



# Confidential Reporting (Whistle Blowing) Policy

## INTRODUCTION

People working within organisations are often the first to realise that there may be something seriously wrong in the place in which they work. They may be wary of expressing concerns because they feel that to do so would be disloyal to their colleagues or to their school. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be suspicion of malpractice.

This school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others working at or for the school who have serious concerns about an aspect of the school or Council's work to come forward and voice those concerns.

## AIMS OF THE POLICY

This policy is designed to encourage and enable staff to be able to raise concerns they might have about the way the school or County Council conducts its business. It does this by providing them with an opportunity to raise concerns which they reasonably believe point to serious malpractice either in their school or within the County Council in a confidential way, without fear of victimisation, subsequent discrimination or disadvantage. Concerns may relate to the improper, unethical or illegal conduct of employees, governors, County Councillors or others acting on behalf of the Council. Some examples of serious malpractice include:

- conduct which is an offence or a failure to comply with a legal obligation;
- disclosures on miscarriages of justice;
- endangering the health and safety of pupils, members of 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 harassment of pupils or other workers;
- any concern over the welfare of pupils or other workers;
- deliberate concealment of malpractice; and
- other unethical conduct.

This list is not exhaustive.



Victimisation or harassment of anyone using the policy or if anyone tries to discourage others from coming forward will be deemed to be a disciplinary matter.

This policy complements complaints and statutory reporting procedures already in place for service users and non-employees and reflects the legal protection afforded by the Public Interest Disclosure Act 1998. It is not designed to be a substitute for the school's grievance, disciplinary or harassment policies. If staff have a personal concern unrelated to malpractice, they should use the school's Grievance Procedure or Harassment Policy as appropriate, copies of which are available from the Headteacher or from Education Human Resources.

If, having read this policy, staff are uncertain about whether it is the appropriate policy or how to proceed, they should seek informal advice from Education Human Resources.

### **WHO IS COVERED BY THE POLICY?**

Anyone working for or on behalf of the school or Council may raise a concern about malpractice, including employees, governors, contractors, supply staff, agency and trainee teachers, councillors or statutory office holders.

### **WHO IS RESPONSIBLE FOR THE POLICY?**

The governing body is responsible for ensuring the operation of this policy with regard to matters relating to this school. The governing body will work in partnership with the Local Authority in dealing with concerns about malpractice and will immediately contact the Local Authority on receiving such information.

The County Council Chief Executive and the Monitoring Officer who is the Director of Corporate Services have overall responsibility for the maintenance and operation of this policy throughout the County Council. Their role is to ensure that matters are investigated properly and to maintain a record of concerns raised together with outcomes and they will report as necessary to the County Council without jeopardising confidentiality.

### **HOW TO RAISE A CONCERN**

#### **Step 1 – Within the School**

If a member of staff has a concern about malpractice, the Governing Body hopes that they will be able to raise the matter with the Headteacher. If their concern is connected to a child protection issue, they must follow the school's Safeguarding Policy.

However, if they feel unable to raise the concern with the Headteacher due to the seriousness and sensitivity of the issues involved, or if they believe that he/she may be involved, they should speak to the Chair of Governors or another governor. Alternatively, they may wish to contact an officer of the Local Authority (either Education Human Resources or the school's contact inspector).

Concerns may be raised verbally and/or in writing. If a member of staff wishes to make a written report, they are advised to include in their letter the background and history (giving relevant dates) and give the reason why they are particularly concerned about the matter. They may also wish to seek advice from their trade union at this stage.

If a member of staff is personally involved in the matter raised, they should make this clear at the outset. They may invite their trade union, a member of staff from Human Resources or a work colleague to be present during any meetings or interviews (which may be arranged away from the normal workplace if they so wish) in connection with the concerns raised.

## **Step 2 – Within the County Council**

Where appropriate, the Headteacher, Governor or LA officer will refer the matter to another County Council officer, for example if they have a concern about any financial loss or irregularity, this would be raised with the Internal Auditor; if their concern relates to the conduct of a Councillor or to the working relationship between a Councillor and an employee of the school or Council, this may be raised with the Chairman of the County Council Standards and Ethics Committee.

