

**North Islington  
Nursery School &  
Children's Centre**



## **Whistleblowing**

**Signed on behalf of Governing Body:**

**Date:**

**Review Date:**

## **1.0 Purpose**

1.1 The Whistleblowing Policy is intended to encourage employees and agency staff and contractors to report inappropriate action which would not normally be revealed due to fears of victimisation or retribution. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## **2.0 Aims**

2.1 To ensure compliance with legislation. This Disclosure Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998.

2.2 To encourage staff to raise concerns about malpractice within the School without fear of reprisal or victimisation for making reports of malpractice in good faith which they reasonably believe to be true.

2.3 To provide a framework and information about how to raise concerns and explain how the Heateacher, Governors and London Borough of Islington will respond, reassuring staff that concerns will be taken seriously, and encouraging a culture of openness and accountability

## **3.0 Scope and Definitions**

3.1 In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others. As the person blowing the whistle you will not necessarily be directly affected by the danger or illegality. Consequently you will not necessarily have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated.

3.2 This policy applies to all School employees and former employees, agency staff and contractors engaged by the School.

3.3 The procedure applies to a report where it is the reasonable belief of the employee or other person making the report that it relates to:

- a criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice
- a danger to the health and safety of an individual
- damage to the environment
- a failure to comply with the school's policies and procedures
- any conduct which may damage the School's reputation
- deliberate concealment of information relating to any of the above

In relation to the conduct of the School's business, including activities carried out by contractors on its behalf.

3.4 The procedure does not normally cover matters that concern day to day issues relating to an employee's terms and conditions of employment or a complaint about another employee which can usually be referred to their line manager, or if necessary be pursued using the School's Grievance Procedure.

3.5 This policy should not be confused with other policies that exist for dealing with complaints or grievances. Employees who are aggrieved about their own employment situation should consider whether to use the grievance procedure after

having discussed the matter with their immediate manager and/or their trade union representative.

#### **4.0 Stage 1: Reporting a concern**

##### **4.1 Reporting a concern to your line manager**

4.1.1 Staff should raise their concerns with the Headteacher, or another member of the Leadership Team as soon as any suspected malpractice becomes apparent. Remember that the earlier you raise concerns the easier it will be to take action. You (the whistleblower) are a witness to events, not a complainant and so you do not need to wait for proof of malpractice before raising concerns.

4.1.2 When reporting a concern you should provide as much information and detail as possible. In particular you should provide the full names of the people involved or who know about what is happening, including the names of staff or contractors, dates of events and any relevant documentation. This will assist the investigator to focus on the main issues quickly.

4.1.3 There will be some cases where it is not appropriate for you to raise concerns with your Headteacher/Manager, for example where you suspect your Headteacher/Manager already knows about the malpractice and appears to be 'turning a blind eye', or where you suspect your Headteacher/Manager may be involved. In those cases, you should report your concerns to the Governors. Our current Chair of Governors is Sophie Walrafen and you can leave a sealed envelope for her with reception.

4.1.4 If, for whatever reason, you are unable to raise your concerns with one of the above you may alternatively raise the matter with either the Head of Education Human Resources (020 7527 5677) or the Head of School's Finance (020 7527 5889).

4.1.5 Headteachers/Managers receiving a written report from an individual under this section must notify the whistleblowing officer of this within 24 hours.

4.1.6 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. You will be advised whether an investigation takes place or not. When making a decision the Headteacher will consider whether continuing with an investigation is in the public interest.

##### **4.2 Reporting a concern to the Whistleblowing Officer**

4.2.1 Islington's Whistleblowing Officer is the Head of Education Human Resources (Tel: 020 7527 5677).

4.2.2 You may make a written report to the Whistleblowing Officer if you:

- Have previously raised an issue to management within your School and feel that it has not been dealt with properly or the matter involves your Headteacher/Governor; or
- fear that you will be victimised if the matter is raised within your School's structure; or
- fear that relevant information may be concealed or destroyed if the matter is raised within your school structure.

4.2.3 If the matter you wish to raise involves the Whistleblowing Officer, you may make your report to the Director of Schools who will identify a suitable manager to investigate.

## **5.0 Stage 2: Investigation**

- 5.1 You will be advised whether the referral is appropriate for this procedure. Receipt of your report will be logged by the Whistleblowing Officer, following which you will normally be interviewed within five working days from receipt of the report or as is mutually agreed. You may be accompanied at the interview by a trade union representative, a colleague or a friend if you feel this would assist. In most cases you will be asked to provide a written statement detailing the allegations following the interview.
- 5.2 You will receive a written acknowledgement of your report and will be informed of the action that will be taken to investigate your concern. You will also be given an estimate of the likely timescale of the investigation, although this cannot be guaranteed.
- 5.3 Wherever possible, you will be kept informed of the progress of the investigation; unless the Investigator considers that there is a risk of the investigation being prejudiced by disclosures of the process being taken. You may not receive full details of the progress or the outcome of the investigation if provision of details would be inconsistent with obligations of confidentiality in relation to others.

