



# Whistleblowing Policy



**Approved by Trustees: June 2015**

**Approved by Staff: October 2015**

## Date for Review: October 2016

### 1. Preamble

- 1.1. **Whistleblowing** is the disclosure of information that relates to suspected wrongdoing or dangers at work. This may include:
- criminal activity
  - negligence, including in service delivery or breach of contractual requirement;
  - failure to comply with any legal or professional obligation, regulatory requirements or requirements in the employee code of conduct;
  - false reporting or perjury;
  - miscarriages of justice;
  - danger to the health or safety of pupils, employees, visitors and members of the public;
  - failure to carry out risk assessments
  - mishandling dangerous materials
  - bribery
  - financial fraud or mismanagement including tampering with tender documentation, manipulation of accounting records and finances, inappropriate use of school assets or funds;
  - breach of the school's internal policies and procedures;
  - conduct likely to damage the school's reputation;
  - unauthorised disclosure of confidential information;
  - inappropriate use of school assets or funds;
  - the deliberate concealment of any of the above matters;
  - sexual, physical or any other form of abuse of a pupil or employee;
  - other unethical conduct, including inappropriate receipts of gifts and hospitalities, breach of school governance arrangement.
- 1.2. A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern), you should report it under this policy.
- 1.3. This policy applies to all employees working in Akaal Primary School who have major concerns over any wrongdoing within such schools relating to unlawful conduct, financial malpractice or dangers to the public or the environment.
- 1.4. The staff and trustees 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, trustees or the school community at large become aware of activities which give cause for concern, the confidential reporting code in this policy 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.
- 1.5. The Board of Trustees is committed to tackling fraud and other forms of malpractice and treats these issues seriously. Some examples of malpractice are set out in paragraph 2.4. We recognise that some concerns may be extremely sensitive and have 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 as set out in paragraph 8.7.

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- 1.6. The provisions of this policy apply to matters of suspected fraud and impropriety and not matters of more general grievance which would be dealt with under the schools grievance policies.
- 1.7. The trustees are 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.
- 1.8. This policy sets out a framework within which you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable serious concerns to be raised rather than overlooking a problem.

### **2. Aims and scope of this policy**

- 2.1 This policy aims to:
  - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - provide avenues for you to raise those concerns and receive feedback on 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 reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- 2.2 This policy is not intended to be used where other, more appropriate, procedures are available. If you are aggrieved by your personal position you will be directed towards the school's Grievance Policy. If you believe you are being harassed then you will be directed towards the Anti-Harassment Policy and Procedures.
- 2.3 If your complaint is intended to cover Safeguarding issues then please see the Safeguarding Policy/Child Protection procedures, or if you wish to discuss complaints regarding the school which is not within the scope of this document then please see the school's Complaints Procedure.
- 2.4 If any complaints of the nature described in 2.2-2.3 are initially received under the Confidential Reporting Code, they will be dealt with under other more suitable procedures as indicated in those paragraphs.
- 2.7 The Confidential Reporting Code in section 8 of this policy is intended to cover major concerns that fall outside the scope of other procedures. These include all those included in paragraph 1.1 but that list is not exhaustive.
- 2.8 Thus, any serious concerns that you have about any aspect of the school or the conduct of the staff, trustees or others acting on behalf of the school can be reported under the Confidential Reporting 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 schools standing orders, financial regulations and policies;
  - falls below the standards of practice;

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- amounts to improper conduct;
- breaches the schools procedures; and
- disclosure of the information is in the public interest.

### **3. Who is covered by the school's confidential reporting code?**

- 3.1 All employees in or working with or assisting Akaal Primary School may use this Code. This includes permanent and temporary employees, and employees seconded to a third party. It is also applicable to:
- contractors working for the school on school premises, for example, agency staff, builders, drivers;
  - suppliers and those providing services under a contract with the school in their own premises.

Any concerns relating to the third party, if relevant to the employees secondment, can also be raised under this Code.

### **4. Safeguards**

- 4.1 The Executive Headteacher/Head of School and the Board of Trustees are committed to good practice and high standards and want to be supportive of employees.
- 4.2 The Executive Headteacher/Head of School, and the Board of Trustees recognise that the decision to report a concern can be a difficult one to make. If you are acting in good faith, 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.
- 4.3 The Executive Headteacher/Head of School, and the Board of Trustees 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.
- 4.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, redundancy or other procedures that already affect you.

### **5. Confidentiality**

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

### **6. Anonymous allegations**

- 6.1 The Confidential Reporting Code encourages you to put your name to your allegation whenever possible.
- 6.2 Concerns expressed anonymously are much less powerful but may be considered at the discretion of the Trustees.
- 6.3 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised;

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- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources; and
- whether the allegations are likely to have been made in good faith.

### **7. Untrue allegations**

7.1 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.

