



**Federation of
Westminster Special Schools
& Bi-Borough Inclusion Service**

Whistleblowing Policy

Reviewed by PPP Committee: 19th October 2020

Ratified by the FGB: 23rd November 2020

Next Review: October 2021

WHISTLEBLOWING POLICY (Public Interest Disclosure Act 1998)

This policy is based on the Westminster City Council (WCC) policy (December 2019 version), adapted for the Federation of Westminster Special Schools and Bi-borough Inclusion Service (FWSS) in October 2020. It is reviewed and updated annually.

Introduction

This document is a local authority led policy identifying appropriate procedures for Whistleblowing across WCC.

If school staff feel more comfortable, and feel it to be more appropriate, concerns may be raised with senior members of staff within their own school or department, or with the Head teachers or Head of Service, or, if the allegation is against one of the Head teachers or Head of Bi-borough Inclusion Service to the Executive Headteacher.

What is whistleblowing?

Whistleblowing is the term used when a member of staff passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, the staff member who makes the disclosure must reasonably believe two things:

1. The first is that they are acting in the public interest. This means that personal grievances and complaints are not usually covered by whistleblowing law.
2. The second thing that the staff member must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 1. criminal offences (for example, types of financial impropriety such as fraud or sexual assault)
 2. failure to comply with an obligation set out in law (for example, any form of discrimination, bullying and harassment or victimisation)
 3. miscarriages of justice
 4. endangering of someone's health and safety (In FWSS this includes concerns around child protection and the safeguarding of individuals.)
 5. damage to the environment
 6. covering up wrongdoing in the above categories

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

This policy should be read in conjunction with

- the Council's anti-fraud and corruption policy
- FWSS Code of Conduct
- FWSS Safeguarding and Child Protection Policy

Scope:

Staff are encouraged and, indeed, expected to raise any concern that they may have, without fear of recrimination. Any concerns raised will be treated in the strictest confidence and will be properly investigated.

The aim of this Policy is to encourage those who work for the Council [in FWSS] and have serious concerns about any aspect of the [Federation or] Council's work, to come forward and report their concerns at the earliest opportunity; so that they can be properly investigated.

Who can raise a concern under this policy?

This policy applies to the following:

- Employees of the Council at the FWSS
- Employees of contractors working for the Council at FWSS for example, agency staff, builders and drivers
- Those providing services under a contract or other agreement with the Council at FWSS
- Voluntary workers working with the Council at FWSS

What concerns can be reported under this policy?

Any serious concerns that a staff member has:

- about service provision or the conduct of staff at FWSS, officers or members of the Council, or others acting on behalf of the FWSS or the Council; and
- which falls within the six qualifying categories listed under the introduction to this policy.

Please be advised that to raise a concern under the Whistleblowing policy you must be driven by the underlying concern that if you don't "whistleblow" then this may affect other people too (or, in other words, that you are acting in the public interest). If this is not the case, then the case cannot be handled under this policy and will need to be processed in accordance with the appropriate policy.

Some of the other areas that your concern may fall into are:

- Disciplinary policy
- School Grievance policy
- Discrimination, Bullying and Harassment policy
- Mediation policy – (*FWSS mediation policy to be developed/approved based on WCC policy for next PPP committee 2020*)
- Code of Conduct (FWSS and WCC)
- Managers' Responsibilities

How to raise a concern

The employee may raise their complaints orally or, preferably, in writing to their immediate line-manager. FWSS staff should raise their concerns with their Head teacher, Head of Service in the first instance, or if the allegation is against one of the Head teachers or Head of Bi-borough Inclusion Service to the Executive Headteacher and detail the issues about which they are concerned. Appendix I sets out the procedures for raising a concern.

If it is not appropriate to raise these concerns with a particular manager (e.g. because they are about that manager's conduct), the employee may refer matters to the Head teacher, Head of Service or Executive Headteacher.

The manager will confirm that the employee's concerns are appropriate to this procedure; if not, the employee should be referred to the appropriate procedure.

When raising your concern you should do so as early as possible and try to provide as much detail as possible, especially:

- The nature of your concern and why you believe it to be true
- The background and history of the concern (giving relevant dates)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate you have a genuine concern relating to suspected wrongdoing or malpractice within the Council and there are reasonable grounds for your concern.

Following the procedure in Appendix I FWSS will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for FWSS and the Council will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and; if so, what form it should take.

The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so.

Where appropriate, the matters raised may:

- be investigated by management, internal audit and fraud, or through the disciplinary/grievance process
- be referred to the police
- be referred and put through established child protection/abuse procedures It is likely that you will be interviewed to ensure that your disclosure is fully understood. Any meeting can be arranged away from your workplace.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness.

Anonymity

This policy encourages you to put your name to your allegation whenever possible. It is possible for you to maintain full anonymity, but if you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback.

