

# Making A Disclosure In The Public Interest (Whistleblowing) Policy

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## Summary

Woodham Academy operates a confidential reporting code and follows policy and procedures to ensure that it promotes the highest possible standards of openness, probity and accountability.

**Date first adopted** November 2011

**Review date** Annually

**Last reviewed** January 2016

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## 1. Introduction

Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. 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.

Woodham is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis.

This document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns rather than overlooking a problem or 'blowing the whistle' outside.

The Code applies to all employees and those contractors working for the school. It also covers suppliers and those providing services under a contract in their own premises.

These procedures are in addition to any complaints procedures or other statutory reporting procedures. If asked, employees should make service users aware of the existence of these procedures.

## 2. Aims and Scope of the Code

This Code 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.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The 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 law;
- disclosures related 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 corruptionsexual or physical abuse of clients; or
- other unethical conduct.

Thus, any serious concerns 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; or
- is against policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

### **3. Safeguards**

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

The school recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement is made 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.

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. This action will depend on the type of concern and specific service arrangements. On very rare occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **4. Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly. At the appropriate time, however, you may need to come forward as a witness.

### **5. Anonymous Allegations**

This Code encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the school.

In exercising this discretion, the facts 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.

### **6. Untrue Allegations**

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**

As a first step, you should normally raise concerns with your immediate line manager or their superior. You may also raise concerns with a member of the Leadership Group, the Headteacher or a Governor. 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 is involved, you should approach the Chair of Governors.

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.

The earlier you express the concern the easier it is to take action. 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. Advice/guidance on how to pursue matters of concern may be obtained from:

- **1.1 Chair of Governors** **1.2**
- **1.3 The Education Funding Agency** **1.4 0370 000 2288**

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.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **8. How the school will respond**

The school will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

- 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.

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 principles which the school will have in mind are your well-being and the public interest. Concerns or allegations that fall within the scope of specific procedures [for example, child protection or discrimination issues] will normally be referred for consideration under those procedures.

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.

Within ten working days of a concern being raised, the person with whom you have raised your concerns will write to you:

- acknowledging that the concern has been received;
- indicating how we 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 staff support mechanisms; and
- telling you whether further investigations will take place and if not, why not.

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 or The Education Funding Agency will seek further information from you. However, should this further information need to be gleaned by you, from another person, without them being made aware of your involvement in the confidential reporting process, specific procedures will need to be applied.

**Should a manager believe that this additional information may assist the enquiry, and that the information can only be obtained by you, no action will be taken until a decision is made as to whether such a course of action is both necessary and proportionate.**

## **Important**

**Managers must not, under any circumstances, ask an individual to obtain further information, covertly, from another person, without following this procedure. Failure to do so may infringe Human Rights and render the school liable to legal action.**

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

The school will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings you will receive advice about the procedure.

The school accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

#### **9. How the matter can be taken further?**

This Code is intended to provide you with an avenue within the school to raise concerns. If you are not satisfied with any action taken, and if you feel it is right to take the matter outside the school, the following are possible contact points:

- The Education Funding Agency
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the police.

If you do take the matter outside the school you should ensure that you do not disclose confidential information. Check with the contact point about that.

#### **10. Monitoring and review**

This policy will be reviewed annually by the Policy and Planning committee.