If they have followed the channels described in Step 1 and still have concerns or feel that they are unable to discuss the matter with any of the individuals listed in Step 1, they may wish to raise the matter with the Director of Children's Services or alternatively, contact either the Monitoring Officer, who is the Director of Corporate Services or one of the Deputy Monitoring Officers either the Head of Member and Administrative Services or Head of Legal Services or a County Councillor. If the concern is related to child protection, they may wish to raise it with the Education Child Protection Officer who is the Pupil and Parent Support Manager.

## **WHAT WILL HAPPEN?**

The School or County Council will respond promptly to any concerns by assessing what action ought to be taken. This may involve an internal investigation or a more formal inquiry. They will be told who is handling the matter (the Responsible Officer), how they can contact them and whether any more assistance will be required. In normal circumstances within seven working days of a concern being raised, the Responsible Officer will write acknowledging that a concern has been received. The letter will also inform staff of any relevant staff support mechanisms and agree arrangements for keeping them informed.

Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this may be taken before an investigation is conducted.

Thereafter, the Responsible Officer will keep them informed of progress and the outcome of any investigations or decisions on the matter including the content of any reports written.

The School or Council will take steps to minimise any difficulties which a member of staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for them to receive advice about the procedure. Staff are protected against victimisation as a result of raising a concern and, should victimisation be proven to have taken place, it will be dealt with under disciplinary procedures. In exceptional circumstances, it may also be necessary to consider future working arrangements.

### **Step 3 – Raising a Concern Externally**

While we hope that this policy gives staff the confidence to raise concerns with the school management team, governing body or County Council officers, we would prefer that they raised any concerns with the proper external regulator rather than not at all.

If a member of staff acts in good faith and genuinely, and they reasonably believe that both the malpractice falls within the remit of a regulator and that the information disclosed is substantially true, they may also contact the following prescribed regulators:

- the Health and Safety Executive for health and safety dangers;
- the Environment Agency for environmental dangers;
- the Audit Commission or External Auditor for concerns associated with conduct of business, value for money, fraud and corruption; or
- the Data Protection Registrar.

Finally, in circumstances where a member of staff genuinely believes that the matter cannot or will not be dealt with internally because either their complaints have been ignored, they believe that information will be concealed or destroyed or they will be subjected to victimisation and have evidence to back up their belief, they may consider it appropriate to contact a non-regulatory external body for example the police, OFSTED or the Department for Education and Skills. They are strongly advised to seek independent advice before raising any issue outside the County Council. A list of contacts is given in the sections below entitled Further Advice and the Role of Trade Unions.

#### **CONFIDENTIALITY**

The Council undertakes to protect identities and will not disclose without consent. If the situation arises where it is not possible to pursue a concern without revealing identities (eg the need to give evidence in court or at a disciplinary hearing), we will discuss with the member of staff how and if we can proceed.

#### **UNTRUE ALLEGATIONS**

If a member of staff makes an allegation in good faith, but the evidence produced during the investigation does not substantiate it, no action will be taken against them. If, however, as an employee or statutory office holder and they make an allegation maliciously or for personal gain, this may result in disciplinary action taken against them.

#### **THE ROLE OF THE TRADE UNIONS**

The trade unions recognised by the County Council are committed to the effective use of this policy. If staff are considering raising concerns using this procedure they may wish to seek advice from their trade union representative before doing so, particularly if they believe that the only course of action open is to raise their concern with an external body.

#### **FURTHER ADVICE**

Staff may, of course, seek advice from any Officer of the County Council and, in particular, from Education Human Resources at County Hall on 01905 763763.

However, if staff want independent advice at any time they may contact their trade union or the independent charity, Public Concern at Work on 02074 046609 or e-mail them on [whistle@pcaw.demon.co.uk](mailto:whistle@pcaw.demon.co.uk). Their lawyers will give free confidential advice at any time on how to raise a concern about serious malpractice at work.

This policy appears on the school website.

Prepared by:	Headteacher	Responsibility of:	Headteacher
Agreement Date:	20.09.2018	Review Date:	Autumn 2020
<p>This Policy was prepared giving due regard to the disabilities and/or special education needs, age, race, religion or belief, sex/sexual orientation, gender/gender reassignment, marriage and civil partnership, pregnancy and maternity of the children and staff at Witton Middle School and its community.</p>			

## VERSION CONTROL

Date	Version	Approved by	Title	Changes
Autumn 2014	1	Full Governors	Confidential Reporting (Whistleblowing)	
20.09.2018	2	Full Governors	Confidential Reporting (Whistleblowing)	School responsibilities updated