In some circumstances the matter may be referred to an external agency, such as the police if crime is involved. Wherever possible the Whistleblowing Officer will advise you of this before doing so.

- 5.4 If you are not satisfied with the response from the Whistleblowing Officer, you may report this in writing to the Director of Schools who will identify a suitable manager to consider whether a further investigation is necessary.

## **6.0 Stage 3: Conclusion of the 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 or the School Governors, who 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.
- 6.3 If the investigation concerns inappropriate action by the Headteacher or Governors, the report will be sent direct to the Director of Schools. If you are concerned about the Director of Schools receiving the report you should discuss this with the investigator.

## **7.0 Anonymous Reporting**

- 7.1 You are encouraged to give your name when raising concerns. A concern expressed anonymously is much less powerful and is often more difficult to investigate.
- 7.2 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.

7.3 The decision whether to investigate an anonymous allegation will be made by the Headteacher and/or the Chair of Governors and/London Borough of Islington.

## **8.0 Anonymity**

8.1 The School understands that you may be reluctant to come forward with information about the wrongdoing of a colleague or manager or indeed at all. As such, the School recognises that whistleblowers may wish to raise concerns in confidence. If you (the whistleblower) make a request for the matter to be kept confidential, your identity will only be disclosed to those directly involved in investigating the allegation.

8.2 We will do our best to maintain your anonymity throughout the enquiry but this may not be possible as it may be obvious to those under investigation who has made the allegation or attempting to maintain your anonymity may hinder or frustrate the investigation. If we consider it is necessary to formally identify you we will always discuss this with you in advance.

8.3 In cases where disciplinary action is taken, it may be necessary for you to attend as a witness or 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 identify to other investigating agencies but will discuss this with you before doing so.

## **9.0 Statutory Protection**

9.1 The Public Interest Disclosure Act 1998 provides individuals 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.

## **10.0 Allegations not made in Good Faith**

10.1 Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract. In the case of contractors, the matter will be reported to the relevant Contract Manager so that a decision can be made about the appropriate action to take.

## **11.0 Advice**

11.1 If you wish to receive advice from a relevant professional in the school and/or London Borough of Islington before making a report under this procedure, you should contact any of the following:

- Head of Education Human Resources (020 7527 5677)
- Head of School's Finance (020 7527 5889)
- Health & Safety Manager (020 7527 5971)

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

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

- Audit Commission Public Interest Disclosure Act Hotline Tel: 020 7630 1019
- Public Concern at Work Tel: 020 7404 6609 or visit their website:  
<http://www.pcaw.co.uk/>

## **12.0 Reporting Outside the School**

12.1 In certain circumstances it may be appropriate to raise concerns outside the School to the appropriate 'prescribed regulator'. This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, professional association, trade union or PCAW (see above) before reporting them outside the School.

12.2 Examples of prescribed regulators are set out below:

- Department for Education and Skills (DfES)
- General Teaching Council
- The Audit Commission
- The Standards Board for England
- Information Commissioner
- Environment Agency
- Health and Safety Executive
- Commissioner of the Inland Revenue
- General Social Care Council
- The Commission for Social Care Inspection
- National Care Standards Commission
- Ofsted – Ofsted's dedicated Whistleblowing Hotline 0300 1233155 is staffed from 8am to 6pm, Monday to Friday. Whistleblowing disclosures can also be submitted to Ofsted by email to the Ofsted whistleblowing team ([whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)) or by post to:

WBHL  
Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

12.3 As a last resort you may choose to raise your concern outside the School to someone other than a prescribed regulator. A report made externally, i.e. to the police, media or Member of Parliament, will only be protected under the Public Interest Disclosure Act provided the disclosure is reasonable in all the circumstances and is not made for personal gain, and that you:

- reasonably believed that you would be victimised if you raised the matter internally within the School; or
- reasonably believed that the matter would be 'covered up' and there is no prescribed regulator; or
- you have already raised the matter internally or with a prescribed regulator.

## **13.0 Monitoring & Review**

13.1 This policy will be reviewed at least every twelve months and assess its implementation and effectiveness. The policy will be implemented and promoted throughout London Borough of Islington.