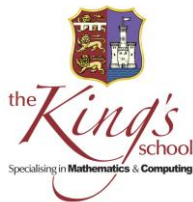


the *King's* school

specialising in maths and computing

# Code of Practice on Whistleblowing

Governor Committee: Personnel



## Code of Practice on Whistleblowing

### 1. WHISTLEBLOWING CODE OF PRACTICE - MANAGEMENT GUIDANCE

#### 1.1 Introduction

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. The School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the School expects employees and others with serious concerns about any aspect of its work to come forward and voice those concerns. The intention of the Code of Practice is to enable staff to report concerns without fear of reprisals.

*The Code is intended to encourage staff to raise serious concerns within the School rather than overlooking a problem or blowing the whistle outside.*

The Governors, Senior Leadership Team and the Trade Unions support the Code of Practice.

#### 1.2 What is Whistleblowing?

It is raising concerns about malpractice in the workplace.

#### 1.3 Why We Need a Code of Practice

The School's Code of Conduct states "Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. It is the duty of each employee to report to the appropriate manager any impropriety or breach of procedure". The reason the School has a Code of Practice is so that concerns about malpractice can be properly raised and addressed.

The Code of Practice should encourage people who otherwise would stay silent to report wrongdoing and feel that it is a proper, safe and acceptable thing to do.

Having a Code will assist in delivering good management, help to maintain public confidence and to promote organisational accountability.

#### 1.4 Who Can Use the Whistleblowing Code of Practice.

All employees, both permanent and temporary, trainees, agency workers, contractors and their staff are covered by, or can use the Code. References to 'employees' or 'staff' in this document should be read as including all the above.

Separate procedures apply to complaints by Governors against the actions of other Governors, and to complaints made by members of the public.

## 1.5 Issues covered by the Code of Practice

These will include:

- Criminal / unlawful acts, fraud and corruption.
- Negligence, unethical / unprofessional conduct e.g. discrimination.
- Serious breaches of health and safety.
- Abuse of service users.
- Damage and danger to the environment.
- Evasions of statutory responsibilities.

## 1.6 What sort of issues should not be raised.

Any issue that can be properly dealt with under another School procedure. For example, personal grievances at work.

## 1.7 What sort of support should be given

Senior Leadership Team members, Team Leaders and Managers throughout the School should ensure that every employee receives the necessary and appropriate support when reporting unacceptable practice and throughout the process until the issue has been resolved.

## 1.8 What safeguards can people expect

a) The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those who may be guilty of malpractice or from the School as a whole. The School will not tolerate any harassment or victimisation, including informal pressures, and will take appropriate action in order to protect a person who raises a concern in good faith.

b) The Public Interest Disclosure Act 1998 (PIDA) gives legal protection to a whistleblower, provided the following criteria are met:

### (i) Internal Disclosure

A disclosure to the employer is protected if the whistleblower has an honest and reasonable suspicion that the malpractice has occurred, is occurring, or is likely to occur.

### (ii) Disclosure to the Regulator

Disclosure to the regulator - the Audit Commission - is protected if the criteria for internal disclosure are met and the whistleblower honestly and reasonably believes that the information and/or allegations are substantially true.

### (iii) Wider disclosure

Disclosure to others listed in paragraph 2.2 below is protected if: -

- It meets the criteria for regulatory disclosure;
- It is reasonable in all the circumstances;
- It is not for personal gain;
- The whistleblower reasonably believed that he/she would be victimised for raising the concern internally or with the regulator.
- The concern has already been raised internally or with the regulator (but to no effect).

c) Anonymity - The School will protect the identity of any member of staff who raises a concern and does not want his/her name to be disclosed. However, it must be appreciated that following an investigation a statement by the person reporting the concern may be required to enable appropriate action to be taken. If this is unacceptable to the employee raising the concern, in some cases it may not be possible to progress the issue further. Concerns expressed anonymously will be considered. If, however, insufficient information is available the following factors will be taken into account in determining whether or not to progress the matter further:

- The seriousness of the issues raised;
- The credibility of the concern; and the likelihood of obtaining the necessary information.

Anonymity should not be used to facilitate false or malicious allegations.

d) A person who genuinely reports a concern, even if it proves to be unfounded following investigation, should be reassured that they will not suffer as a result of reporting their concern.

e) Legal Support - The School will consider providing legal support in appropriate cases, each request will be considered on merit.

## **2. CONFIDENTIAL REPORTING PROCEDURE**

### **2.1 Aims and Scope of the Code of Practice**

The Code aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken;
- Allow employees to take the matter further if they are dissatisfied with the School's response to the concerns expressed;
- Reassure employees that they will be protected from possible reprisals or victimisation.