Concerns expressed anonymously are much less powerful, but they will be equally taken into consideration by the Council, who will consider factors such as:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from other sources

Untrue allegations

If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Council will recognise your concern and you have nothing to fear.

However, if you make an allegation frivolously, maliciously or for personal gain, appropriate action will be taken that could include disciplinary action.

Throughout the process of addressing your concern you can expect:

- your concern to be taken seriously
- to be given full support from senior management
- that the FWSS and Council will do all it can to help you through the investigation
- the right to seek assistance and advice from trade union representatives or Council/FWSS colleagues; and to be accompanied by a trade union representative or Council/FWSS colleague at all meetings held under this procedure.
- to be notified of the case outcome if you wish so

Please be advised that we will feedback as much as we can when notifying you of the outcome following the investigation of your reported concern, but in certain cases it might not be possible to provide specific details around the actions which have been taken.

This policy does not restrict employees' rights to raise their concerns outside the Council (e.g. the Environment Agency, the Health and Safety Executive or the Police), but is intended to facilitate

speedy internal investigation and resolve employees' concerns, so that they do not feel the need to refer to external agencies.

Employees are encouraged to raise "whistleblowing" concerns in the first instance via this policy rather than going straight to external agencies. Reporting concerns to e.g. the press may seriously undermine any investigation into the issues of concern.

Advice can be obtained from a trade union representative or "Public Concern at Work" an independent charity which gives advice on how to raise concerns about serious malpractice at work. Contact details below.

Independent advice:

Unison 0845 355 0845

GMB 020 7736 5683

NEU 0345 811 8111

NAHT 0300 30 30 300

ASCL 0116 2991122

Public Concern at Work (<http://www.pcaw.co.uk/> 020 3117 2520) an independent charity which gives advice on how to raise concerns about serious malpractice at work.

Employee Assistance Programme 0800 0856 148

APPENDIX I: Whistleblowing at Work Procedure

Raising concerns internally

Step 1

Raising concerns

1. The employee may raise their complaints orally or, preferably, in writing. Schools staff should raise their concerns with their headteacher in the first instance, and detail the issues about which they are concerned.

Westminster Special Schools have appointed designated people to support any whistleblowing concerns. Within FWSS staff should report to their Head teacher or Head of service.

2. If it is not appropriate to raise these concerns with a particular manager (e.g. because they are about that manager's conduct), the employee may refer matters to the Executive Headteacher or with the Chair/Co-chairs of Governors.
3. Alternatively, staff can contact Safecall, WCCs confidential external whistleblowing hotline, on 0800 915 1572 or by completing and submitting the online form.

Safecall provide a 24 hour a day, 7 days a week service via a freephone number. When contacting Safecall you will be put in touch with an operator who is trained to receive a report about concerns in the workplace.

4. The manager will confirm that the employee's concerns are appropriate to this procedure; if not, the employee should be referred to the appropriate procedure.
5. The manager will meet the employee as a priority and gather as much information as possible.
6. The manager will assess what action is necessary to investigate and respond to the employee's concerns. They will write to the employee within five days of the meeting summarising the employee's concerns and informing them as to how these will be investigated. The manager will also inform the employee of the timescales within which the investigation will be completed.
7. When considering the action needed to investigate and address the employee's concerns, the manager may seek advice and direction from appropriate Federation/Council staff and/or external officials.
8. The employee will be informed in writing of the outcome of the investigation. The employee will receive as much feedback as possible, subject to the Federation/Council's duty of confidence to other parties who may be involved.

Step 2

1. The employee may proceed to step 2 and refer their concerns to Director of Children's Services if they:
 - Remain dissatisfied with the response in step 1; or
 - Have not received a response to their concerns within the timescales set out by the manager at step 1.

2. The Director of Children's Services will take appropriate action such as:
 - Reviewing the investigation to date and giving instructions on its further conduct;
 - Assuming responsibility for an investigation in progress;
 - Initiating an investigation;
 - Delegating an investigation to a Council manager or an appropriate external official.
3. The Director of Children's Services will inform the employee in writing about action to progress the investigation with timescales and/or their decision in relation to the employee's further representations. The employee will receive as much feedback as possible, subject to the Council's duty of confidence to other parties who may be involved.

Step 3

1. The employee may proceed to step 3 and refer their concerns to the Chief-Executive if they:
 - Remain dissatisfied with the response in step 2; or
 - Have not received a response to their concerns within the timescales set out by the Director of Children's Services at step 2.
2. The Chief Executive will review progress to date, and direct on any further action.
2. The Chief Executive will inform the employee in writing about action to progress the investigation with timescales and/or their decision in relation to the employee's further representations. The employee will receive as much feedback as possible, subject to the Council's duty of confidence to other parties who may be involved.