# Whistleblowing Policy

# St Luke's Primary School

*'Love God. Love your neighbour as yourself: be the Good Samaritan. Luke 10:25-37*

Schools HR

# Model Whistleblowing Procedure



January 2020

ISLINGTON

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The policy was adopted by the governing body of St Luke's and Moreland schools on 15th October 2020.
Reviewed 14th October 2021
Reviewed 13th October 2022
Reviewed 12th October 2023
Reviewed 10th October 2024
Reviewed 18th November 2025

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## 1. Purpose

1.1 The Procedure is designed to enable all employees to notify the Headteacher, Chair of Governors and the Council Whistle Blowing Officer (CWBO) of any reasonable suspicion of illegal or improper conduct that is made in the public interest and which would not normally be revealed due to fears of victimisation or retribution. This Procedure sets out the way in which individuals may raise a protected disclosure and how those disclosures will be dealt with.

1.2 This policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 which offer protection to employees who "blow the whistle" on their employer by making a qualifying disclosure. A disclosure is not protected unless the employee reasonably believes that the disclosure is made in the public interest.

1.3 The Procedure aims to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns of malpractice
- provide avenues to raise those concerns and receive feedback on any action taken
- ensure that employees receive a response to their concerns and are aware of how to pursue them if they are not satisfied
- reassure employees that they will be protected from possible reprisals or victimisation if the disclosure is a qualifying disclosure.

## 2. Application of the policy

2.1 The Procedure can be used by any person who works or who has worked for the school. There is a separate procedure for pupils and parents to raise concerns about school related issues.

2.2 Whistleblowing occurs when a concern is raised about danger or illegality that affects others. The person ‘blowing the whistle’ will not necessarily be directly affected by the danger or illegality. Consequently, the whistle blower is not likely to have a personal interest in the outcome of any investigation into the concern(s). This is different from a complaint or grievance where the complainant is alleging that they have been personally poorly or unfairly treated.

2.3 The Procedure is not intended to 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 and/or their trade union representative, or if necessary be pursued using the School’s Grievance Procedure.

2.4 In order for a disclosure to be protected under the Procedure, it must be made in the public interest.

2.5 Any concerns that employees have about any aspect of service provision or the conduct of employees, governors or others acting on behalf of the school can be reported under the Whistleblowing Procedure and must relate 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
- a significant breach of child protection and/or safeguarding policy and procedures
- any conduct which may damage the school’s reputation
- a deliberate attempt to conceal to any of the above

2.6 In practice, as well as relating to the points outlined in 2.5, the disclosure could be about:

- something that makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the school or Islington Council subscribes to; or
- something that is against the school's or Islington Council's procedures, rules and policies; or
- something that falls below established standards of practice; or
- something that amounts to improper conduct; or
- the unauthorised use of public funds; or
- fraud and corruption; or
- a significant breach of child protection and/or safeguarding policy and procedures
- homophobic, racial, religious, sexual or physical abuse of children, staff, governors, or other users or
- conduct which is an offence or a breach of the law;
- disclosures related to actual or potential miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- other unethical conduct;

2.7 Other parties may have a role within the Procedure including: Islington Council's Whistleblowing Officer (CWBO), the Local Authority Designated Officer (LADO) for concerns relating to Child Protection, the Health and Safety Manager as well as outside organisations such as Public Concern at Work (and diocesan officers in the case of a church school). Specific roles and responsibilities are outlined in Appendix A.

**Matters outside the scope of the procedure**

2.8 Statutory whistleblowing protections do **not** normally cover day to day issues relating to an employee's terms and conditions of employment or a complaint about another employee, these can usually be referred to their line manager, or if necessary be pursued using the school Grievance Procedure.

**Note:** Employees generally do not receive statutory protection as a whistle blower when they complain merely about breaches of their own employment contract. A protected whistleblowing disclosure should have a public interest aspect to it. A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the school Grievance Procedure, not the Whistleblowing Procedure. If employees are unsure about whether or not their concern raises a public interest matter, they may find it useful to seek further guidance.

2.9 There are other matters that may attract statutory whistleblowing protection, but nonetheless should be reported using other school procedures:

- Matters that would normally be dealt with by the council's collective bargaining arrangements with its recognised trade unions.
- Matters relating to child abuse which should be reported to the Headteacher or the schools' Designated Safeguarding Lead (DSL).
- Matters relating to the protection of vulnerable adults. Further information is available on the Islington Council website: https://www.islington.gov.uk/social-care-health/adult-abuse-or-neglect. You can also make a referral at: dolsoffice@islington.gov.uk or in an emergency telephone 0207 527 3828.
- For referral outside office hours in relation of child abuse or the protection of vulnerable adults contact the Emergency Duty Team on 020 7226 0992.
- Allegations which you would normally make to Internal Audit concerning fraud or financial irregularity which should continue to be made direct to Internal Audit by calling 0207 527 4873 or email: internal.audit@islington.gov.uk
- Matters relating to modern slavery should be raised as under paragraph 4 below.

