

## Whistleblowing Policy

### 1 Introduction

- 1.1 The Local Authority and school governing body 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 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. A purpose of the policy is to give all members of staff the confidence to come forward through agreed procedures and without fear of recrimination, to bring to the attention of the Head (or Chair of GB in the case of Heads) any serious impropriety, breach of procedure or raise issues of concern.
- 1.2 Throughout this policy, the term “whistleblower” denotes the person raising the concern or making the complaint.
- 1.3 The LA is committed to tackling fraud and other forms of malpractice and treats these issues seriously. It recognises 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.
- 1.4 The LA 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.
- 1.5 The provisions of this policy apply to matters of financial mismanagement and impropriety and not matters of more general grievance, which would be dealt with under school grievance procedures.
- 1.6 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.

### 2 The Scope of the Policy

- 2.1 This policy is applicable to the governors and employees of all schools maintained by Barnet Council. The type of activity or behaviour, which is dealt with under this policy includes:
  - Unlawful or a criminal offence/activity
  - Fraudulent or improper use of money or assets
  - Abuse of students or of other employees
  - Lapses in child protection
  - Health and Safety risks including dangerous practices at work
  - Corruptly receiving any gift or advantage
  - Allowing private interest and those of the school to conflict
  - A miscarriage of justice
  - Maladministration, misconduct or malpractice
  - Endangering of an individual’s health and safety or welfare
  - Damage to the environment
  - Concealment of any of the above

- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- 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
- Suspicion of extremism or radicalization.

### 3 What action should the Whistleblower take?

3.1 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 give an explanation for the behaviour or activity.

3.2 At school level there are two designated 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**

3.3 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.

3.4 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,

- 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.

### 4 Respecting Confidentiality

4.1 Individuals reporting 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 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. It is much better to do this in writing but as an alternative you can speak to someone

at a meeting. LEA officers will arrange for this process to be handled by someone outside the school. You can bring a trade union representative or a friend to a meeting if you wish.

## **5 How will the matter be progressed?**

- 5.1 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.
- 5.2 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.
- 5.3 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.

## **6 Protection from reprisal**

- 6.1 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.
- 6.2 If you are already the subject of disciplinary, capability or redundancy procedure they will not necessarily be halted as a result of your whistleblowing.

## **7 Raising unfounded malicious concerns**

- 7.1 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.

## **8 If you are not satisfied**

- 8.1 If you are not satisfied with the response to your whistleblowing report within your school you can contact the Chief Internal Auditor or Monitoring Officer. If you are not satisfied with the response from these officers you can contact the Chief Finance Officer or the Chief Executive, both of whom have personal responsibility for probity within the Council.
- 8.2 The Council 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.

## 9 Conclusion

- 9.1 Existing good practice within schools in terms of systems of 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.

## 10. Safeguarding

### Allegations involving school staff and volunteers

- 10.1 This section applies where it is alleged that a teacher, member of staff, or volunteer has behaved in a way that has or may have harmed a child, or possibly committed a criminal offence against or related to a child; or behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children. The following definitions will be used when determining the outcome of allegation investigations:
- Substantiated: there is sufficient evidence to prove the allegation;
  - Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
  - False: there is sufficient evidence to disprove the allegation;
  - Unsubstantiated: there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- 10.2 If any member of staff/volunteer has reason to believe that another member of staff/volunteer may have behaved in such a way, they must immediately inform the Headteacher. They should also make a record of the concerns including noting anyone else who witnessed the incident/alleged incident.
- 10.3 If the concerns are about the Headteacher, the Chair of Governors and the Local Authority Designated Officer (LADO) must be contacted straight away.
- 10.4 Where the allegation concerns a member of staff no longer working at the school then the Headteacher will refer the matter directly to the police.
- 10.5 Where the allegation is so serious it requires immediate investigation by police and/or Children's Social Care Services then the Headteacher will keep the LADO informed.
- 10.6 In all other instances the Headteacher or Chair of Governors (hereafter in this part referred to as a case manager) will discuss any allegation from any party or external agency with the LADO (who bear responsibility for liaising with all relevant external agencies or organisations) immediately.
- 10.7 The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. They will identify together whether it is necessary to inform the police, and what action should be taken in respect of the accused person. An individual will only be suspended if there is no reasonable alternative.

- 10.8 The case manager will inform the accused person about the allegation as soon as possible after consulting the LADO. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager will not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. In all instances the case manager will be mindful of their duty of care towards an employee and refer the accused person to sources of support which may be available.
- 10.9 In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO and case manager will liaise to decide how and by whom the investigation will be undertaken.
- 10.10 Parents or carers of a child or children involved will be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, they will not be told until these agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers will be kept informed about the progress of the case, and told the outcome where possible including the outcome of any disciplinary process, such information being given subject to the restrictions of the Education Act 2011.
- 10.11 The case Manager will agree with the LADO a strategy for what information is to be disclosed at what stage of any investigation to what parties.

