

# CONFIDENTIAL REPORTING CODE FOR EMPLOYEES (WHISTLEBLOWING POLICY)



## 1. INTRODUCTION

- 1.1 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 speaking 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 what may just be a suspicion of malpractice.
- 1.2 The school is committed to the highest possible standards of openness, probity and accountability. In line with Best Value principles the school is also committed to improving the performance of all its functions. The school expects its employees, and its Contractors' employees, who have serious concerns about any aspect of the school's work to raise those concerns. The school accepts that employees may prefer to do this in a confidential way that avoids any public disclosure of their identity.
- 1.3 This Code makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. The Code is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or reporting it outside. In April 2011, the Equality Act 2010 was introduced. This Act ensures discriminations (direct and indirect), harassment and victimisation are challenged to ensure equality. This policy is written and reviewed in light of this Act to ensure the school is fulfilling its statutory duty.
- 1.4 The Code applies to all employees of the school and to persons employed by bodies in a contractual relationship with the school undertaking school functions or providing goods or services to the school.

## 2. AIMS AND SCOPE

- 2.1 As an employee of the school this Code aims to:
- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
  - Provide a way for you to raise those concerns and to be told of any action taken.
  - Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
  - Reassure you that you will be protected from possible reprisal or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- 2.2 This Code is intended to deal with concerns not coming within the Employee Complaints Procedure, for example:
- Conduct which is an offence or a breach of law.
  - Disclosures relating to miscarriages of justice.
  - Health and safety risks, including risks to the public as well as other employees.
  - Damage to the environment.
  - The unauthorised use of public funds.
  - Possible fraud and corruption.
  - Sexual or physical abuse of pupils in our care.
  - Other unethical conduct.
- 2.3 Any serious concerns you have about any aspect of service provision, the conduct of employees or members of the school, or others acting on behalf of the school can be reported under this Code. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the school subscribes to.
- Is against the school's Standing Orders or policies.
- Falls below established standards of practice, or
- Amounts to improper conduct.

### **3. SAFEGUARDS**

#### **3.1 Harassment or Victimisation**

**3.2** The school is committed to good practice and high standards and wants to be supportive of employees.

**3.3** The school recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

**3.4** The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

### **4. CONFIDENTIALITY**

**4.1** A concern reported under this Code will be treated confidentially. Unless you agree, your identity will not be disclosed by the school in dealing with your concern within this Code. In the event of a concern disclosing alleged criminal activity, you may be asked to help the police or other appropriate enforcement agency. In the event of disciplinary action taken by the school you may be asked to give evidence under the disciplinary procedure.

### **5. ANONYMOUS ALLEGATIONS**

**5.1** This Code encourages you to put your name to your allegations whenever possible.

**5.2** Concerns expressed anonymously will be considered at the discretion of the school.

**5.3** In exercising this discretion the factors to be taken into account include:

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

### **6. UNTRUE ALLEGATIONS**

**6.1** If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### **7. HOW TO RAISE A CONCERN**

**7.1** As a first step, you should normally raise concerns with your immediate manager or their supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that senior management are involved, you should approach the Chief Executive, Finance Director, Monitoring Officer or Internal Audit.

- 7.2** Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
- The background and history of the concern (giving relevant dates).
  - The reason why you are particularly concerned about the situation.
- 7.3** The earlier you express the concern the easier it is to take action.
- 7.4** Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5** Advice/guidance on how to pursue matters of concern may be obtained from the Governors
- 7.6** You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.7** You may invite your trade union representative, or a work colleague, to be present during any meetings or interviews in connection with the concerns you have raised.

## **8. HOW THE SCHOOL WILL RESPOND**

- 8.1** The school will respond to your concerns.
- 8.2** Initially all concerns raised under this Code will be referred to the Legal and Democratic Services Director, the school's Monitoring Officer, who will determine whether the matters raised should:
- Be investigated by management, Internal Audit, or through the disciplinary process.
  - Be referred to the police.
  - Be referred to the external auditor.
  - Form the subject of an independent inquiry.
- 8.3** In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.
- 8.4** Some concerns may be resolved by school action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5** Within ten working days of a concern being referred to the Legal and Democratic Services Director, s/he will write to you:
- Acknowledging that the concern has been received.
  - Indicating how the matter is to be dealt with.
  - Giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made.
  - Telling you whether further investigations will take place and if not, why not.
- 8.6** The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school will seek further information from you.

- 8.7** Where any meeting is arranged, off-site if you so wish, your trade union representative or a work colleague can accompany you.
- 8.8** The school will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the school will arrange for you to receive advice about the procedure.
- 8.9** The school accepts that you need to be assured that the matter has been properly addressed. The Legal and Democratic Services Director, subject to any legal constraints, will inform you of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

- 9.1** The Legal and Democratic Services Director, The Council's Monitoring Officer, has overall responsibility for the implementation of this Code. That officer maintains a record of concerns raised and the outcome and will report to the Standards Committee of the school on the operation of this Code.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

- 10.1** This Code is intended to provide you with a way within the school to raise concerns. The school hopes you will be satisfied with any actions taken. If you are not, and if you feel it is right to take the matter outside the school, the following are possible contact points:

- The school's external auditor
- The Audit Commission (confidential reporting for suspected fraud)
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police

- 10.2** If you do take the matter outside the school, you should ensure that you do not disclose confidential information to any person who is not authorised to receive it.

- 10.3** An untrue allegation that a person has committed a criminal offence may be defamatory. Concerns raised within the school under this Code will normally be protected by qualified privilege as a defence to defamation proceedings unless made maliciously.

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