- Complaints from parents and the public that relate to standards should be reported through the schools' Complaints procedure.

## 3. Key principles

3.1 The Procedure is designed to support the governors' and senior school leaders' commitment to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment it is expected that staff will report any serious concerns they might have about any aspect of the school's work or colleagues.

3.2 All staff have a professional duty to pass on any concerns involving the safeguarding or protection of children to someone who can deal with it. This will include concerns about fellow professionals, or anyone who works with or comes into contact with, children. These have to be dealt with in accordance with local child protection procedures.

3.3 A key commitment is that staff will be able to express their concerns without fear of being victimised or penalised in any way. The Procedure aims to encourage and enable staff to raise concerns internally, rather than ignoring the problem or taking it outside the organisation.

3.4 A whistle blower will not be victimised for raising a matter under this procedure. Victimisation of a whistle blower for raising a qualified disclosure will be a disciplinary offence.

## 4. The Whistleblowing Procedure

### 4.1. Stage 1: Reporting concerns

4.1.1 Concerns should be raised with the Headteacher, or Deputy Headteacher or line manager as soon as any suspected malpractice becomes apparent. As the whistle blower would normally be a witness to events, and not a complainant, they do not need to wait for proof of malpractice before raising concerns.

4.1.2 If the whistle blower feels that they cannot raise the matter with their line manager (for example, if it is suspected that that person already knows about the malpractice, or appears to be ignoring it or where it is suspected that they may be involved), then the whistle blower will need to consider which of the following people may be the most appropriate:

- The Deputy Headteacher
- The Headteacher
- The Chair of Governors
- Council's Whistleblowing Officer, CWBO (see Appendix A)

4.1.3 All those receiving whistle blower reports must inform the Council's Whistleblowing Officer **within 24 hours**. The Council's Whistleblowing Officer will inform the Director of Schools and Young People's Services and Head of Schools HR (and diocesan officers in the case of a church school) as appropriate.

4.1.4 When reporting a concern the whistle blower should provide as much information and detail as possible. In particular you should provide the full names of the people involved, including the names of staff or contractors, dates of events and any relevant documentation.

4.1.5 Initial enquiries will be made by the line manager **within 3 days** to determine whether the concern falls within the scope of the Procedure and if so, whether an investigation is appropriate; the whistle blower will be kept informed of progress and action being taken. When making a decision the line manager will consider whether continuing with an investigation is in the public interest.

4.1.6 The person who receives the line manager's recommendations (Headteacher or Responsible Officer) must ensure that it is acted on fully unless there is a good reason for not doing so. If

there is a good reason for not acting on the recommendation, these must be reported to the next meeting of the Governing Body.

### 4.2. Stage 2: Investigation

4.2.1 If it is determined that an investigation is to be undertaken the next steps will include:

- An interview with the whistle blower **within 10 working days** of the initial concern being raised. The whistle blower can be accompanied at the interview by a trade union representative, a work place colleague;
- If the initial concerns were made verbally, then the whistle blower will be asked to provide a written statement;
- The whistle blower will receive a written acknowledgement of the report and be informed of the action being taken to investigate the concern;
- The whistle blower where possible will be kept informed of the progress and likely timescales of the investigation unless the investigating officer believes that there is a risk of the investigation being prejudiced;
- In some circumstances, the matter will be referred to an outside agency such as the police.

### 4.3. Stage 3: Conclusion of the investigation and subsequent actions

4.3.1 If the allegation is not proven or there is insufficient evidence on which to base a conclusion, the whistle blower will be advised accordingly.

4.3.2 In cases where action is necessary as a result of the allegation, a report will usually be sent to the Headteacher or the Chair of Governors, who will be responsible for implementing the recommendations in the report. The whistle blower will be advised when the investigation is complete but it may not always be possible to provide the details of the findings as this may be confidential.

4.3.3 If the investigation concerns inappropriate action by the Headteacher or Governors, the report will be sent direct to the Council's Whistleblowing Officer and to the Director of Schools and Young People's Services (and diocesan officers in the case of a church school.

### Other points to note

### 5. Confidentiality

5.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the whistle blower. However, in order to investigate the matter properly it is impossible to guarantee complete confidentiality.

5.2 Some cases are clearly so serious that police may have to be involved. In these cases it may be necessary to reveal the identity of individuals.

