

	<b>POLICY TITLE:</b>	<b>Raising Concerns at Work (Whistle Blowing)</b>
<b>Kingsmead Academy T/A Kingsmead School</b>		
<b>Committee/Person Responsible for Policy:</b>		Headteacher Finance, Strategy & Personnel sub-committee
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<b>Associated Policies:</b>		Disciplinary Procedure Child Protection Complaints Code of Conduct for Staff Health & Safety Grievance Procedure

## **RAISING CONCERNS AT WORK (“WHISTLEBLOWING”) CONFIDENTIAL REPORTING CODE**

### **1. INTRODUCTION**

- 1.1 Kingsmead School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we wish to encourage employees, and others that we deal with, who have serious concerns about any aspect of the school’s work to come forward and voice those concerns.
- 1.2 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.
- 1.3 This Confidential Reporting Code is intended to encourage and enable employees to raise concerns within the School rather than overlooking a problem or ‘blowing the whistle’ outside. This Code makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. Kingsmead is committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.
- 1.4 The Code applies to all employees and those contractors working for the school on our premises, for example agency staff, trainees on vocational/work experience, consultants, builders, and drivers.

- 1.5 The Code is in addition to the School's Complaints Procedure and other statutory reporting procedures.
- 1.6 The Code is based on the Local Government Management Board (LGMB) Model Confidential Reporting Code which has been discussed with the relevant trade unions and professional organisations and has their support.
- 1.7 In addition to the school's commitment to protect employees who raise concerns, the Public Interest Disclosure Act 1998 provides a worker with potential protection from detriment and dismissal for making a 'qualifying disclosure'. The Act encourages workers to raise matters internally with employers and where an internal whistle blowing policy exists, it steers the worker to use this. (Please note: there are legal requirements for 'qualifying disclosures' to be protected under the Act).

## **2. AIMS AND SCOPE OF THE CODE**

2.1 This Code aims to:

- encourage an employee to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for an employee to raise concerns and receive feedback on any action taken;
- ensure that an employee receives a response to his/her concerns and that he/she is aware of how to pursue them if he/she is not satisfied;
- Reassure an employee that he/she will be protected from possible reprisals or victimisation if he/she has a reasonable belief that he/she has made any disclosure in good faith.

2.2 There are existing procedures in place (e.g.: Grievance, Harassment and Bullying) which make provision for an employee to raise a concern relating to their own employment. This Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of the law;
- disclosures related to miscarriages of justice;
- health and safety risks, including actions likely to cause physical danger to any person or to give rise to a risk of significant damage to property;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse;
- other unethical conduct.
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant, avoidable cost or loss of income to the school or would otherwise seriously prejudice the school;
- abuse of power or the use of school powers and authority for any unauthorised or ulterior purpose.

Please note that this is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this Code.

2.3 Thus, serious concerns which an employee has about any aspect of service provision or the conduct of employees or governors of the school or others acting on behalf of the school can be reported under the Confidential Reporting Code. This may be something that:

- makes an employee feel uncomfortable in terms of known standards, personal experience or the standards an employee believes the school subscribes to; or
- is against Standing Orders and school policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 Kingsmead provides guidance to employees on the standards it expects from its employees through the policies agreed by the school, for example:

- Code of Conduct for Staff
- Health and Safety Policy
- Equal Opportunities Policy

and through procedures, agreed with the relevant recognised trade unions and professional associations, for addressing poor standards which include:

- Disciplinary Procedure
- Grievance Procedure
- Anti Bullying Policy

2.5 This Code does not replace the school's Complaints Procedure.

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

3.1 As a first step, an employee should normally raise concerns with his/her immediate line manager or their line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an employee believes that management (a member or members of the school leadership team) is involved, he/she should approach one of the following:

- The Headteacher
- The Chair of Governors

3.2 If these channels have been followed but an employee continues to have concerns or believe that those listed above are implicated then he/she should approach one of the following:

- The Vice Chair of Governors
- The DfE

3.3 Concerns may be raised verbally or in writing. The employee will need to include the background and history of the concern (giving relevant details, e.g. names, dates) and the reason why he/she is particularly concerned about the situation. When raising a concern, he/she must declare any personal interest he/she has in the matter.

3.4 The earlier the employee expresses the concern, the easier it is to take action.

3.5 Although the employee is not expected to prove beyond doubt the truth of an allegation, he/she will need to demonstrate that there are reasonable grounds for a concern. However, he/she must not attempt to investigate a concern or accuse individuals directly.

