

# Policy for Confidential Reporting of Concerns (“Whistleblowing”)



## 1 Purpose

The purpose of this policy is to promote and protect responsible whistleblowing where staff, contractors, suppliers or volunteers have concerns about malpractice in the school.

## 2 Roles and responsibilities

- **Staff, Contractors, Suppliers and Volunteers:** The policy applies to all employees and those contractors working for the school on school premises, for example, agency staff, builders and drivers. This will also include volunteers or governors within schools.
- **Principal/managers:** The Principal and other managers are responsible for investigating and responding to concerns raised.
- **Governing body:** Members of the governing body may also be involved in investigating and responding to concerns depending on the nature of the matter involved.
- **Trade unions:** The recognised trade unions in the school are ASCL, ATL, NAHT, NASUWT and NUT for teaching staff and GMB and Unison for support staff. All trade union officials, regardless of whether the union is recognised, may represent their members individually.
- **External agencies:** A range of external agencies can provide advice and support to individuals with a concern. In specific circumstances individuals can use external agencies to raise concerns outside the internal arrangements set out in this policy.

## 3 Policy statement

This policy reflects the governors' commitment to safeguarding children and young people, good practice, valuing staff and seeking continuous improvement in service delivery.

Employees are often the first to realise that there may be something wrong in their place of employment. 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 to report what may just be a suspicion of malpractice.

The school governors are 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 concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

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

#### **4 Aims of this policy**

This policy aims to:

- make you feel confident to raise concerns and to question and act upon concerns about practice;
- give you avenues to raise your concerns and receive feedback on any action taken;
- guarantees that you receive a response to your concerns and ensures that you are aware of the process to follow if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation.

There are existing procedures in place if you have a grievance relating to your own employment or consider that you are being harassed (due to your race, sex, disability, sexual orientation, religion or belief or age) or if you are concerned about health and safety risks, including risks to the public as well as to other employees. Indeed, you are under a legal obligation to report to your supervisor or manager any work situation which you consider to represent:

- a danger to the health and safety of yourself, fellow employees or members of the public; or
- a shortcoming in the school's arrangements for health and safety.

If you are reluctant to raise such health and safety concerns with your supervisor or manager, or if you have raised them and are concerned about the response, then arrangements exist for you to raise the health and safety concerns with the City Council's Health and Safety Section based in the Corporate Services Division and/or with a health and safety or trade union representative.

This policy is intended to cover concerns that fall outside the scope of other procedures or where it is considered that the relevant policy or procedure has not been followed, e.g.:

- practices which fail to safeguard children or young people including the sexual or physical abuse of service users;
- 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;
- fraud and corruption;
- any attempt to prevent disclosure of any of the above; or
- other conduct which gives you cause for concern.

Therefore any serious concerns that you have about any aspect of service provision or the conduct of your staff or members of the school or others

acting on behalf of the school or governing body can be reported under this policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the governing body subscribes to; or
- is against the governing body's Standing Orders and policies; or
- falls below established standards of practice as outlined in the Code of Conduct; or
- amounts to improper conduct.

This policy supplements and does not replace the corporate or schools' complaints procedure, the grievance procedure and other procedures established to deal with aspects of harassment and with health and safety concerns.

## **5 Safeguards for complainants**

### **5.1 Harassment or victimisation**

The governing body are committed to good practice and high standards and aim to be supportive of its staff.

The governing body recognise that the decision to report a concern can be a difficult one to make. However uncovering malpractice will be doing a service to the School. You will be doing your duty to your employer and those for whom you are providing a service.

The governing body will fulfill their responsibilities to ensure that you are not harassed, victimised or otherwise disadvantaged when you raise a concern. Any employee engages in any form of victimisation or harassment against you because of raising a concern may be subject to disciplinary action. Any governor who engages in any form of victimisation or harassment against you as a result of raising a concern may be subject to the appropriate sanction.

Allegations by an employee who is the subject of disciplinary investigations or proceedings concerning the conduct of those proceedings can only be raised through the disciplinary appeals procedures.

### **5.2 Confidentiality**

All concerns will be treated in confidence wherever possible and every effort will be made to preserve your anonymity if you so wish. You may need however to come forward as a witness, but if you wish to be supported by a representative of your choice then this would be available to you.

