



**ROBSON HOUSE**

# Whistleblowing Policy

Policy Owner	Robson House
Approving Body	Management Committee
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## **1 Policy Statement**

Part IV of the Employment Rights Act 1996 (ERA 1996) inserted by the Public Interest Disclosure Act 1998 (PIDA) provides a framework of protection against detriment or dismissal in connection with 'blowing the whistle' on illegal practices in the workplace.

Robson House is committed to the highest standards of openness, probity and accountability. In line with this commitment Robson House encourages individuals with serious concerns about an activity in Robson House to voice those concerns. This also applies to concerns about the actions of employees, members of the leadership team, members of the Management Committee and external organisations in their dealings with Robson House.

This document outlines how issues can be raised internally, and if necessary, outside the management structure of Robson House. It records our assurance that concerns will be seriously considered and appropriate action taken; and further that anyone who raises these concerns will be protected from reprisals or victimisation.

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide staff with guidance as to how to raise those concerns.
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

It should be noted that any clause within a worker's contract of employment is void if it attempts to prevent an individual from making a protected disclosure under the Act. This policy does not remove or diminish the existing contractual or statutory rights of employees.

## **2 Scope**

This policy applies to all employees of Robson House. However, the Act also covers those contractors working for Robson House on its premises. It also covers suppliers and those providing services under a contract with Robson House in their own premises. Consultants, casual workers and agency workers are also covered. The term 'individual' used throughout this document is used to include all the above.

## **3 Principles**

This policy is intended to cover concerns that fall outside the scope of individual grievances and relates to both employees and workers.

This policy is in addition to Robson House's complaints procedure and other statutory reporting procedures, and seeks to encourage individuals to raise concerns internally within the organisation.

If an individual is unsure whether or not to use protected disclosure provisions, or if an individual needs independent advice at any stage, he/she can contact Public

Concern at Work which is an independent charity which can give free confidential advice at any stage on how to raise a concern about serious malpractice at work. Please refer to Appendix 1 for further details.

#### **4 What is Whistleblowing?**

A 'qualifying disclosure' or whistleblowing is any disclosure of information that is made in the public interest and, in the reasonable belief of the individual, relates to suspected wrongdoing or dangers at work which is either happening at the present time, took place in the past or is likely to happen in the future. This may include:

- a criminal offence e.g. manipulation of accounting records and finances, or inappropriate use of school assets or funds
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation; or
- the deliberate concealment of any of the above matters

#### **5 Grievances**

There is an existing School policy and procedure in place to enable staff to raise grievances about their own employment. In these cases, Robson House's grievance procedure should be used instead of the whistleblowing procedure.

An individual does not have to raise a grievance in order to make a 'protected disclosure. However, if the individual intends to raise the matter as a grievance, this intention must be clearly stated.

#### **6 Protection and Support for Whistleblowers**

In making the disclosure in the public interest, an individual must have a reasonable belief that the information disclosed shows one or more of the offences or breaches listed above. The belief need not be correct, but the individual must show that they held the belief and that it was a reasonable belief, in the circumstances, at the time of the disclosure.

Individuals are encouraged to come forward with genuine concerns in the knowledge that they will be taken seriously (even if they turn out to be mistaken). Robson House recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice. As far as possible Robson House will seek to respect the confidentiality and anonymity of the individual raising the concern and will seek to protect him/her from reprisals. In this regard, Robson House will not tolerate any detrimental treatment of the individual who has raised the concerns, nor will any attempt to prevent individuals from raising concerns be acceptable. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavorable treatment connected with raising a concern.

If someone believes that they have suffered any such treatment, they should report this immediately. If the matter is not remedied they should raise it formally using Robson House's Grievance Procedure or Complaints Procedure as appropriate. Threats or retaliation against whistleblowers will not be tolerated. Any person involved in such conduct may be subject to disciplinary action.

## 7 Confidentiality

When an individual raises a concern but does not want their name to be disclosed, Robson House will do its best to protect his/her identity. However, if it is felt that a formal investigation process may be necessary, a statement may be required from the individual to form part of the evidence, otherwise it might not be possible to proceed with further action.

