

Pathways School

Whistleblowing Policy and Procedure

Policy Monitoring

Date of last review: September 2022

Reviewed by: Saima Ali Majid, Chair of Governors¹

Neil Jones, Headteacher

Date of next review: September 2023

¹ The Governors of Pathways School are the trustees of Positive Behaviour Support for Learning (registered charity no.1186125)

This policy will be reviewed at least annually and following any concerns and/or updates to national/local guidance or procedure.

1. Introduction

In line with the London Child Protection Procedures, Pathways School operates a Whistle Blowing Policy. The purpose of this document is to assist all staff to 'whistle-blow' if they have concerns about any adult in the school setting, whether paid or voluntary.

This policy and the following procedures apply to all paid staff, volunteers and governors working with or in Pathways School.

2. Legislation

- Public Interest Disclosure Act 1998.
- Police Reform Act 2002
- Employment Rights Act 1996
- Management of Health and Safety at Work Regulations 1999
- Public Interest Disclosure Act 1998
- Public Interest Disclosure (Compensation) Order 1999
- Public Interest Disclosure (Prescribed Persons) Order 1999
- The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2010
- Enterprise and Regulatory Reform Act 2013
- Working Together to Safeguard Children 2015 (Rev Feb 2017)
- Keeping Children Safe in Education 2021

3. Links to other school policies and practices

- Safeguarding and Child Protection Policy
- Safeguarding Adults at Risk Policy

4. Definition

Whistleblowing is specific and means a disclosure of information made by a worker or an external person or body where they reasonably believe that one or more of the following matters is happening now, took place in the past or is likely to happen in the future:

- a criminal offence.

- a failure to comply with a legal obligation (e.g., breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, malpractice, or breach of a code of conduct).
- a miscarriage of justice.
- a danger to the health and safety of any individual
- covering up or ignoring a safeguarding concern about abuse or suspected abuse
- a deliberate concealment of information tending to show any of the above
- concerns regarding extremism and radicalisation of a learner/student or employee/volunteer

5. Principles

All staff should be aware of this policy and feel confident to voice concerns about the attitudes or actions of current colleagues or staff and volunteers or those who have left or no longer work at the school; this includes contact and actions using mobile phones, internet, email, and chat, if a member of staff believes a colleague has:

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child, or children, or another adult in a way that indicates they are unsuitable to work with children.
- For historic allegations relating to staff or volunteers who have left or no longer work at the school contact Harrow Children's Access Team Golden Number 020 8901 2690 (Out of hours 020 842 0999) The school will support the LADO in gathering relevant information and evidence.
- If a member of staff is worried about the conduct of the Headteacher, or they believe that a reported allegation or concern is not being dealt with properly they should report the matter to the LADO Rosalind South 07871 987254 and to the Chair of Governors Saima Ali 07814 259954

For confidential advice on how to raise a concern about malpractice at work; visit 'Public Concern at Work' www.pcaw.co.uk.

Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that to speak up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report something which after all, may just be a suspicion of malpractice. Pathways School is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment, we expect and encourage employees, and others whom we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns.

It is recognised that most cases will have to proceed on a confidential basis (i.e., between the employee voicing the concern and the person to whom the concern is voiced). This policy document makes it clear that you can do so without fear of victimisation, reprisal, subsequent discrimination, or disadvantage.

This Whistle Blowing policy is intended to encourage and enable employees and others to raise concerns within Pathways School rather than overlooking a problem or 'blowing the whistle' outside, in line with the Public Interest Disclosure Act 1998 (Whistle Blowing).

The whistle blowing policy applies to all employees at Pathways School (permanent, temporary, casual,), contractors and those in partnership roles working for the school-on-school premises, for example volunteers, agency staff, contractors, etc. It also covers historic allegations of staff and volunteers who no longer work at the school.

The procedure is designed to enable employees to notify the Headteacher/Chair of Governors of any reasonable suspicion of illegal or improper conduct. It is a procedure in which the Headteacher/Chair of Governors will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure. Concern about a colleague's professional capability should not be dealt with using this procedure. This whistle blowing policy does not apply to students. Where applicable, employees are responsible for making students aware of the existence of the school's complaints procedure and other appropriate reporting procedures. Where the concerns are about child protection or safeguarding children or young people, Pathways School's Safeguarding and Child Protection Policy must be followed.

