**EASTLEA COMMUNITY SCHOOL WHISTLEBLOWING POLICY**

1. **AIMS**

Since April 2002, The Fair Funding Regulations required all LA to set out a procedure to be followed by all persons working at a school, including teachers, support workers, agency workers or school governors, on how such complaints should be dealt with.

The staff and governors of Eastlea Community School (ECS) seek to run all aspects of school business and activity with full regard for high 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, ECS has established the following Whistleblowing Policy, which 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*.*

ECS is committed to tackling fraud and other forms of malpractice and treats these issues seriously. ECS recognises that some concerns may be extremely sensitive and has therefore developed a system that 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.

ECS 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 that would be dealt with under the ECS grievance procedures.

ECS is committed to the highest possible standards of openness, probity and accountability and aims to comply with the requirements of the Public Interest Disclosure Act, 1998.

1. **SCOPE**

The Act provides protection for workers who disclose information which might otherwise be regarded as confidential, if the disclosure falls into one of the categories outlined below:

1. A criminal offence has been, is being or is about to be committed.
2. The employee has failed, is failing, or is about to fail to comply with his legal obligations.
3. A miscarriage of justice has happened, is happening, or is likely to happen.
4. An individual’s health and safety has been, or is likely to adversely affected.
5. The environment is, has been, or is likely to be, damaged.
6. Information falling into any of the above categories has been, is being or is likely to be deliberately concealed.

By adopting this policy the school is reassuring the workforce that they can safely raise concerns about malpractice internally. This will enable the school to investigate and deal with such concerns raised and continue to foster a responsible and accountable culture in the organisation.

1. **WHEN MIGHT THE WHISTLEBLOWING POLICY APPLY?**

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

1. Manipulation of accounting records and finances.
2. Inappropriate use of school assets or funds.
3. Decision-making for personal gain.
4. Any criminal activity.
5. Abuse of position.
6. Fraud and deceit.
7. Serious breaches of school procedures which may advantage a particular party(for example tampering with tender documentation, failure to register a personal interest).

Staff and governors are expected to notify the school of any reasonable and genuine concerns they have about an abuse of the school’s stated standards, malpractice, theft, fraud, financial abuse, criminal offences, breach of legal obligations, dereliction of the school’s health and safety responsibilities, damage to the environment, other unethical conduct or the cover up of any of these.

It is recognised that some cases raised under the Whistleblowing Policy will proceed on a confidential basis. Every effort will be made not to reveal the identity of the individual who raises a concern without their prior consent.

The policy is not designed to replace the Grievance, Disciplinary of Child Protection Procedures. Concerns or allegations that fall within the scope of specific procedures will normally be referred for consideration under those procedures.

The policy is only about employees and governors, and it is not a replacement for the school’s complaints procedures and other statutory reporting procedures that may apply. The Whistleblowing Policy is primarily to protect the interests of others or of the organisation.

It is accepted that there may be occasions when a concern turns out to be unfounded but was raised in good faith. The school will not take action against the individual in these circumstances. If, an allegation was unfounded and it was clear that it had been raised frivolously, maliciously or for personal gain, then that individual may face disciplinary action.

The school and its governors are committed to treating claims of impropriety seriously irrespective of who alleged perpetrators are. In all cases the school will seek the most appropriate sanction against individuals that it considers guilty of malpractice. This includes dismissing employees, taking civil action and, in conjunction with the law enforcement agencies, instating criminal proceedings.

The aim of the Whistleblowing Policy is to enable employees to raise their concerns in-house and to be assured that action will be taken quickly and effectively. It should not be necessary, in most cases, to take concerns outside the school and especially to the media. Staff have a duty of confidentiality towards the school. It is a serious matter to disclose confidential information.

1. **HOW THE SCHOOL WILL HANDLE CONCERNS RAISED**

# ***Step One – How To Raise A Concern***

There are a number of agreed contacts for employees to raise concerns with under the Whistleblowing Policy. This enables the employee to choose the person to whom they wish to make the disclosure.