One of the aims of this policy is to encourage individuals to put their name, with confidence, to any allegation whenever possible. Robson House does not encourage individuals to make disclosures anonymously. Proper investigation may be more difficult or impossible if it cannot obtain further information from them. Concerns expressed anonymously are much less credible, but they may be considered at Robson House's discretion.

When considering anonymous allegations, a number of factors would be taken into account and may include:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of being able to confirm that the allegation is from identifiable sources; or
- the ability to trace the source of unfounded or malicious allegations.

## 8 Raising a concern with Robson House

As a first step, an individual should normally raise the concern with their immediate manager. Some concerns may be resolved by agreed action without the need for investigation. Alternatively, if urgent action is required, this will be taken before any investigation commences, e.g. health and safety issues.

### **Reporting suspected fraud, irregularity, bribery and corruption**

If matter suspected relates to fraud, corruption or money laundering the individual must report this to the Executive Headteacher or, if not appropriate, to the Chair of the Management Committee, or to another nominated member of the Management Committee.

Alternatively if the whistleblower considers the matter too serious or sensitive to raise within the internal environment of Robson House, the matter should be directed to the appropriate specialist officer within Camden as follows:

- The Head of Internal Audit and Investigations for alleged financial malpractice or fraud or manipulation of school performance
- The Strategic HR Lead for Children Schools and Families for employment issues and concerns (incorporating Safer Recruitment matters).
- The Health and Safety Manager in respect of health and safety issues

Camden's Child Protection Co-ordinator should be contacted whenever there are concerns about child protection and safeguarding practice within Robson House; or alternatively concerns about the conduct of staff which do not appear to be being dealt with by Robson House.

## **9. Raising Concerns about Safeguarding Children**

Robson House fosters a culture of openness in line with the "freedom to speak up" review and will put in place strategies and procedures to ensure that staff feel enabled to raise concerns relating to the safeguarding of children or poor practice within Robson House that may cause a risk to children.

Robson House recognises that there may be circumstances where staff and pupils feel unable to raise concerns or incidents of malpractice within Robson House environment as there is reasonable doubt that these would be dealt with adequately.

All school's staff, members of the Management Committee and volunteers have a legal duty to raise concerns where they feel individuals Robson House is failing to safeguard and promote the welfare of children. Where it is not possible to raise concerns within Robson House, staff, members of the Management Committee and volunteers may report concerns to the following;

- Camden's lead officers for child protection or safeguarding where there are issues regarding the welfare of a pupil.
- Expolink: an impartial external organisation that provides staff with a confidential 'protected disclosure' service. You can contact Expolink on 0800 374199. Expolink should not be used to raise concerns about your personal position, instead you should use the grievance procedure.
- Ofsted's dedicated Whistleblowing Hotline on 0300 1233155, where there are issues regarding Robson House's overall procedures around safeguarding. It is staffed from 8am to 6pm, Monday to Friday.
- Robson House's Executive Headteacher is responsible for ensuring that these numbers are advertised on Robson House premises and made available to staff and pupils.

## **10. Investigation and Outcomes**

Robson House will take appropriate steps to have the concern investigated. This includes arranging a meeting with the individual as soon as possible to discuss the concern and taking down a written summary of it. The individual will be provided with a copy of this after the meeting and will also be given an indication about how Robson House proposes to deal with the matter.

The action taken by Robson House will be dependent on the nature of the concern. Robson House will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. If an allegation or concern falls within the scope of other specific procedures it will be referred for consideration under those procedures, e.g. the disciplinary or grievance procedure. As appropriate, Robson House will:

- consult with the Head of Internal Audit and Investigations for alleged financial malpractice or fraud cases; or
- consult Robson House's Health and Safety Service Advisor's on health and safety concerns reported to him/her for investigation; or
- consult with Robson House's HR Business Advisor on Code of Conduct concerns reported to him/her for investigation.

Where the concern or allegation is raised internally for investigation, the individual will be kept advised of progress and informed as to the investigation's likely timescale.

The investigator may make recommendations for change to enable Robson House to minimize the risk of future wrongdoing.

## **11 Raising Unfounded or Malicious Concerns**

If an allegation is made but is not confirmed by the investigation, no action will be taken against the individual raising the concern and Robson House will endeavour to protect the individual from reprisals or victimisation.

