

Revised | 2021

Whistleblowing Policy 2020-21



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Annexe Checklist

Employees will often be the first to see or suspect misconduct, which may be innocent or which may turn out to be a fraud on your organisation, a public danger, or some other serious malpractice. Making sure your employees keep their eyes open and can and do play their part is a key way to promote, display and ensure good practice.

If you successfully involve your employees, it should give a clear message to those who are tempted that they won't get away with it., and everyone else will soon see that you are serious about tackling all forms of serious malpractice and abuse.

A culture of openness where people feel free to raise their concerns and that they will be dealt with seriously is one that best prevents unacceptable behaviour.

Setting the context

1. Involve your employees, listen to their sense of right and wrong. Explain what fraud on the organisation is, its effect on their jobs and the service they provide. Be as clear about the effects of other forms of serious malpractice.
2. When you find serious malpractice (whether by employees, contractors or the public), deal with it seriously. Remember you can't expect your employees to practice higher standards than those you apply.
3. Make it clear that the organisation is committed to tackle fraud and abuse, whether the perpetrators are inside or outside.
4. Make it known how seriously you treat the issue. If employees don't know that you will tackle the problem, they won't tell you about it.
5. Employees need to know what practices are unacceptable (e.g. as to hospitality, gifts). They should be encouraged to ask management if something is appropriate before - not after - the event.
6. Get staff unions to back and promote this approach.

Be open to concerns

1. It is never easy to report a concern, particularly one which may turn out to be fraud or corruption.
2. Try to ensure that management is open to such concerns before they become part of a grievance and do not let management's lack of action itself become a grievance.
3. Make it clear that you will support concerned employees and protect them from reprisals. Do everything you can to respect their confidentiality.
4. Aside from line management, make sure employees have another route to raise a concern within the authority. This should be to the Chief Executive, a non-executive director or senior officer. Tell employees by posters, memos or messages on their pay slips how they can contact that person in confidence. Remind them of relevant external routes if they do not have confidence to raise the concern internally, such as an external auditor, a regulatory body and that they can approach Protect for confidential advice.

Dealing with concerns

1. Remember there are two sides to every story.
2. Respect and heed legitimate employee concerns about their own safety or career.
3. Emphasise to both management and to staff that victimising employees or deterring them from raising a concern about malpractice is a disciplinary offence.
4. Make it clear that abusing this process by raising unfounded allegations maliciously is a disciplinary matter.
5. Offer to report back to the concerned employee about the outcome of the investigation and, where possible, on any action that is proposed.

This checklist has been recommended by the Nolan Committee and the Audit Commission to public bodies.

Torriano Primary School WHISTLEBLOWING POLICY

The staff and governors of Torriano Primary School seek to run all aspects of school business and activity to the highest standards of conduct and integrity. In the event that members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, Torriano has established the following whistleblowing policy, or code of practice. This policy 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.

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.

Torriano is committed to tackling fraud and other forms of malpractice, harassment and inappropriate behaviour and treats these issues seriously. Torriano 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.

Torriano 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.

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 Torriano Primary School grievance procedures.

When might the whistleblowing policy apply?

The type of activity or behaviour which Torriano Primary School considers should be dealt with under this policy includes:

- 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)
- Bullying, harassment or safeguarding issues.

If in doubt – raise it.

What action should the whistleblower take?

Torriano Primary School 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 an explanation for the behaviour or activity.

Torriano 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.

Name & Position

Headteacher – Helen Bruckdorfer

Deputy Headteacher - Michelle Rae

School Business Manager – Maria Lewis

Chair of Governors – Luca Salice

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 Local Authority (LA) Chief Internal Auditor.

The LA has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistleblower. The LA will ensure relevant officers of the DFE are informed as appropriate.

In addition, information and advice can be obtained from the charity Protect. 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:

Protect - Speak Up, Stop Harm
The Green House
244-254 Cambridge Heath Road
London E2 9DA

Confidential Whistleblowing Advice Line
020 3117 2520

<https://protect-advice.org.uk/>

How will the matter be progressed?

We will acknowledge receipt of your concern within two working days. We will assess it and consider what action may be appropriate.

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, DfE or the LA.

We will tell you who is handling the matter, how you can contact them, and what further assistance we may need from you. If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing, please let us know.

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.

When you raise the concern it would be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment of other relevant procedure, we will let you know.

Wherever possible, we will give the whistleblower feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you all about the precise actions we take where this would infringe a duty of confidence we owe to another person. 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 LA.

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 LA.

Respecting confidentiality

Wherever possible Torriano Primary School seeks to respect the confidentiality and anonymity of the whistleblower and will, as far as possible, protect him/her from reprisals. Torriano Primary School will not tolerate any attempt to victimise the whistleblower or attempts to prevent concerns being raised and will consider any necessary disciplinary or corrective action appropriate to the circumstances.

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 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.

Legal

Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. If they are, they can claim unfair dismissal when the reason for the 'whistleblowing' meets any of the 'qualifying disclosures' criteria. The Headteacher/Chair of Governors should ensure that, where this procedure has been used in the public interest, employees are not subjected to harassment and/or victimisation for doing so. This policy has also been developed in line with the London Safeguarding Children Board and the London Child Protection Procedures.

Qualifying disclosures:

- Child protection issues.
- If someone's health and safety is in danger.
- Damage to the environment.
- A criminal offence.
- The company/school isn't obeying the law i.e. not have the right insurance etc.
- That someone's covering up a wrongdoing.

Monitoring/Oversight

The Finance Committee of the Board of Governors is responsible for this policy and will review it annually. The Risk Team will monitor the daily operation of the policy and if you have any comments or questions, please do not hesitate to let one of them know.

Conclusion

Existing good practice within Torriano Primary school 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.

Last reviewed by Full Governing Body	November 2020
Next revision	Annual
To be reviewed	November 2021