



Whistleblowing Procedure

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Introduction

1.1. OVERALL CONTEXT

The school expects the highest standards of behaviour of all employees, school management including school governors, and its contractors.

The Whistleblowing Procedure is intended to encourage employees and others to report inappropriate action by any of the above which would not normally be revealed due to fears of victimisation or retribution.

The procedure provides a framework to ensure that the school and those who act on its behalf conduct themselves in a proper manner.

The school makes clear that no employee or other person covered by this procedure will be subject to victimisation or other detriment by making a report under this procedure which they make in good faith. A report is made in good faith if the person reasonably believes it to be true, provided the person's dominant purpose for making the report was not some ulterior motive which in all the circumstances of the case made the report unreasonable. An ulterior motive is a motive other than attempting to ensure by the report that steps are taken to remedy the wrong which is occurring or has occurred. Examples of ulterior motives could include personal antagonism or personal gain.

Mosaic Jewish Primary School will respect anyone who raises concerns about inappropriate behaviour in the school. Our Whistleblowing policy sets out how someone who becomes aware of poor behaviour can challenge it and have concerns properly dealt with.

High ethical standards are at the core of Mosaic Jewish Primary School's ethos. We will not tolerate poor behaviour by anyone associated with the school. This includes our staff, the school's management, our governors and anyone who is working with us – for example our contractors.

It is important to us that poor behaviour is challenged. It is often not easy to do so. The school is clear that no-one raising concerns in good faith will be victimised or suffer other detriment. We will respect reports made which people believe to be true and which seek to see steps taken to remedy the wrong occurring.

We will also be cautious of reports made with an ulterior motive, made for example in pursuit of personal antagonism or possible personal gain.

Our Policy and Procedures sets out how concerns can be raised. It describes the steps that the school will follow to respond fully and effectively to issues raised.

1.2.WHISTLEBLOWING KEY POINTS

The key points from the procedure on whistleblowing are summarised below:-

DO

- a. Make an immediate note of your concerns. Write down all the relevant details. Include what was said in telephone or other conversations. Make sure you note the date, time and the names of the people involved
- b. Convey your suspicions to someone with the appropriate authority and experience. This will usually be your immediate manager or their supervisor (but see paragraph 5.2 below for more details). If you suspect fraud, corruption or financial irregularity you can make direct contact with the Education funding agency (EFA)
- c. Deal with the matter promptly, if you feel your concerns are warranted. In a case of suspected fraud, any delay may cause the school to suffer further financial loss.

DON'T

- a. Don't Do anything
- b. Don't be afraid of raising your concerns. You will not suffer any recrimination from the school or anyone connected with it due to raising in good faith a severe concern. The Governing Board will treat any matter you raise sensitively and confidentially.
- c. Don't approach or accuse any individuals directly.
- d. Don't try to investigate the matter yourself. There are special rules for gathering evidence for disciplinary or court proceedings. If you try to collect evidence or other information yourself, you may destroy the evidence needed to prove the case.
- e. Don't Convey your suspicions to anyone except those with the proper authority

1.3 LEGAL CONTEXT

The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act (PIDA) 1998 The Human Rights Act 1998. Those protected by PIDA will include supply, agency and sessional teachers as well as teachers in regular service.

1.4 ADVERSE IMPACT ANALYSIS

The school wishes to ensure that its policies and procedures do not impact unfairly on employees within the equality act. Line managers, Headteachers and Governors must therefore ensure that their application of this procedure does not have this adverse impact on particular groups. Any review of the procedure would include assessing the overall impact.

1.5 PRINCIPLES

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. School staff, including Headteachers and Governors, should be watchful for illegal or unethical conduct and report anything of that nature once they become aware.

Failure by a member of school staff to report to an appropriate manager his/her knowledge of severe malpractice or wrongdoing by others, where that wrongdoing or malpractice relates to conduct of the school's business, including activities carried out by contractors on its behalf, will be considered to be a disciplinary offence

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.

No person covered by this procedure will be victimised for raising a matter under this procedure in good faith. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because he/she has reasonably raised a legitimate concern.

Victimisation of a person covered by this procedure for raising in good faith a disclosure within the scope of this procedure will be a serious disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure, the school's disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence. Making a report under this procedure other than in good faith will also be a disciplinary offence. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any legitimate concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a Chair of Governors.