6. Roles and Responsibilities

6.1 Headteacher

- The Headteacher, or where the complaint is about the Headteacher, the Chair of Governors, is expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.
- Where concerns are raised with outside agencies, the Headteacher will fully cooperate with any resulting investigation(s).
- The Headteacher will make every effort to meet any request of anonymity where possible
- The Headteacher, where possible, should inform the complainant of the outcome of the investigation.

6.2 Staff

- All employees are expected to bring to the attention of the Headteacher/ Chair of Governors any serious impropriety or breach of procedure.

- All employees who report concerns under the whistle blowing procedure must be prepared to justify and support their claim in writing
- If another member of staff (other than the Headteacher/ Chair of Governors) is approached by a colleague on a matter of concern as defined in this document, he/she should be advised to take the matter to the Headteacher/ Chair of Governors
- Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate.

Employees 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.

They include when someone reports:

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

7. Context

This procedure is not designed to replace or be used as an alternative to Pathways Schools' grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Employees who are worried about wrongdoing at work do not necessarily have a personal grievance. Employees must act in the public interest and must have reasonable grounds for believing the information to be accurate. An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact the Headteacher/ Chair of Governors or Public Concern at Work (www.pcaw.co.uk) for advice.

Pathways School is committed to good practice and high standards and wants to be supportive of employees. The school recognises that the decision to report a concern can be a difficult one to make. If you have a reasonable belief that what you are saying is true, you will have nothing to fear. The school will not tolerate any harassment or victimisation (including informal pressures) upon you because of making a disclosure in accordance with this policy and will take appropriate action to protect you when you raise a concern in the public interest. The school in the event of reprisals or victimisation against you because you have acted in accordance with this policy, will consider and may take disciplinary action against the employee responsible for such victimisation and/or reprisal.

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

8. Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made, anonymously, the concern will be considered at the discretion of the school. In exercising this discretion, the factors to be considered would include:

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources

9. Untrue Allegations

If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation that is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

A whistle-blower is entitled to be accompanied by a relevant accredited union representative (if any) or a work colleague throughout the procedure when reporting your concerns

10. How to raise a concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

10.1 Procedure for responding to a whistle-blowing concern

The person who received the concern will investigate (or delegate to an appropriate individual or third party if appropriate) your concern/s as follows:

- If appropriate, arrange an initial interview with the whistle-blower normally within two weeks of complaint to ascertain area/s of concern. This interview will remain confidential if requested.
- The notes taken during the interview will be sent to the whistle-blower to approve as an accurate record of what was discussed.
- They will be asked whether they want their identity to be disclosed and will be reassured about protection from possible victimisation or possible reprisals.
- They will be asked if they are prepared to make a verbal or written statement (if they have not already done so).

The Headteacher or an external person or body as appropriate, will then conduct further investigations. The investigation may be conducted by the auditors, for example in the case of financial irregularity or suspected fraud. They will aim to complete the investigation within seven working days although in serious or complicated cases, this may not be possible.

The person against whom the disclosure is made will normally be told at an early stage, provided with supporting evidence, and allowed to respond. However, it may be necessary to conduct the investigation in confidence (i.e., without informing the subject of your allegation/s) until (or if) it becomes necessary to do so. Alternatively, depending on the nature and seriousness of the complaint, the person/s against whom the allegation/s is made may be suspended while investigations are undertaken.

10.2 Raising Concerns against the Headteacher

Where the issue concerns your Headteacher or, having made the report, there is a belief that he/she has failed to take appropriate action, they should bring it to the attention of the Chair of Governors. Depending on the nature of the concern the complainant will be asked to justify and support their claim.

In all cases, the complainant will be asked to do this in writing. It will, therefore, be helpful to note down any facts and dates as they happen

10.3 Escalating concerns beyond the governors

The governors encourage staff to raise their concerns internally but recognise that staff may feel the need to report concerns to an external body. For advice contact Protect Advice Line: 020 3117 2520

11. Outcome of the Investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, governors and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

12. Financial Whistleblowing

Financial regulations require any employee who suspects fraud, corruption, or other financial irregularity to ensure this is reported to the schools' auditor for possible investigation. Normally you must first report any suspicion of such irregularities to the Headteacher.

Employees who want to use the procedure but feel uneasy about it may wish to consult their trade union initially and bring a colleague or trade union representative along to any discussions, so long as the third party is independent of the issue. The earlier and more open the expression of concern the easier it will be to take appropriate action

Where anonymity is requested, efforts will be made to meet the request where appropriate but that might not always be possible. Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.