### **5.3 Anonymous allegations**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but they will be considered so far as is possible or practicable by the governing body.

#### **5.4 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 maliciously or for personal gain, disciplinary action may be taken against you.

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

As a first step you should raise concerns with your line manager or Principal. 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 your Principal is involved you should approach your chair of governors. Principals who have concerns about a member of staff should follow appropriate procedures in relation to specific areas of concern. If however the concern of the Principal is regarding any member of the governing body advice should be sought from the chair of governors or chair of the academy trust if appropriate.

Concerns may be raised verbally or in writing. Reports should be sent to your immediate manager and the Principal or the chair of governors

The earlier you express the concern, the easier it will be to take action.

You can get confidential, independent advice from the charity Public Concern at Work on 0207 404 6609. Their website is [www.pcaaw.co.uk](http://www.pcaaw.co.uk).

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

Concerns can be raised through your trade union or professional association who will advise and support you as appropriate.

### **7 How your concern will be dealt with**

The governing body, Principal or manager will respond to your concerns, and it will be necessary to investigate your concerns but this is not the same as either accepting or rejecting them.

Within 3 working days of a concern being raised, you will be sent a written acknowledgement of the concern which has been raised.

Within 10 working days you will receive a further response:

- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any enquiries have been made;
- supplying you with information on staff support mechanisms.

Where appropriate, matters raised may:

- be investigated by the school/LA/governing body, internal audit, or through the disciplinary process;
- be referred to the police or other statutory agencies;
- be referred to the external auditor.

In order to protect individuals and those about whom concerns are raised, 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.

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.

The amount of contact between you and the individual considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officers will seek further information from you.

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

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

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

This policy is intended to provide you with an avenue within the school to raise concerns. The governing body hope you will be satisfied with any action taken. If you remain dissatisfied, and you feel it is right to take the matter outside of the school, you may wish to take advice from your trade union, your local Citizens Advice Bureau or your legal advisor on the options that are available to you.

One possibility is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the school who can be contacted in certain circumstances. You should seek advice on the effect of the Act from the persons referred to above.

If you do take the matter outside of the governing body, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the school (e.g. service users) or where you would commit an offence by making disclosure.

If for any reason you do not wish to use the internal arrangements set out above, or require additional support and advice, a list of external agencies is given below. This is not exhaustive. A fuller list is available in the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 at [www.legislation.hms.gov.uk](http://www.legislation.hms.gov.uk).

Audit Commission for England and Wales	0845 0522646	<a href="http://www.audit-commission.gov.uk">www.audit-commission.gov.uk</a>
Commission for Social Care Inspection	0845 0150120	<a href="http://www.csci.org.uk">www.csci.org.uk</a>
Environment Agency	08708 506506	<a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a>
Food Standards Agency	0207 2768000	<a href="http://www.food.gov.uk">www.food.gov.uk</a>
General Social Care Council	0207 3975100	<a href="http://www.gsc.org.uk">www.gsc.org.uk</a>
Health and Safety Executive	0870 1545500	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
Housing Corporation	0845 2307000	<a href="http://www.housingcorp.gov.uk">www.housingcorp.gov.uk</a>
Information Commissioner	01625 545745	<a href="http://www.informationcommissioner.gov.uk">www.informationcommissioner.gov.uk</a>
Occupational Pensions Regulatory Authority	01273 627600	<a href="http://www.opra.gov.uk">www.opra.gov.uk</a>
Public Concern at Work	0207 4046609	<a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>
Standards Board for England	0845 0788181	<a href="http://www.standardsboard.co.uk">www.standardsboard.co.uk</a>

Advice about your rights is also available from:

Citizens Advice Bureau (Newcastle City)	0191 2320832
Newcastle Law Centre	0191 2304777

<b>Record of Published Versions/Revisions</b>	
<b>Date</b>	<b>Status</b>
May 2011	NCC Model Policy approved by Executive Director of Children's Services, following consultation and adopted by schools
August 2016	Reviewed by HR, no changes required
3 November 2016	Reviewed by MAT, no changes required