



Marlborough Primary School and Nursery

WHISTLEBLOWING POLICY

Rationale

The staff and governors of Marlborough Primary School and Nursery seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. Our whistleblowing policy is 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.

We are committed to tackling fraud and other forms of malpractice and treat these issues seriously. Marlborough Primary School and Nursery 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.

We are also 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.

The provisions of this policy apply to matters of suspected fraud and impropriety and not matters of more general grievance which would be dealt with under the Marlborough Primary School and Nursery complaints procedures.

Throughout this policy, the term *whistleblower* denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the *Second Report of the Committee on Standards in Public Life: Local Spending Bodies* published in May 1996.

Aims

- To provide staff with a clear and safe route of reporting concerns
- To gather information about concerns and, once investigated, to determine whether further action needs to be taken

(Where it is decided that further action is necessary, this will be conducted under the appropriate employment policy, not under the Whistleblowing Policy)

Duty to Report

The school's priorities and the service we provide to all our stakeholders are severely jeopardised if employees are engaged in any form of wrongdoing. The school is reliant on such matters being reported in order that they can be stopped. It is therefore the duty of all employees to raise any concerns about known, or possible wrongdoing through this policy.

Protection of Employees

The staff and governors are committed to this policy. Staff who raise a genuine concern under this policy will not be at risk of losing their jobs or suffering from any retribution as a result. Providing employees who raise a concern have a reasonable belief that wrongdoing is occurring and are acting in good faith, it does not matter if they are mistaken. If a person is victimised for having raised a concern, this will be treated as misconduct and may lead to disciplinary action being taken against the perpetrator.

When should the policy be evoked?

If an employee has a concern about possible wrongdoing at work, they should report it under this policy. 'Wrongdoing' covers the following matters: a criminal offence, a failure to comply with a legal obligation, a miscarriage of justice, endangering the health and safety of an individual, damage to the environment or the deliberate concealment of information tending to show one of these things. The type of activity, conduct or behaviour which should be dealt with under this policy includes:

- Safeguarding and protection of children and staff
- manipulation of accounting records and finances
- inappropriate use of school assets or funds
- decision-making for personal gain
- any criminal activity
- 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)

Who the policy applies to

This policy applies to all teaching and non-teaching employees including agency workers and contractors and school governors

Legislation

In addition to the protection of employees outlined in this policy, the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provide staff with further protection from detriment and dismissal for reporting concerns. Employees must comply with this legislation, particularly as regard to the nature of the information given and the person or body to whom it is being reported, in order to receive protection.

Financial Irregularities

Nothing in this policy overrides the duties and responsibilities as set out in the 'Financial Regulations of Hounslow Council's Internal Audit must be informed wherever a concern regarding financial matters is reported. Should a line manager or other recipient of a concern require any advice or be unsure about their obligation with regard to financial matters, they should contact Internal Audit.

How to raise a concern

Marlborough Primary School and Nursery encourages the *whistleblower* 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 seek an explanation for the behaviour or activity. Marlborough Primary School has designated a number of 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. These include:

- The Headteacher
- The Deputy Headteacher
- Chair of Governors

How to raise a concern – continued

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 will be treated in strict confidence and anonymity will be respected wherever possible.

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 in the first instance to the Council's Head of Audit. The Council has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the *whistleblower*. The Council will ensure relevant officers of the Department for Education and Employment are informed as appropriate. In addition information and advice can be obtained from the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows:

Public Concern at Work

Suite 306

16 Baldwins Gardens

London

EC1N 7RJ

Telephone number 020 7404 6609

Step 1

Any member of staff who has a concern about wrongdoing should first raise it with their line manager or a more senior manager e.g. the Headteacher or Deputy Headteacher. If the employee has any personal interest in the matter, they should inform the manager at the outset.

Step 2

If a member of staff feels unable to raise the matter with their line manager or any other senior manager in the school. The concern can be reported to the Chair of Governors or a member of the council.

- Head of Internal Audit 020 8583 2350
- Head of Strategic Human Resources 020 8583 2120
- Trade Union Official e-mail: staffside@hounslow.gov.uk

If the concern relates to possible fraud, corruption or financial malpractice, staff are asked to raise the matter with the Head of Internal Audit, who is best placed to deal with such issues.

Step 3

If an employee feels that the matter is so serious it with any of the above they should contact

- Director of Legal Services 020 8583 202

How the matter will be progressed

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, legal or personnel advisors, the police, the Department for Education and Employment, the Council.

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.

The *whistleblower* will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governing body and the Council.

If the *whistleblower* is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), the governing body and/or directed to the Council.

Raising unfounded malicious concerns

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, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

Confidentiality

All concerns reported under the Whistle blowing Policy will be handled sensitively and discreetly. The school is committed to maintaining confidentiality as far is practicable.

Obligations rest on all parties, including the whistle blower, to do their utmost to protect the identity of the person reporting the concern. Should there be any exceptional circumstances where the whistle blowers identity has to be disclosed (for instance, if the case went to court), this would be discussed with them beforehand.

Any breeches of confidentiality may be considered under the schools disciplinary policy.

Conclusion

Existing good practice within Marlborough Primary School and Nursery in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the school operates 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 will be actioned.