



# **St Teresa's Catholic Primary School, A Voluntary Academy**

**"Do the little things well!"**

## **CONFIDENTIAL REPORTING CODE (WHISTLEBLOWING PROCEDURE)**

**Adopted by the Governing Body of St Teresa's Catholic Primary School**

**on 24<sup>th</sup> June 2015**

**To be reviewed on 23<sup>rd</sup> June 2016**

### **1. Introduction**

This procedure identifies the kind of complaints covered by the Whistleblowing Procedure. It outlines who complaints should be raised with and their responsibilities. The procedure also aims to reassure those raising a complaint that they will not suffer detriment.

### **2. Preamble**

- 2.1 Staff and governors at a school or academy are likely to be the first to realise that there may be something seriously wrong within their workplace. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the academy. 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. This code encourages employees to raise such concerns using the internal mechanisms set out below.
- 2.2 *St Teresa's Catholic Primary School* is committed to the highest possible standards of openness, probity and accountability. We expect employees, and others that we deal with, who have serious concerns about any aspects of the academy's work to come forward and voice those concerns.
- 2.3 This procedure makes it clear that employees can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The academy is committed to supporting employees who make a disclosure. The Whistleblowing Procedure is intended to encourage and enable employees to raise serious concerns within the academy rather than overlooking a problem or 'blowing the whistle' outside.
- 2.4 The procedure applies to all employees and those contractors working for the academy on their premises, for example, agency staff, builders, drivers etc. It also covers suppliers and those providing services under a contract with the academy in their own premises.

- 2.5 This procedure should be used to raise serious concerns within the academy, which are in the public interest where an individual genuinely feels there is evidence of malpractice, impropriety or wrongdoing within the academy or by others acting on behalf of the academy. This procedure is not intended to replace existing complaints procedures or normal work communication channels for routine issues that may arise from day to day business. Other complaints procedures should be considered before making a whistleblowing complaint. The Whistleblowing policy is not an appeal mechanism for other procedures.
- 2.6 This Code is a policy of the academy, approved by representatives of the recognised trade unions and has been agreed by the governing body of this academy. This procedure does not form a collective agreement and does not form part of employees' contracts of employment.

### **3. Aims and scope of this procedure**

- 3.1 The Whistleblowing Procedure 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
- Provide protection from possible reprisals or victimisation where the person making the disclosure believes that the information available tends to show malpractice and the disclosure is made to the appropriate person or body.

- 3.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment or raise other concerns. The Whistleblowing Procedure is intended to cover major concerns that fall outside the scope of other procedures or where a procedure exists but you believe management may be involved or are not taking an issue raised seriously. Issues that could be covered by the Whistleblowing Procedure include:

- Conduct which is an offence or a breach of law (criminal offences and failures to comply with legal obligations)
- Failure to comply with the academy's regulations, codes of practice, etc, including financial regulations
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other colleagues
- Damage to the environment
- The unauthorised use of academy funds
- Possible fraud and corruption
- Concerns about adult conduct or actions towards children or other adults
- Other unethical conduct
- Institutional racism, or
- Action to conceal any of the above.

- 3.3 Thus, any serious concerns that you have about any aspect of the conduct of staff or governors, or the management of the academy can be reported under the Whistleblowing Procedure. This may be about something that:
- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the academy subscribes to; or
  - Is against the academy's policies, regulations, or codes of practice
  - Falls below established standards of practice; or
  - Amounts to improper conduct.
- 3.4 Where other procedures exist they should be considered before making a whistle blowing complaint. For example:
- Complaints about your employment - these should be dealt with through the academy's Grievance Procedure
  - Concerns about the sexual or physical abuse of pupils – such concerns should be dealt with via the academy's safeguarding procedures, which will enable your concerns to be escalated quickly to the appropriate agency, including the Local Authority Designated Officer (LADO) and the Police or external statutory authority
  - Customer (e.g. parent) complaints - these are dealt with through the academy's Complaints Procedure.

3.5 Obviously, as with any other citizen, you may also report apparent criminality to the police in parallel with any of the above procedures. If the police do become involved in an investigation their requirements of the academy are likely to take precedence over the above procedures and this whistleblowing procedure.

#### **4. Safeguards and support**

- 4.1 The academy is committed to the highest standards of openness, probity and accountability, and aims to promote a culture in which employees feel they can raise genuine concerns without fear of subsequent victimisation, discrimination or disadvantage.
- 4.2 The academy will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect and support you.
- 4.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.
- 4.4 Subject to any legal constraints the person to whom you made the complaint, or their nominated representative, will keep you informed of progress in relation to your complaint, the investigation etc.

