



# Riverbank Primary School Whistleblowing Policy

Protecting children is one of our main purposes as an organisation. Our whistleblowing policy aims to ensure that all staff can raise any concerns they might have, that could negatively impact upon our children in any way.

## Introduction

Timeout is committed to the highest possible standards of openness, probity, and accountability in all its activities. It also expects a high standard of conduct and integrity from employees. Any employee who has a serious concern about any aspect of the company's work or the actions of any of its employees should voice their concerns through established internal channels, without fear of harassment or victimisation.

## Purpose

The purpose of the policy is to:

- Encourage employees to feel confident in raising concerns and to question and act upon their concerns.
- Provide avenues for employees to raise these concerns and receive feedback on any action taken.
- Allow employees to take the matter further if they are dissatisfied with the response.
- Reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with the procedure.
- To ensure that all children are protected in all areas by the stringent application of this policy.
- This policy applies to all employees including those working on a temporary or casual basis. This Policy is intended to cover qualifying disclosures made in the public interest by a worker who has reasonable belief that the below is being, has been, or is likely to be committed: All disclosures should be made in good faith.

## Procedure

Making a disclosure, the initial action:

The employee should first determine whether their concerns satisfy the requirements of a Qualifying Disclosure. As soon as an employee becomes reasonably concerned about a matter,



they should first raise the issue with their line manager (unless the disclosure concerns them), in which case the employee should contact the Director of Education, unless it concerns them and then it should be referred through to HR.

All managers have a responsibility to act on the concerns raised, in accordance with this procedure. Failure to do so in accordance with the policy and procedure may lead to disciplinary action.

Concerns may be raised verbally or in writing and should give the background, the nature of the malpractice that is alleged; relevant dates where possible; the reasons for the concern and the names of individuals against whom the allegations are made.

If the concern is raised verbally, then the person receiving the information should put this in writing and outline the matters raised, and this should be confirmed in writing to the employee. This should be done within ten working days.

Once a concern is raised, the receiving manager should report the matter to the Director of Education who will appoint an appropriate manager to investigate (the investigating manager”). This could be the receiving manager. The Director of Education will determine whether the matter constitutes a disclosure or whether it should be dealt with under another procedure, by which the employee will be informed of this. If the matter is dealt with under the Whistleblowing policy, then the employee will then be informed of the name of the investigating manager. If the matter relates to the Director of Education, HR will appoint the investigating manager. Due to the nature of the disclosure, the Director of Education may appoint an independent external investigator to investigate the matter. If the matter relates to the Director of Education, then decisions for proceeding will be made by HR. The receiving manager will then inform the employee in writing of the process to be followed.

Where appropriate, the receiving manager will also inform any employee against whom allegations are made of the allegations. This will normally be done in writing within ten working days. However, this may be delayed if it is likely to jeopardise the investigation.

## Handling a disclosure

The investigating manager will be responsible for deciding whether there are grounds for proceeding further with the case. Potential action that the investigating manager could take includes a clarification of the facts, a more formal investigation or the employee may be advised that the matter is better dealt with under another policy; please note that this list is not exhaustive.

Where appropriate, the matters raised may:

- Be investigated by the investigating manager or HR.
- Be referred to the police.
- Be referred to the external auditor.
- Form the subject of an independent inquiry by an outside body.



This will be determined by the investigating manager in conjunction with the Director of Education and the HR Manager.

Within four weeks of a concern being raised, the investigating manager will write to both parties:

- Indicating how Timeout proposes to deal with the matter, and where an internal investigation is to take place, giving an estimate of how long it will take to provide a full response.
- Indicating whether further investigations will take place and if not, why not. Appendix 1 provides details of the role of the investigating manager.

Any internal investigation should take no longer than six weeks to complete from the date of receipt of original disclosure. If an extension of time is required, notification will be given no later than 5 working days. As part of the investigation, the investigation manager will decide:

- Whether disciplinary action is to be taken against any employee.
- Whether changes should be recommended to school procedure.
- Whether any other action should be recommended.
- These will be detailed in a final report.

The investigating manager will send a copy of the final report, including recommendations, to the Director of Education who will consider the recommendations and determine what action, if any, to take. The investigating manager will also give a response in writing to the employee who made the disclosure as soon as possible after the completion of the investigation. This response will include the outcome of the investigation and what action, if any, is to be taken. Although precise details may not be given where there are legal constraints, or it would infringe a duty of confidence owed by us to someone else or where there are business reasons for not doing so.