1.6 SCOPE OF THE PROCEDURE

The procedure applies to a report where it is the reasonable belief of the employee or other person making the report that the report tends to show one or more of the following:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a failure by a person to comply with a legal obligation has occurred, is occurring or is likely to occur;
- a miscarriage of justice has occurred, is occurring or is likely to occur
- the health and safety of an individual has been, is being or is likely to be endangered;
- damage to the environment has occurred, is occurring or is likely to occur;
- failure to comply with the school's policies and procedures has occurred, is occurring or is likely to occur;
- conduct has occurred, is occurring or is likely to occur which may damage the school's reputation;
- deliberate concealment of information relating to any of the above has occurred or is likely to occur; and
- Concerning the conduct of the school's business, including activities carried out by contractors on its behalf.

1.7 MATTERS OUTSIDE THE SCOPE OF THE PROCEDURE

The procedure does not cover:

- Issues at work which affect an employee personally, which can usually be referred to their line manager, or if necessary, be pursued using the school's adopted grievance procedure.
- Matters that would normally be dealt with by the school's collective bargaining arrangements with its recognised trade unions.

- Matters relating to child abuse which should be reported to the Named Person in the School or the Principal Education Welfare Officer in the Council's Education and Social Services: Telephone 020 8871 7961.
- Matters relating to the Protection of Vulnerable Adults should be referred to the Service Manager in the Adult and Social Care Department or the Assistant Director of Community Care on 020 8871 6000
- Allegations concerning fraud, corruption or financial irregularity. In such cases, contact should be made directly to an Audit Investigations Manager on 020 8937 1261. (the protection provided under the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 would apply in this case).
- Complaints from the public that relate to the standard of service delivered by the School and Council or its contractors which should be reported through the School's Complaints Procedure.

1.8. WHO IS COVERED BY THE PROCEDURE

All employees, governors, contractors (and their staff), partner agencies (including the Health Authority and voluntary sector groups), agency workers, including supply teachers, sessional teachers, consultants, trainees and self-employed people providing work for the school may make reports under this procedure outlining any concerns.

2. OUTLINE OF PROCEDURE

The Whistleblowing Procedure covers the following:

- Reporting a concern within the management structure of the school, including Senior Staff within the school and members of the governing board.
- What will happen when you report a concern to the Education Funding Agency (EFA)
- Conclusion of the investigation.
- Anonymous reports.
- Anonymity.
- Statutory protection.
- Protection of School employees.
- Advice.
- Reporting outside the School.
- Review of Whistleblowing Procedure.

3. REPORTING A CONCERN WITHIN THE MANAGEMENT STRUCTURE OF YOUR SCHOOL

- 3.1 In the first instance, you should typically report any concerns to your line manager, preferably in writing.
- 3.2 However, if you feel the matter is extremely serious or sensitive or involves your line manager, or if you feel your line manager has not dealt with the issue appropriately, you should report the matter to the Headteacher. In the case of it involving the Headteacher, or if you feel the Headteacher has not dealt with the issue appropriately, you should report it to the School's Chair of Governors. Where it may involve the Chair of Governors, or if you feel the Chair of Governors has not dealt with the matter appropriately, you may report the concern to the Department of Education (see paragraph 5 of this procedure).
- 3.3 Before raising your concern, you may wish to take advice on the matter from any of those listed in paragraph 11 of this procedure or discuss your concerns with a colleague first. If you are not the only person affected, you may wish to make a joint report.

3.4 you should report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation challenging to pursue.

3.5 In raising your concern in writing, you should give as much detail as possible, i.e. the background and history, giving names and relevant dates and the reasons why you are particularly concerned about the situation.

3.6 If you feel hesitant about putting your concern in writing at this stage, you should telephone the manager to whom you wish to make the report and arrange to meet them. Do bear in mind you may be asked to put the details in writing later.

3.7 You may raise your concerns with your trade union representative if you wish. Your trade union representative may then assist you in reporting your concerns.

4. RECORD KEEPING

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

5. REPORTING A CONCERN TO THE EDUCATION FUNDING AGENCY (EFA)

5.1 You may make a written or verbal report to the Education Funding Agency (EFA) of the Department of Education if

- pursuing your concerns through the management structure of the school is not, or is no longer, appropriate (see paragraph 3.2); or you fear that you will be victimised if the matter is raised within your management structure; or
- You fear that relevant information may be concealed or destroyed if the matter is raised within your management structure.

5.2 You can contact the EFA through, academy.questions@education.gsi.gov.uk or by going to an individual staff member at the DfE

The process they will follow:

- Establish contact details and if the caller agrees to be interviewed
- Take all information
- Inform the caller that someone from the EFA/DfE may contact them

- Keep all information safe and secure
- Encourage the caller to get advice from PCAW (link below)
- Escalate within the EFA/DfE

6. CONCLUSION OF INVESTIGATION

6.1 If your allegation is not proven or there is insufficient evidence on which to base a conclusion, you will be advised accordingly. It will not be necessary in these cases for a report to be prepared as this could compromise your identity unnecessarily.