#### **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. However, you should appreciate that the investigation process may

reveal the source of information and a statement by you may be required as part of the evidence. At the appropriate time, you may need to come forward as a witness.

## **6. Anonymous allegations**

- 6.1 This procedure encourages you to put your name to your allegation whenever possible. We very much hope that the assurances we give in this policy will encourage you to disclose your identity to those who need to know it.
- 6.2 Concerns expressed anonymously are less powerful and much more difficult to investigate but will be considered at the discretion of the Governing Body of the academy.
- 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;
  - The likelihood of confirming the allegation from attributable sources;
  - The level of detail given to allow the complaint to be investigated.

## **7. Untrue allegations**

- 7.1 If you make an allegation, 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. How to raise a concern**

- 8.1 As a first stage, you should normally raise concerns with your line manager or headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If you believe that a member of the academy leadership is involved or the issue is sufficiently serious, you should approach the Governing Body of the academy. If your concern relates to matters involving members the Governing Body you should raise your concern with the *Diocese or Academy Trust*.
- 8.2 Whistleblowing to an external source without first going through the internal procedure is not advised without compelling reasons (see 10 below).
- 8.3 Concerns may be raised verbally but are best raised in writing. When making a written disclosure the following format is suggested:
  - The background and history of the concern (giving relevant dates, names, places etc);
  - The reason why you are particularly concerned about the situation;
  - The fact that you are raising this concern as a Whistleblowing complaint.

- 8.4 The earlier you express the concern and the higher the level of detail the easier it is to take action.
- 8.5 When raising a concern you will not be expected to provide proof beyond reasonable doubt of an allegation, but you will need to be able to demonstrate that there are reasonable grounds for the concerns raised. Where possible notes should be kept of what you have seen, heard or felt. Notes should be dated and copies of all relevant information kept.
- 8.6 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 but do be mindful of confidentiality issues.
- 8.7 You may invite your trade union, professional/association representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.
- 8.8 You need to be aware that your colleagues are bound by the same obligations as you relating to confidential information. If you share confidential information with union reps, professional associations or others with a view to using this procedure you will need to be careful that the confidential information is not used inappropriately. The Public Interest Disclosure Act gives protection only where certain information is disclosed in the course of obtaining legal advice. Therefore when seeking such advice, you should ensure that confidential information is not passed on to third parties.

## **9. First stage response**

- 9.1 Within ten working days of a concern being raised, the person receiving the complaint will write to you:
  - 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 you whether any initial enquiries have been made
  - Supplying you with information on colleague support mechanisms, and
  - Telling you whether further investigations will take place and if not, why not.
- 9.2 Where appropriate, the matters raised may:
  - Be investigated by an appropriate person internally
  - Be referred to the police
  - Be referred to the external auditor
  - 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. Concerns or allegations that fall within the scope of other specific

procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

- 9.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 9.5 The amount of contact between those 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 academy will seek further information from you and throughout any investigation will try to keep you informed of what is happening, subject to any legal constraints.
- 9.6 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a work colleague.
- 9.7 The academy 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 academy will arrange for you to receive advice about the procedure.
- 9.8 The academy accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints your Headteacher, Chair or Governors, or other appropriate person will inform you of the outcome of any investigation at the end of the case.

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

- 10.1 Where you do not believe that you have received a satisfactory response through the internal process, are considering raising your concerns externally, or you want further independent advice, you may contact Public Concern at Work. This is a charity, completely independent of the academy, which specialises in providing free and confidential legal advice on how to raise a concern about serious malpractice at work. Public Concern at Work will also help to advise you on whether a circumstance can be properly reported to an additional outside body such as the Police. Public Concern at Work can be contacted as follows - Telephone: 020 7404 6609; Fax: 020 7404 6576; Email: [whistle@pcaw.demon.co.uk](mailto:whistle@pcaw.demon.co.uk); Website: [www.pcau.co.uk](http://www.pcau.co.uk)
- 10.2 Under the Public Interest Disclosure Act 1998, you are entitled to contact a relevant external body to express your concerns. In doing this, you should:
  - Have reasonable belief that your allegation is based on correct facts
  - Have reasonable belief that it is in the public interest to make the disclosure
  - Make the disclosure to a relevant body, which is likely to be a regulatory body (e.g. Health and Safety Executive, Financial Services Authority, Department for Education, Police, etc)
  - Ensure that you do not disclose confidential information

- 10.3 Under the 1998 Act, employees making “protected disclosures” are protected from detrimental action, unfair dismissal and redundancy, and can complain to an employment tribunal. Public Concern at Work can provide further advice in relation to the Act and your rights.