### **8. The Confidential Reporting Code - How to raise a concern**

8.1 As a first step, you should normally raise concerns with the Executive Head Teacher who will report the matter to the Trustees. However if s/he is the potential transgressor you should raise your concern with the Chair of the Trust but if s/he is a potential transgressor then you should report your concerns to another member of the Trust who you feel will be able to take an impartial view of what you say. Not every concern raised will be treated as a confidential disclosure under this Code. Some concerns will be investigated and dealt with under alternative policies and procedures (eg disciplinary matters will be dealt with under the disciplinary procedure).

8.2 You may wish to contact your trade union for advice and guidance.

8.3 Concerns may be raised orally or in writing. You should expect anyone to whom you express concerns orally to make notes of your concerns. Employees 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.

In any case, you should also, as far as possible, provide evidence to support your concern.

8.4 The earlier you express the concern the easier it is to take action.

8.5 Although you are not expected to prove beyond doubt the truth of an allegation, you must act in good faith and you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

8.6 Advice and guidance on how matters of concern may be pursued can be obtained from either the Executive Head Teacher, the Chair of the Trust or your trade union.

8.7 If you feel unable or do not wish to discuss your concerns with the Executive Head Teacher or a Trustee, you can contact a charity called "Public Concern at Work" which can provide free confidential advice on how an issue should be dealt with. Their telephone number is 020 7404 6609 and their website is <http://www.pcaw.org.uk/>.

8.8 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.

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8.9 You can be accompanied by a representative of a trade union or professional association or by a friend during any meetings or interviews in connection with the concerns you have raised. These may be off-site if appropriate.

### **9. How will the Board of Trustees respond?**

9.1 If you have informed the Executive Head Teacher or trustees of your concern, the trustees will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

9.2 Where appropriate, the matters raised may;

- be investigated by the Executive Head Teacher, or Board of Trustees.
- be referred to the external auditor;
- be referred to the Police;
- form the subject of an independent inquiry.

9.3 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 is that the public interest. 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.

9.4 While the purpose of this Code is to enable the Board of Trustees to investigate possible malpractice and take appropriate steps to deal with it, the trustees will give you as much feedback as it properly can.

9.5 Usually within 10 working days of a concern being raised, the person looking into the concern will write to the person raising the concern:

- acknowledging that the concern has been received ;
- indicating how the matter will be/has been dealt with;
- giving an estimate of how long it will take to provide a full response if this is not the full response;
- supplying information on support available to you; and
- saying whether further investigations will take place and if not, why not.

9.6 The amount of contact between you and the person considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of information provided. However, the person investigating the issues will be expected to keep you, the Executive Head Teacher, the Trustees or informed of the progress of the matter on a monthly basis. If it is necessary to seek further information from you the investigating officer will do so without delay.

9.7 The Board of Trustees will take steps to minimise any difficulties that you may experience as a result of raising a concern.

9.8 The Board of Trustees accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and duties of confidentiality, you will be informed of the broad outcome of any investigation.

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9.9 If you are still not satisfied as to how your concern has been dealt with, you should refer to section 11.

### **10. Other information**

10.1 The Board of Trustees will maintain a Schools Whistleblowing Register containing all concerns and outcomes that are brought to their attention.

10.2 As soon as a whistleblowing concern is received by the Executive Head Teacher/Board of Trustees, advice will be sought from the School's Human Resources provider. The Trust will ensure it has sufficient internal resources to follow the requirements of this policy, including appropriate support for the Executive Head Teacher in ensuring the Confidential Reporting Code is properly used.

### **11. How the matter can be taken further**

11.1 This policy is intended to provide you with an avenue within the school to raise concerns. The Board of Trustees hope you will be satisfied with any action 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 designated independent organisation (Public Concern at Work);
- the external auditor;
- your trade union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police and/or Health and Safety Executive.
- the Department for Education.
- Ofsted.

11.2 Employees who are concerned about wrongdoing or failures can make disclosures to a person or body, which has been prescribed by the Secretary of State for the purpose of receiving disclosures about the matters concerned. An employee making such a disclosure should ensure that he or she:

- is able to show that the disclosure was made in the reasonable belief that it was in the public interest ;
- reasonably believes that the information, and any allegation it contains, are substantially true; and
- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed (for example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive or appropriate local authority, or environmental dangers can be notified to the Environment Agency). Again "Public Concern at Work" will be able to assist with details of the prescribed organisations and provide appropriate advice.

11.3 An employee who makes a disclosure about a relevant failure which is exceptionally serious will be protected if the employee:

- Is able to show that the disclosure was made in the reasonable belief that it was in the public interest;

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- reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
- does not act for personal gain.

It must be reasonable for the employee to make the disclosure in view of all the circumstances, having regard in particular to the identity of the person to whom the disclosure is made.

- 11.4 If you do take the matter outside of the Board of Trustees, you should ensure that you do not disclose confidential information. If necessary, seek advice on this aspect from “Public Concern at Work”.