However, if an individual makes an allegation which – through the internal investigation process - is found to be malicious, mischievous or vexatious, or a disclosure made for personal gain, such actions will be considered as disciplinary offences and are likely to result in disciplinary action being taken against the individual.

Whistleblowers making untrue allegations may expose themselves to actions for libel or slander which together make up the civil wrong of defamation. This is a complex area of law. In essence a person puts themselves at risk of being sued for damages if, without justification, they publish or communicate a false statement about someone which may injure his or her reputation in the eyes of ordinary members of society.

However, a whistleblower will not generally be liable provided that they had a legal, moral or social duty or interest in making the statement to a person with a similar interest.

## **12 Dissatisfaction with a Response**

While Robson House cannot always guarantee the outcome the individual may be seeking, it will deal with the concern in a fair and appropriate way. If the individual is dissatisfied with the resolution of the matter, or has genuine concerns that the matter has not been dealt with appropriately, these concerns should initially be raised with the investigating officer.

Where the concern is of a particularly serious nature and the individual remains dissatisfied, the individual may feel that it is more appropriate to take the matter outside of Robson House. If an individual would like independent advice about how to raise serious concerns constructively, then he/she should contact Public Concern at Work.

There are a number of bodies which have been prescribed by the Secretary of State for the purpose of receiving disclosures. Further details can be found on the GOV.UK website: [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing).

The individual must believe that the information given and the allegations made are substantially true and ensure that they are not acting for personal gain.

If an individual does take the matter outside of Robson House, they must ensure that they do not disclose confidential information which is unrelated to the issue being raised.

In making a disclosure outside of Robson House to a prescribed body, individuals should be aware that the disclosure must be made to an appropriate prescribed person or organisation and the individual must believe that the information disclosed and any allegations made are true.

### **13 External Disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases the individual should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for the individual to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Robson House strongly encourages the individual to seek advice before reporting a concern to anyone external.

Nevertheless, the individual may wish to raise a concern with Robson House through the bodies cited by the Secretary of State for the purpose of receiving disclosures and referred to the preceding section or to the relevant officers within Camden cited in Section 8, for example if the concern involves the Executive Headteacher or a member of the Management Committee.

The investigating officer/s involved will treat this information confidentially and will take appropriate action to investigate the concerns or allegations made.

If an individual has not provided his/her name, he/she will be given the opportunity to contact the external body for an update. However, sometimes the need for confidentiality may prevent the sharing of specific details of the investigation or any disciplinary action taken as a result. Any information about the investigation should be treated as confidential.

### **14 Responsible Officer**

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy, who in this school is the Executive Headteacher. That person maintains a record of concerns raised and the outcomes and will report as necessary to Robson House.

The Whistleblowing Officer, who in this school is the Executive Headteacher, also has day-to-day operational responsibility for this policy, and must ensure that all



School Leaders and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Whistleblowing Officer should review this policy from a legal and operational perspective at least once a year.

All school staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. All staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Executive Headteacher.

## **15 Monitoring and Review**

This is Robson House's policy as at 2<sup>nd</sup> February 2018. This policy will be subject to periodic review in accordance with legislative changes and best practice and may be amended from time to time.

## Appendix 1

### Advice and Information

#### Public Concern at Work

Public Concern at Work is an independent organisation which can provide guidance and training to employers on whistleblowing and can also offer free advice to individual's unsure whether or how to raise a concern about workplace wrongdoing.

##### Telephone

Whistleblowing Advice Line: 020 7404 6609

General enquiries: 020 3117 2520

Fax: 020 7403 8823

##### Email

Advice line: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)

Media enquiries: [press@pcaw.org.uk](mailto:press@pcaw.org.uk)

Business support services: [services@pcaw.org.uk](mailto:services@pcaw.org.uk)

##### Address

CAN Mezzanine

7 - 14 Great Dover Street

London SE1 4YR

#### Advisory, Conciliation and Arbitration Service (ACAS)

ACAS operates a nationwide network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law. The service is available to any individual or organisation free of charge. Any worker who contacts ACAS will wish to bear in mind the distinction between seeking information about the provisions of the Public Interest Disclosure Act 1998, and the requirements attached to making a protected disclosure.

General Helpline number: 0300 123 1100

Helpline online: <http://www.acas.org.uk/index.aspx?articleid=4489>