6.2 In cases where action is necessary as a result of your allegation, a report will usually be sent to the Headteacher responsible for the School under investigation. Where the report concerns inappropriate action by the Headteacher but not by the Chair of Governors, the report will be sent to the relevant Chair of Governors. The Headteacher (or as applicable the Chair of Governors) will be responsible for implementing the recommendations in the report. You will be advised when the investigation is complete, but it may not always be possible to tell you the details of the findings as this may be confidential or may prejudice further action.

6.3 If the investigation concerns inappropriate action by the Headteacher and the Chair of Governors, the report will be sent directly to the Director of Children and Families. If you are concerned about the Headteacher or Chair of Governors receiving the report, you should discuss this with the investigator.

7. ANONYMOUS REPORTS

Whilst it is accepted that anonymous allegations do not carry the same weight, any such reports received by the school will be considered at its discretion, and where such a decision is made, appropriate investigations made as far as possible into the circumstances. In exercising this discretion account will be taken of the seriousness, credibility of the matters raised and the likelihood of confirming the allegation from the sources quoted.

8. ANONYMITY

8.1 During the initial stages of the investigation, if you so wish, the school will endeavour to ensure that your identity will only be disclosed to those directly involved in investigating the allegation. We will do our best to maintain your anonymity throughout the enquiry, **but this may not be possible. For example, it may be obvious to those under investigation who has made the allegation.** We will always seek your permission before formally identifying you.

8.2 In cases where disciplinary action is taken, it may be necessary for you to provide witness evidence. We will try to gather evidence to support your allegation

without requiring your attendance at a hearing, but this may not always be possible. We may also need to disclose your identity to other investigating agencies but will discuss this with you before doing so.

9. STATUTORY PROTECTION

The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998, provides individuals making disclosures protected by the Act with protection from victimisation, dismissal or any other detriment provided they have a reasonable belief that what they have reported is true and the report is made in good faith.

10. PROTECTION TO SCHOOL EMPLOYEES AND OTHERS COVERED BY THIS PROCEDURE

10.1 No action will be taken against you by the school if you make a report under this procedure in good faith, but it is not confirmed by the investigation.

10.2 If you consider that you have been, are being or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns to the Whistleblowing Officer. The matter will then be dealt with as a new referral under this procedure.

10.3 The School will treat any victimisation or harassment of a person covered by this procedure who has made a report in good faith under this procedure as a serious disciplinary offence.

10.4 Employees should not make reports other than in good faith or maliciously make false reports. Disciplinary action may be taken against an employee who does so.

10.5 If you are already the subject of a disciplinary, capability or redundancy procedure, this will not normally be halted as a result of your report.

11. ADVICE

11.1 If you wish to receive advice from a relevant professional before making a report under this procedure, please visit, <https://www.gov.uk/whistleblowing>

Alternatively, you may wish to ask for confidential help from your trade union or professional organisation.

You may also contact any of the following organisations outside the Department of Education for assistance with your concern:

Audit Commission Public Interest Disclosure Act Hotline
Tel: 020 7630 1019

12. REPORTING OUTSIDE THE DEPARTMENT OF EDUCATION

12.1 This procedure is intended to provide you with an avenue within the school to raise concerns. The school hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the School or the Department of Education following completion of the process set out earlier in this procedure, the following are possible contact points:

- The Audit Commission
- The Health & Safety Executive
- The Environment Agency

Or other appropriate regulatory body.

Note that a report made to such a body will only be protected under the Employment Rights Act if the following apply: -

- You make the report in good faith; and
- You reasonably believe that the information disclosed, and any allegation contained in it, are substantially true; and
- You reasonably believe that your report falls within the type of matters specified in legislation made under the Employment Rights Act for that body.

12.2 A report made externally, i.e. to the police, media or Member of Parliament, but not to an appropriate regulatory body, will only be protected under the Employment Rights Act if the following apply:

- If you reasonably believed the information and any allegation contained in it to be substantially true; and
- The allegation has not been made for personal gain; and
- You make the report in good faith; and
- The allegation has already been raised with the School or Council or with an appropriate regulatory body; or
- you reasonably believed you would be victimised if the allegation was so raised; or

- where there is no appropriate regulatory body, you reasonably believed that it is likely there would be a cover-up if the allegation was raised with the School or Council or that the matter is exceptionally serious.; and in all the circumstances it was reasonable to make the report.

13. REVIEW OF WHISTLEBLOWING PROCEDURE

The procedure and reports made under it should be reviewed at least every three years or in accordance with any changes in legislation.