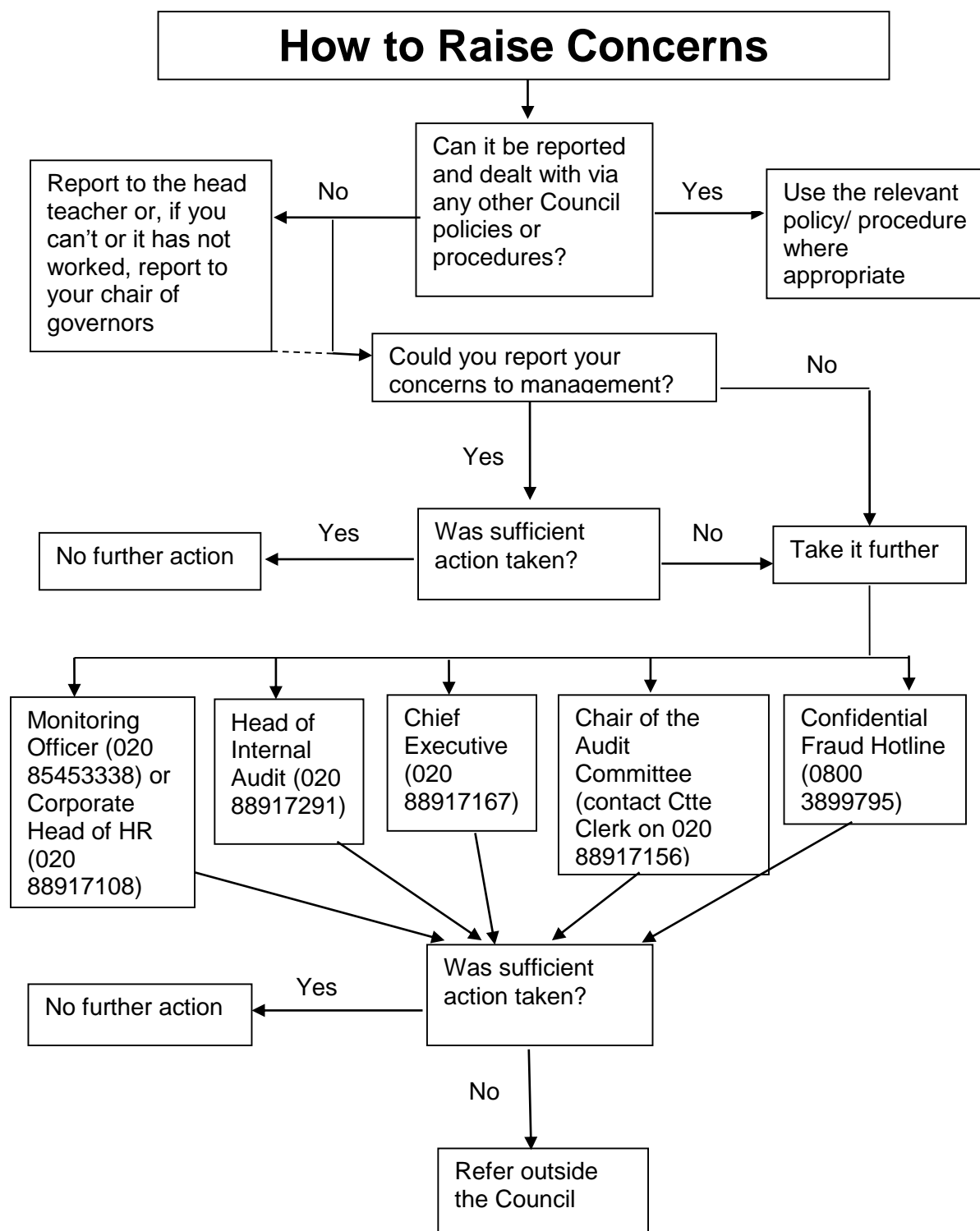
If you cannot, or it has not worked, report to the Chair of Governors



If you cannot, or it has not worked, refer to Appendix 3



If you cannot or it has not worked, report outside the Local Authority as per the guidance in the Whistleblowing Policy





Whistleblowing Declaration Form

It is the school's duty to make all governors, school employees, agency staff, and volunteers aware of the whistleblowing policy, which has been reviewed and approved by the full governing body.

It is also the school's duty to ensure that you have read and understood the whistleblowing policy, and that you are aware of the procedures in place in the event you need to raise concerns about what is happening at work - for example, a possible danger to the public or colleagues, illegal practice, misconduct, persistent breaches of regulations, or financial malpractice.

To ensure the school complies with its duties, you are required to sign this declaration form. By signing this form, you agree that you have read and understood the whistleblowing policy and that you are aware of the procedures in place should you need to raise concerns about what is happening at work.

I hereby certify that I have read and understood the school's Whistleblowing Policy and am aware of the procedures in place should I need to raise concerns about irregularities and/or unlawful activity at work.

Position (eg, governor, school employee, agency staff, volunteer, etc):.....

Name of individual or company:.....

Signature:.....Date:.....

(This form must be kept by the school and available for inspection by the LA on request.)