5.3 While these procedures are being carried out, all parties will need to agree that the issue will be kept confidential. The whistle blower's identity will be kept confidential unless they are happy to be named, or unless there are grounds to believe that they have acted maliciously. If there are no such grounds, the manager will only reveal the identity if:

- they have to do so by law;
- the information is already known;
- it is revealed in confidence to a qualified lawyer in order to get legal advice; or
- the whistle blower has to provide evidence at a disciplinary hearing or other proceedings.

## 6. Anonymous allegations

6.1 Whistle blowers are encouraged to give their name when raising concerns. From a practical perspective, anonymous allegations are likely to be more difficult to investigate, and protection against reprisals and feedback can be afforded only to identifiable individuals.

6.2 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. 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. The decision whether to investigate an anonymous allegation will be made by the Headteacher and/or the Chair of Governors and/or Council's Whistleblowing Officer.

## 7. Untrue allegations

7.1 If the allegation was considered to be made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual.

## 8. Dissatisfaction

8.1 If any member of staff is unhappy with the response, they can take the matter to a higher level or one of the organisations listed in this policy.

## 9. Modern Slavery

9.1 Modern slavery is the illegal exploitation of people for personal or commercial gain, often in conditions which the victim cannot escape. Islington is committed to ensuring that this exploitation does not occur in any of the Council's or Schools' activities and that staff and the public have the opportunity to report suspicions to the appropriate place.

9.2 Staff who suspect that modern slavery or human trafficking may be happening through any of the school or council's activities, particularly in service delivery via third parties, should contact the Council's Head of Internal Audit, Investigations and Risk Management immediately (Tel: 020 7974 2211).

9.3 More information and advice can be found on the government's website on modern slavery: https://www.gov.uk/government/collections/modern-slavery

## 10. Reporting outside the school and council

10.1 This procedure is intended to provide whistle blowers with an avenue within the school and council to raise concerns. The school hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the school and council following completion of the process set out above, the full list of bodies and people who you can make a disclosure to can be found by following the link below:

https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies

10.2 A report made externally, i.e. to the police, media or Member of Parliament, will only be protected and count as a qualifying disclosure under the legislation if the following apply:

- the report is in the public interest: if you honestly and reasonably believed the information and any allegation contained in it to be substantially true,
- the allegation has not been made for personal gain,
- the allegation has already been raised with the school and council, unless you reasonably believed you would be victimised or that there may be a cover-up or that the matter is exceptionally serious.

Also a disclosure is not a qualifying disclosure if:

- by making the disclosure, you have committed an offence (e.g. under the Official Secrets Act 1989), or
- the information should be protected from disclosure because of legal professional privilege (e.g. the disclosure has been made by a legal adviser (or their secretary) who has acquired the information in the course of providing legal advice).

**Appendix A: Sources of advice and support**

Staff can receive advice from a relevant professional in the school and Islington Council before making a report under this procedure. For Islington Council, this will include:

- Islington Council Whistleblowing Officer, CWBO (0207 527 4873)
- Local Authority Designated Officer, LADO (020 7527 8066)
- Health & Safety Manager (020 7527 5971)
- Head of Schools' Human Resources (020 7527 5677)
- Diocesan officers (in the case of a church school).

Employees who suspect fraud, corruption or other financial irregularities should ensure this is reported to the CWBO for possible investigation. Normally, the employee would first report any suspicion of such irregularity to their headteacher who will in turn report it to the CWBO. In most cases this will be done through the line management structure. Exceptionally, if employees believe the matter cannot be resolved in this way, they should report it direct to the CWBO.

Employees who have concerns which relate to Child Protection should ensure this is reported to the LADO for possible investigation. Normally, the employee would first report any suspicion of such irregularity to their headteacher who will in turn report it to the LADO. In most cases this will be done through the line management structure. Exceptionally, if employees believe the matter cannot be resolved in this way, they should report it direct to the LADO.

For a full list of bodies and person who you can make a disclosure to see:
https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies

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

You may also contact the following organisations outside the council for assistance with your concern:

- Audit Commission Public Interest Disclosure Act Hotline Tel: 020 7630 1019

- Public Concern at Work, now known as Protect Tel: 020 3117 2520 or visit their website: http://www.pcaw.org.uk/

- For additional support you can contact the Employee Assistance Programme (EAP)

  Phone: 0800 243 458
  Website: http://www.workplaceoptions.co.uk/member-login.asp

  Client ID: islington
  Password: employee

- The National Society for the Prevention of Cruelty to Children (NSPCC) has a national whistleblowing helpline for employees wishing to raise concerns about a child at risk of abuse.

  You can find more information on this NSPCC whistleblowing helpline on their official website at: https://www.nspcc.org.uk

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To obtain more information on the **Model Whistleblowing Procedure**, please contact:


020 7527 5677

alan.grant@islington.gov.uk


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