#### Outcome

- 10.12 Wherever possible, an investigation (in which the accused will be given the opportunity to participate) will conclude with a finding in relation to the allegation. The investigation will be as swift as possible consistent with a thorough and fair process.
- 10.13 If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the case manager and Chair of Governors following consultation with the LADO will make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching.
- 10.14 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that.
- 10.15 Where an allegation is substantiated, the case manager will consult with the LADO to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future.
- 10.16 If an allegation is determined to be unsubstantiated or malicious the headteacher, will consider what action is appropriate against the pupil/person who made it. This may include disciplinary action or referral to the police.
- 10.17 Details of allegations that are found to have been malicious will be removed from the confidential personnel records of the accused. For all other allegations a summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, will be kept on the personnel file of the accused, and a copy provided to the person concerned.
- 10.18 Where it was decided that it is not necessary to refer the case to the LADO, because the allegation does not meet the criteria set out above or is on its face malicious or false then the Headteacher will,

in consultation with the LDBS adviser, decide whether there needs to be an internal investigation. The Headteacher will follow the LDBS guidance to conduct this appropriately.

## **11. Extremism and Radicalisation**

- 11.1 As part of Beit Shvidler's commitment to safeguarding and child protection we fully support the government's Prevent Strategy. The Prevent strategy is a government strategy designed to stop people becoming terrorists or supporting terrorism. It is important for us to be constantly vigilant and remain fully informed about the issues which affect the local area, city and society in which we teach. Staff are reminded to suspend any 'professional disbelief' that instances of radicalisation 'could not happen here' and to be 'professionally inquisitive' where concerns arise, referring any concerns through the appropriate channels.
- 11.2 We recognise the importance of whistleblowing in terms of extremism and radicalisation.
- 11.3 We aim to create an ethos and culture – a safe environment - where pupils and staff will feel confident to make known any instances where they feel an adult in the school may be involved in either extremism or radicalization.

## **12 Honesty and Integrity**

- 12.1 Staff must maintain the highest standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of school property and facilities.
- 12.2 All staff must comply with the Bribery Act 2010. A person may be guilty of an offence of bribery under this act if they offer, promise or give financial advantage or other advantage to someone; or if they request, agree or accept or receive a bribe from another person. If you believe that a person has failed to comply with the Bribery Act, you should refer to the Whistleblowing procedure.
- 12.3 Gifts from suppliers of the school must be declared to the Headteacher, or to the Chair of Governors if the Headteacher is the recipient, with the exception of "one off" token gifts from students or parents. No gifts or hospitality are to be accepted from contractors who are considering or submitting a tender during a tendering period.
- 12.4 The giving and receiving of small gifts at specific times such as Christmas, the end of the school year or to mark other religious festivals is a normal and natural part of school life. However, the following common sense guidelines should be considered.

### **Giving gifts**

- 12.5 Pupils should be advised against giving extravagant or expensive gifts to staff. Staff should seek advice from a senior member of staff if they are unsure about accepting a gift.
- 12.6 In the interests of safeguarding children, and to prevent staff from being open to accusation of exerting undue influence, Personal gifts from individual members of staff to individual pupils are inappropriate and could be misinterpreted. Small end of term gifts to the whole class are acceptable. If staff give out gifts to pupils, they should be given to all pupils in a group and nobody should be left out. Pupils are to be looked after without favouritism or antipathy towards any individual or group.

### **Receiving gifts**

- 12.7 Staff should be wary about receiving gifts from parents which might make it difficult to care for their child in a fair and objective way. If a parent makes an extremely generous gesture such as the provision of holiday accommodation, for example, the member of staff should discuss this with the Headteacher before accepting.

- 12.8 Gifts of low intrinsic value or small tokens of gratitude including gifts from pupils, parents and guardians can be accepted. If the value exceeds £25 approval of acceptance must be obtained from the individual's line manager.
- 12.9 Cash and or Cheques offered as a gift or otherwise must not be accepted, under any circumstance. Gift Vouchers can be accepted as a gift.
- 12.10 If a gift is received from a group of pupils and parents and the value of the gift is more than £25 per donating family this gift is to be registered in the Register of Gifts and Hospitality
- 12.11 In the interests of transparency, a Register of Gifts and Hospitality is kept in the Finance Office. Where approval is granted, any gift or hospitality received with a value of over £25 must be recorded in the Register of Gifts and Hospitality. The register will specify:
- (a) Nature of gift/hospitality. In the case of a gift, it should be specified whether it is a personal gift for the recipient or a related party, such as a partner, or a corporate gift accepted by the recipient on behalf of the School
  - (b) Value of gift / hospitality. If the exact cost is not known an estimate should be provided.
  - (c) Name of firm / individual concerned.
  - (d) Date gift / hospitality accepted.
  - (e) Name of member(s) of staff involved.
- 12.12 If you believe that a member of staff has not followed the protocol and procedure for the giving and receiving of gifts or hospitality then the whistleblowing policy should be followed.

### **13. Monitoring and Review**

- 13.1 It is the responsibility of the Governing Body to monitor the effective deployment of this policy. This responsibility has been delegated to the Finance Committee.
- 13.2 This policy will be reviewed annually.