Employees who have a concern about any wrongdoing should normally raise their concerns with their line manager. If however you feel unable to raise the matter with your line manager, for good reasons, you may raise the concern with the Principal or another senior member of school staff. If you feel unable to raise your concern with any member of the school management you may raise it with a senior officer of the LA i.e. Head of Schools Traded Services, Children and Young People's Services, London Borough of Newham, Newham Dockside, 1000 Dockside Road, London E16 2QU.

Concerns may be raised orally or in writing. Make it clear if you want to raise the matter in confidence. The person with whom you raised the concern may have a preliminary meeting with you to discuss the most appropriate route. You may bring a friend/union representative to any meeting that is arranged in connection with the concern that you have raised as long as the friend/union representative is not involved in the matter and that the friend agrees to maintain confidentiality.

If you are raising concerns as a school governor you should speak to the chair of governors. If you feel unable to raise the matter with them for good reason, you should contact The Acting Executive Director , Children & Young People's Service, London Borough of Newham, 1st Floor, East Wing, Newham Dockside, 1000 Dockside Road, London E16 2QU with your complaints.

You are not expected to prove beyond doubt the truth of an allegation. However, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

The school hopes that this policy gives you the reassurance you would need to raise concerns internally. However, it recognises that there may be circumstances where progressing through the internal route has failed and you can only properly report your concern to external bodies who have responsibilities to monitor the school’s compliance to its own standards and legal obligations. In most cases the most appropriate body would be the school’s external auditors, Price Waterhouse Coopers, who can be contacted on **020 7804 2184**.

# ***Step Two – What Happens Once A Concern Has Been Raised?***

This appointed person, while maintaining the confidentiality of the complainant, will ensure that any individual who is subject to the allegation is given details of the allegations in order to respond.

Once you have raised your concern, the person receiving the whistleblowing allegation will be responsible for ensuring that it is investigated properly. The nature of the investigation will depend on the concern raised.

The person receiving your whistleblowing concern is responsible for ensuring you receive feedback on progress, subject to any issues of confidentiality that may be necessary to guarantee a successful conclusion. It may not be possible to inform you of the precise action undertaken where this would infringe a duty of confidence owed by the school to another party.

**SAFEGUARDS**

The school recognises that the decision to report a concern can be a difficult one to make. The school will take appropriate action to safeguard any individual raising a concern from recrimination or victimisation as a result of raising a genuine concern.

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the individual if they so wish. However, in some circumstances they may be needed to come forward as a witness.

Individuals are encouraged to put their name to their concern wherever possible. Concerns expressed where the complainant wishes to remain anonymous are much less powerful but the school will consider anonymous concerns on a case-by-case basis.

1. **INDEPENDENT ADVICE AND HELPLINE**

If individuals are unsure whether to use the school’s Whistleblowing Policy, or want independent advice at any stage, they may contact the independent charity called Public Concern at Work. This organisation seeks to ensure that concerns about serious malpractice are properly raised and addressed in the workplace. The staff will give free expert and confidential advice about how to raise a concern about serious malpractice at work using a Whistleblowing Policy. The contact number is: **Public Concern at Work on 020 7404 6609**.

The Trade Unions encourage their members to contact them for advice before they take action in accordance with the policy.

The act of seeking confidential advice as stated in the above two paragraphs is solely a matter between the parties concerned and could not itself be grounds for disciplinary action.

1. **RESPONSIBLE BODIES AND MONITORING ARRANGEMENTS**

The Governing Body has overall responsibility for the policy.

The Principal is responsible for the implementation of the policy within the school and the overall maintenance of a record of concerns raised in accordance with this policy and the outcomes.

The LA is responsible for the operation of the policy and records outside the school.

All staff will be advised of this policy and where to access it.

This policy was devised in consultation with the Trade Unions and will be reviewed similarly.