### **2.2 Raising a Concern**

a) The most appropriate person to contact will depend on whom the concern is about and the nature of the issues involved. The range of possible contact points is:

#### **Internally**

(i) An appropriate level of line management. Initially the immediate Line Manager may be appropriate if the issue is about a fellow worker.

If the person(s) believes that a member of Senior Management is involved the concern could be made known direct to the Headteacher.

(ii) If the person(s) does not want to raise the issue with anyone inside the Senior Leadership Team the matter can be reported to the Chair of the Governing Body.

#### **Externally**

The Code is intended to provide employees with avenues to raise concerns within the School. However, if an employee is dissatisfied with the School's response or prefers to raise the particular issue with someone outside the School this can be done by contacting one of the following organisations, who may also provide independent advice:-

- (i) The Audit Commission, is the prescribed Regulator under the Public Interest.
- (ii) Disclosure Act .contact them by telephone 020 7828 1212, or email at enquiries@audit-commission.gov.uk .
- (iii) Public Concern at Work, telephone 020 7404 6609, or email at helpline@pcaw.co.uk . As Public Concern at Work is an accredited legal advice centre, an employee will not breach the duty of confidence, which is owed to the Council, by contacting them.
- (iv) A Trade Union or professional association.
- (v) The Local Government Ombudsman, Patricia Thomas -17, Shipton Road, York. YO30 5FZ or telephone (01904) 663200
- (vi) Local MP's and Council Members.
- (vii) The police.

b) Concerns may be raised orally or in writing. People are asked to provide the following information:

- (i) The specific concern;
- (ii) The reason(s) for the concern;
- (iii) The background and history to the concern, including any relevant dates;
- (iv) If the concern has already been raised with anyone else, if so, with whom;
- (v) Why you remain concerned

c) Although employees are not expected to prove beyond doubt the truth of an allegation, it will be necessary to demonstrate to the person contacted that there are sufficient grounds for real concerns.

(d) Concerns should be reported as soon as possible, as the earlier a concern is made known, the better the opportunity for the School to take appropriate action.

### 2.3 How will the School respond?

a)The action taken by the School will depend on the nature of the concern.

Where appropriate, the matters raised may:

- (i) Be investigated by the appropriate management;
- (ii) Be referred to the Police;
- (iii) Form the subject of an independent inquiry.

b) In order to protect individuals and the School, 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.

c) It should be noted that some concerns might be resolved by agreed action without the need for investigation. The School will write to the person raising the concern within fourteen days of a concern being raised:

- (i) Acknowledging that the concern has been received;
- (ii) Indicating how the School proposes to deal with the matter;
- (iii) Giving an estimate as to how long it will take to provide a final response. If it is impossible for initial enquiries to be completed within fourteen days, the situation will be explained in the letter of acknowledgement;
- (iv) Where a decision is made that no investigation will take place, the reasons for this will be provided.

- d) The School would normally aim to resolve the matter within twenty-eight days of the complaint being lodged.
- e) The amount of contact between the staff considering the issues and the person(s) raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. Further information may be needed from the person(s) raising the concern.
- f) Where a meeting is arranged, employees will have the right, if they wish, to be accompanied by a Trade Union or other representative, or a friend who is not involved in the area of work to which the concern relates. At the request of the individual raising the concern, any meeting may be held away from the workplace and/or outside working hours if appropriate.
- g) The School will take appropriate steps to minimise any difficulties, which an employee may experience as a result of raising a concern. For example, if an employee were required to give evidence in disciplinary or criminal proceedings, the School would need to consider if any steps were needed to protect the individual. Whilst the employee would have the right not to attend such proceedings, he/she should be made aware that a successful conclusion to the resolution of their concern may not be possible without their attendance.
- h) The School accepts that employees raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible about the outcome of any investigation.
- i) The School will take action to protect its employees and itself from false or maliciously reported concerns. If the School has good reason to believe that the concern is deliberately made falsely or maliciously it may decide that this is an act of misconduct and that disciplinary action should be taken. The School will try to ensure that the negative impact of either a malicious or unfounded allegation is minimised.

## **2.4 Responsibility for Implementing the Code of Practice**

The responsibility for ensuring that the School and its staff comply with this Code rests with the Headteacher.

## **2.5 Recording and Monitoring**

To ensure that the School can monitor the use of the Code, The Governing Body and the Headteacher will have the following responsibilities for recording and reporting on the use of the Code:

a) Responsibility of The Governors.

To ensure that information about each case is maintained, and that this information is supplied upon request to appropriate authorities.

b) Responsibility of the Headteacher

To report to the Governing Body on any use of the Whistleblowing Code of Practice within the School.