The individual who is subject to the disclosure will also be informed of the outcome in writing and what action, if any, is to be taken as soon as possible after the completion of the investigation.

## **Appeal**

An employee who raises a concern and is not satisfied with the outcome or action proposed may appeal against the decision to a more senior manager within Timeout. An appeal should be made to the HR Manager within five days of receipt of the outcome letter.

The Director of Education will determine who should hear the appeal. The appeal should be completed within one month.

After the appeal process is exhausted, there is no further right of internal appeal. However, if the employee remains dissatisfied, they may raise the matter further by contacting an outside agency.



An employee who is subject to action arising from a whistleblowing disclosure will be able to make representations within five working days, to the Director of Education about the outcome of the report. The Director of Education will consider these representations and may direct further investigation or review as appropriate.

## Timescales

- 1) Written acknowledgement of disclosure made in writing or if received verbally, including an outline of process to be followed, within 10 working days. The person who receives the disclosure will be the receiving manager.
- 2) Confirm in writing to the person who has been complained of, that a disclosure has been received and that it is being considered. Outline the process to be followed which is within 10 working days.
- 3) Confirmation of whether the matter is to be investigated, and if so, how it will be investigated.
- 4) Letters sent to employee and person complained of within four weeks of receipt of disclosure. The person appointed to investigate is the investigating manager.
- 5) Written confirmation of the outcome of the investigation and action to be taken. Report sent to Director of Education with recommendations and determines what action to take.
- 6) Letters sent to employee and person complained of within six weeks of receipt of disclosure. The person appointed to investigate is the investigating manager.
- 7) Appeal against outcome of investigation within five working days from the receipt of the outcome. Employee who makes the disclosure.
- 8) Appeal carried out within one month of appeal. The manager appointed to hear the appeal.
- 9) Appeal to Proprietor within five working days from the receipt of outcome. Employee subject to the disclosure.

While the investigating officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than three months. In these circumstances all parties will be kept informed as to progress. The organisation will endeavor to ensure all stages are completed as swiftly as possible; whilst ensuring the process is thoroughly followed.

## Recording and monitoring

The HR team will maintain a register containing all concerns that are brought to the organisations attention. These will be reported on a quarterly basis to the proprietor.

All records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 1998. Individuals will have the right to request and have access to certain personal data. Employees will be given copies of meeting records, although some



information may be withheld to protect a third party.

## Resources

### APPENDIX 1

#### The role of the investigating manager

The investigating manager will have the following responsibilities:

- Arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by their trade union representative or work colleague.
- Establish the facts, obtain statements, collect documentary evidence.
- Maintain detailed records of the investigation process.
- Make any recommendations for action to be submitted to a more Senior Manager.

The investigating manager will have the following responsibilities towards the employee who raised the disclosure:

- Hold a formal meeting with the employee making the complaint to discuss the matter.
- Inform them of their right to be accompanied at any interview by their trade union representative or work colleague.
- Keep the employee up to date with progress on the matter and agree timescales for action.
- Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview.
- Give details of employee support mechanisms available.

The investigating manager will have the following responsibilities towards the employee against whom the disclosure is raised:

- Inform the individual/individuals about whom the disclosure is made in writing of the disclosure, the seriousness of the allegations, and provide any supporting evidence.
- Advise in writing of the procedure to be followed.
- Give the person the opportunity to respond in person and in writing to the claims made and receive and consider any relevant evidence.
- Inform them of their right to be accompanied at any interview by a trade union representative or work colleague.
- Give details of employee support mechanisms available.



- The investigating manager may also be required to act as a witness at any subsequent disciplinary hearing if required.
- Where necessary Timeout will provide support, counselling, or mediation to any team subject to investigation to ensure normal working relationships are resumed as effectively as possible.

The manager appointed to hear an appeal will have the following responsibilities:

- Hold appeal meeting with employee who made the disclosure.
- Ensure all parties are informed of their right to be accompanied at any meetings by a trade union representative/work colleague.
- Review the investigation report/procedure followed and findings.
- Decide whether to uphold the appeal or not.
- Initiate a new investigation if necessary.
- Report the appeal findings in writing to the principal, if applicable.
- Communicate outcome in writing to the employee making the disclosure and the employee against whom the disclosure is made.