



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

Whistleblowing Policy

Policy adopted by Full Governing Board: July 2024

To be reviewed: July 2025 (Unless Westminster policy updated before this date)

WHISTLEBLOWING POLICY

INTRODUCTION

This policy is based on the Westminster City Council (“the Council”) policy (updated January 2020), adapted, where appropriate, for the Federation of Westminster Special Schools (FWSS). It identifies appropriate procedures for Whistleblowing. It is reviewed annually by Governors or more frequently if the City of Westminster update their policy.

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 (i.e corruption, bribery etc)
 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

- Westminster City Council’s anti-fraud and corruption policy
- FWSS Code of Conduct
- FWSS Child Protection and Safeguarding Policy
- FWSS Equalities 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 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 the staff member must be driven by the underlying concern that if they don't "whistleblow" then this may affect other people too (or, in other words, that they 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:

- Federation Disciplinary policy
- Federation Grievance policy
- Discrimination, Bullying and Harassment policy
- Federation Code of Conduct

HOW TO RAISE A CONCERN

The employee may raise their complaints orally or, preferably, in writing to their immediate line manager.

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 Headteacher, Head of BIS or Executive Headteacher. If the concerns relate to one of these senior managers then the concern should be raised with the Chair of Governors.

If the concern relates to the Chair then the matter should be raised with the Bi-Borough Director of Education.

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.

Alternatively, the employee can ring the confidential whistleblowing hotline "Safecall" on 0800 915 1571. They will be put in touch with an operator who is trained to receive a report about concerns in the workplace.

When raising concerns, the employee should do so as early as possible and try to provide as much detail as possible, especially:

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

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

Once the concern is raised, the process is as follows:

CONFIDENTIALITY

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

ANONYMITY

This policy encourages the employee to put their name to their allegation whenever possible. It is possible for them to maintain full anonymity, but if they do not say who they are it will be much more difficult for their position to be protected or for feedback to be given.

Concerns expressed anonymously are much less powerful, but they will be equally taken into consideration by the Federation 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 an allegation is made in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Council (and FWSS) will recognise the employee's concern and they will have nothing to fear.

However, if the allegation is made frivolously, maliciously or for personal gain, appropriate action will be taken that could include disciplinary action.

WHAT WILL THE FEDERATION DO?

Throughout the process of addressing the concern the employee can expect:

- The concern to be taken seriously
- to be given full support from senior management
- that the FWSS will do all it can to help the employee through the investigation
- to be notified of the case outcome if the employee wishes

The employee will receive feedback as much as is possible when the outcome is notified following the investigation of the 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 Federation or 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.

IF THE EMPLOYEE REMAINS DISSATISFIED

If the employee does not agree with either

- 1) the decision that their concern does not meet the “whistleblowing” criteria or
- 2) is dissatisfied with the investigation that has taken place or
- 3) the concern relates to a Headteacher/Head of BIS/ Executive Headteacher they can raise their concern with the Chair of Governors.

In the case of 1 or 2;

The Chair of Governors 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 an appropriate external official.

The Chair 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 duty of confidence to other parties who may be involved.

In the case of 3 the process will be as shown at the beginning of this policy document

IF MATTER NOT RESOLVED

If the employee remains dissatisfied, they can refer their concerns to the Director of Education.

The Director of Education will review progress to date, and direct on any further action and he 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.

Independent ADVICE

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.

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