




## St. John's Walham Green CE Primary School

|                                |   |             |            |             |
|--------------------------------|---|-------------|------------|-------------|
| Policy Name                    | <b>Confidential Reporting (Whistle-blowing Policy )</b>   |             |            |             |
| Review Date                    | March 2017  | Review Date | March 2018 |             |
| Responsibility                 | FGB   | Resources   | Curriculum | Headteacher |
| Committee agreed on:           | Signed by:  |             |            |             |
| FGB agreed/ratified on: 8.3.17 | <br>Signed by: |             |            |             |

*St. John's Walham Green Church of England Primary School aspires to develop young people who are successful students, independent learners and confident individuals. We strive to ensure that our pupils become responsible citizens with a concern for the well-being of all God's creation.*

### **EQUAL OPPORTUNITIES STATEMENT**

St John's School is committed to the principle of equal opportunity for all pupils irrespective of race, religion, gender, language, disability or family background. We believe that equal opportunity is at the heart of good educational practice and challenge any form of discrimination. All staff and governors are responsible for ensuring that we implement this policy.

### **CONFIDENTIAL REPORTING CODE – "WHISTLE BLOWING" FOR SCHOOL-BASED EMPLOYEES**

#### **Introduction**

The Governing Body at St. John's Walham Green CE Primary School are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect members of the school community who have serious concerns about any aspect of the school's work to come forward and voice those concerns. This 'whistle-blowing' framework allows concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter.

The term 'whistle-blower' denotes the person raising the concern or making the complaint. It is not meant in a pejorative sense and is entirely consistent with the terminology used by Lord Nolan as recommended in the Second Report of the Committee on Standards in Public Life: Local Spending Bodies published in May 1996.

Employees are often the first to realise that there may be something seriously wrong within the workplace. 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.

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

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; and
- 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.

### **When might the whistle-blowing policy apply?**

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 St John's Walham Green Primary School grievance 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 corruption;
- Sexual or physical abuse, or
- Other unethical conduct.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees or governors or others acting on behalf of the school can be reported under the confidential reporting policy. 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 school's standing orders, financial regulations, contracts code, or other policies;
- Falls below established standards of practice; and
- Amounts to improper conduct.

Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to Internal Audit for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Headteacher or Chair of Governors, who will in turn report it to Internal Auditor.

### **Safeguards - Harassment or victimisation**

Governing bodies are committed to good practice and high standards and want to be supportive of employees.

Governing bodies recognise that the decision to report a concern can be a difficult one to make. If what you are saying is true, 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.

Governing bodies 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.

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

### **Confidentiality**

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.

### **Anonymous Allegations**

This policy 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 Chair of Governors.

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.

### **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 which can be shown to have been made frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### **How to raise a concern**

As a first step, you should normally raise concerns with your immediate manager or the Head teacher. 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 management is involved, you should approach the Chair of Governors. As the responsible officer, the Chair of Governors will be informed of each concern that is raised under the procedure. If the Chair of Governors is suspected of the malpractice, the Director of Education should be approached.

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);and
- 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.

Employees who want to use the procedure but feel uneasy about it may wish to consult their Professional Association/Trade Union initially and bring a colleague or Professional Association/Trade Union Representative along to any discussions, so long as the third party is not involved in the issue.

St John's Walham Green Primary School has designated a number of individuals to specifically deal with such matters and the whistle-blower is invited to decide which of those individuals would be the most appropriate person to deal with the matter.

### **Name and Position**

Ms Barbara Wightwick – Headteacher

Mrs Evie Hambi – Chair of Governors

**Moyra McGarvey** - Director of audit, fraud risk and management

[moyra.mcgarvey@lbhf.gov.uk](mailto:moyra.mcgarvey@lbhf.gov.uk)

If the employee is concerned that his/her Headteacher is involved in the wrongdoing and has failed to make a proper investigation or has failed to report the outcome of the investigation, he/she should inform the Head of HR. Employees who feel unable to follow this route, for whatever reason, have the option of contacting one of the following:

- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education Funding Agency
- The Department for Education
- The National College for Teaching and Leadership

### **Procedure for dealing with your concerns**

Your concerns will receive a response from the Chair of Governors. 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, the internal audit section of the Council, or through the disciplinary process;
- Be referred to the police;
- Be referred to the external auditor; and
- 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 principle, which the Chair of Governors 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) 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 Chair of Governors will write to you:

- Acknowledging that the concern has been received;
- Indicating how the matter will be dealt with;
- 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 governing body will take steps to minimise any difficulties that you may experience as a result of raising a concern. If you are required to give evidence in criminal or disciplinary proceedings, the Local Authority will arrange for you to receive advice about the procedure. The governing body accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.

The whistle-blower will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governing body and the LA.

If the whistle-blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), the governing body and/or directed to the LA

### **Raising unfounded malicious concerns**

Individuals are encouraged to come forward in good faith with genuine concerns with the knowledge they will be taken seriously. If individuals raise malicious unfounded concerns or attempt to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances.

### **The responsible officer**

The Chair of Governors has overall responsibility for the maintenance and operation of this policy. The Chair maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the LA.

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

This policy is intended to provide you with an avenue within the school and the Local Authority 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 Education Department, the following are possible contact points:

- Public Concern at Work;
- District Audit;
- your trade union;
- Fulham CAB, Hammersmith & Fulham Community Law Centre;
- Relevant professional bodies or regulatory organisations;
- alternatively contact the whistleblowing charity, 'Public Concern At Work' [www.pcaw.org.uk](http://www.pcaw.org.uk); and
- The police.

If you do take the matter outside the Local Authority and the Council you should ensure that you do not disclose confidential information.

### **Law Relating To This Document**

Employment Rights Act 1996

Public Interest Disclosures Act 1998

If you need further advice or support on whistleblowing you may contact Public Concern at Work: <http://www.pcaw.org.uk/>