3.6 Advice and guidance on how to pursue matters of concern may be obtained from:

- Business Manager who has HR oversight, or
- The employee's trade union/professional association representative.

3.7 Advice may also be obtained from Public Concern at Work, an independent charity which provides confidential advice for employees. Their telephone number is 0207 404 6609.

3.8 The employee may wish to consider discussing his/her concern with a colleague first and he/she may find it easier to raise the matter if there are two (or more) employees who have had the same experience or concerns.

3.9 The employee may invite his/her trade union/professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns he/she has raised. Meetings can be arranged off-site if you wish.

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

4.1 The School will respond to an employee's concerns. Do not forget that testing out these concerns is not the same as either accepting or rejecting them.

4.2 The action taken by the school will depend on the nature of the concern. Where appropriate, the matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to an external auditor;
- form the subject of an independent inquiry;
- be dealt with under a more appropriate school procedure.

4.3 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. The overriding principle which the school will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues or financial irregularities) will normally be referred for consideration under those procedures.

4.4 Some concerns may be resolved by agreed action without the need for investigation.

4.5 If urgent action is required this will be taken before any investigation is conducted.

4.6 Within ten working days, the person with whom the employee raised the concern will write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling the employee whether any initial enquiries have been made
- supplying the employee with information on staff support mechanisms, and
- telling the employee whether further investigations will take place, and if not, why not.

4.7 The amount of contact between the people considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee.

4.8 The school will take steps to minimise any difficulties which the employee may experience as a result of raising a concern. For example, if the employee is required to give evidence the school will arrange for the employee to receive advice about the procedure.

4.9 The school accepts that the employee needs to be assured that the matter has been properly addressed and he/she will be informed of the final outcome of the investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party or legal constraints.

4.10 If the employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against him/her.

- 4.11 If, after investigation, the allegation is substantiated the matter will be reported to the DfE

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

5.1 This Code is intended to help the employee raise concerns they may have within the school. Hopefully, the employee will be satisfied subsequently with any action taken. If the employee is not, there are other people the employee can contact and these are:

- The employee's trade union/professional association;
- relevant professional bodies or regulatory organisations (for example Health and Safety Executive);
- the Police;
- the employee's own solicitor.

5.2 If the employee does take the matter outside the school, they should ensure that they do not misuse confidential information. The person he/she contacts should be able to advise them on this.

5.3 The Code, in line with the legislation, provides protection for employees who raise concerns internally. It is inconsistent with the satisfactory operation of the Code to pursue such concerns with the media (newspapers, TV, radio, etc) and employees who do so are unlikely to be protected by the provisions of the Public Interest Disclosure Act, and may be subject to disciplinary action.

## **6. ANONYMOUS ALLEGATIONS**

6.1 This Code encourages the employee to put his/her name to their allegation whenever possible.

6.2 Concerns expressed anonymously or through a third party are much less powerful and may not be possible to investigate. The person to whom the concern is initially reported will discuss it with the Headteacher and Chair of Governors, and it will be at their joint discretion as to whether the concern will be considered further.

6.3 In exercising this discretion, the factors to be taken into account would include:

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

## **7. HARASSMENT OR VICTIMISATION**

7.1 Kingsmead recognises that the decision to report a concern can be a difficult one to make. However, the employee has a responsibility to the school and to those for whom they are providing a service to raise serious concerns using the approach outlined in this Confidential Reporting Code.

7.2 The school will not tolerate any harassment or victimisation (including informal pressures) and will take action to protect the employee when he/she raises a concern in good faith.

7.3 Disciplinary action will be taken against an employee if they try to stop the employee from raising a concern or if an employee is responsible for any act of recrimination against the employee raising a concern.

- 7.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the employee raising the concern.

## **8. CONFIDENTIALITY**

- 8.1 All concerns will be treated in confidence and every effort will be made not to reveal identity of the employee raising the concern if he/she so wishes. It must be appreciated, however, that the investigation process may reveal the source of the information, and that a statement may be required as part of the evidence and/or the employee may need to come forward as a witness at the appropriate time.

## **9. FALSE ALLEGATIONS**

- 9.1 If an allegation is knowingly made frivolously, maliciously or for personal gain, disciplinary action may be taken.

## **10. THE RESPONSIBLE OFFICER**

- 10.1 The Headteacher has overall responsibility for monitoring the Code and should report annually to the Governing Body on the operation of the Code.

## **11. REVIEW**

The Code will be kept under review by the relevant Governor's committee and as a result may be subject to amendment.