



Whistleblowing Policy

Rise Park Primary and Nursery School

Signed by Chair of Committee	Jeanette Kirkby
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CONFIDENTIAL REPORTING CODE

(‘WHISTLEBLOWING’ PROCEDURE) FOR MAINTAINED SCHOOLS

1. Introduction

This procedure identifies the kind of complaints covered by the Whistle Blowing 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 Employees are often the first to realise that there may be something seriously wrong within the school or local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. 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 The school and the local authority are 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 school or local authority’s work to come forward and voice those concerns.

2.3 This Code makes it clear that employees can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The Whistle Blowing Procedure is intended to encourage and enable employees to raise serious concerns within the school or local authority rather than overlooking a problem or ‘blowing the whistle’ outside.

2.4 The procedure applies to all employees and those contractors working for the school and local authority on their premises, for example, agency staff, builders, drivers etc. It also covers suppliers and those providing services under a contract with the school or local authority in their own premises.

2.5 This procedure should be used to raise serious concerns within the school or local authority, which are in the public interest where an individual genuinely feels there is evidence of malpractice, impropriety or wrongdoing within the school or local authority or by others acting on behalf of the school or local authority. 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 Whistle Blowing policy is not an appeal mechanism for other procedures.

3. AIMS AND SCOPE OF THIS CODE

3.1 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
- 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. The Whistle Blowing 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 Whistle Blowing Procedure include:

- Conduct which is an offence or a breach of law (Criminal offences and failures comply with legal obligations)
- 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 of clients
- 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 service provision or the conduct of school employees, officers or members of the Local Authority or others acting on behalf of the Local Authority can be reported under the Whistle Blowing Procedure. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Local Authority subscribes to; or
- Is against the Local Authority's Standing Orders, local authority's or school's policies
- 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 schools Grievance Procedure.

- Concerns about the sexual or physical abuse of clients – such concerns should be referred via the Safeguarding Adults Procedure through Adult

Services for concerns about adults or through the Child Protection Procedure through Children's Services for concerns about children.

- Customer complaints about our services – these are dealt with through the Schools Complaints Procedure.
- Allegations against the Local Authority – these are dealt with by the City Council's Monitoring Officer

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 school and the Local Authority are likely to take precedence over the above procedures and this whistleblowing procedure.

4. SAFEGUARDS AND SUPPORT

4.1 The school and Local Authority are committed to the highest standards of openness, probity and accountability. The school and the Local Authority aim to promote a culture in which employees feel they can raise genuine concerns without fear of subsequent victimisation, discrimination or disadvantage.

4.2 Neither the school nor the Local Authority will 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 school, or in the case of disclosures regarding the Local Authority, the Monitoring Officer in consultation with the Chair of the Standards Committee for the Local Authority.

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 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.

8. HOW TO RAISE A CONCERN

8.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.

- If you believe that management is involved or the issue is sufficiently serious, you should approach the Governing Body of the school
- If your concern relates to matters involving the Governing Body you should raise your concern with the Monitoring Officer
- In the case of concerns relating to the Local Authority you should raise your concerns with the Monitoring Officer

Line Managers and the Governing Body receiving complaints (including school related matters) must inform the Monitoring Officer so that the complaint can be recorded.

8.2 If you wish to raise a concern relating to something in the Monitoring Officer's area of work then this should be addressed to the Chief Finance Officer (Corporate Director, Resources).

8.3 If you wish to raise a concern about a third party, e.g. a contractor, you should either raise it with the Governing Body or the third party themselves.

8.4 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 Whistle blowing complaint.

8.5 The earlier you express the concern and the higher level of detail the easier it is to take action.

8.6 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 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.

8.7 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 the same experience or concerns but do be mindful of confidentiality issues.

8.8 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.

8.9 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 where 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.

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

9. HOW THE SCHOOL/LOCAL AUTHORITY WILL RESPOND

9.1 Within ten working days of a concern being raised, the person receiving the complaint (i.e. your line manager or the Monitoring Officer or their designated representative) 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 colleague support mechanisms
- Telling you whether further investigations will take place and if not, why not.

9.2 Where appropriate, the matters raised may:

- Be investigated by management, an appropriately trained investigator, internal audit, or through another appropriate procedure
- 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. The overriding principle which the school/Local Authority will have in mind, is the public interest but will balance this with its duty of care to its employees. 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.

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 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 Council 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 school/Local Authority 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 school/Local Authority will arrange for you to receive advice about the procedure.

9.8 The school/Local Authority 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 at the end of the case.

10. THE RESPONSIBLE OFFICER

10.1 The Deputy Chief Executive/City Secretary has overall responsibility for the maintenance and operation of this policy. That officer 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 Council.

11. HOW THE MATTER CAN BE TAKEN FURTHER

11.1 This policy is intended to provide you with an avenue within the school/Local Authority to raise concerns. The school/Local Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the school/Local Authority, the following are possible contact points:

- The designated independent person or organisation (The District Auditor)
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- The police

The City Council recognises the lawful right of employees to make disclosures to prescribed persons under the terms of the Public Interest Disclosure Act.

11.2 If you do take the matter outside the school/Local Authority, you should ensure that you do not disclose confidential information. Check with the contact point about that. This procedure has been written taking into account the terms of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern where those disclosures are made in accordance with the Act's provisions.

The scope of the procedure is wider than the obligations contained in 1998 Act, which covers;

- Criminal offences
- Failures to comply with legal obligations
- Miscarriages of justice
- Endangerment of health and safety
- Concealment

If an employee makes a protected disclosure, the Act protects him/her against dismissal for making the disclosure. A disclosure covered by the procedure but not also covered by the Act is offered no such protection.

SECTION 20

CONFIDENTIAL REPORTING POLICY (‘WHISTLEBLOWING’ PROCEDURE)

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1. INTRODUCTION

- 1.1 The governing body of this school acknowledges that employees are often the first to realise that there may be something seriously wrong within a school or within the local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or the local authority. 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 policy is designed to encourage employees to report any concerns they may have by giving them confidence that their concern will be thoroughly investigated.
- 1.2 This is a policy of the local education authority, approved by representatives of the recognised trade union representatives and has been agreed by the governing body of this school. The policy aims to encourage employees to raise such concerns using the internal mechanisms set out below. This policy makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns **within** the local authority rather than overlooking a problem or 'blowing the whistle' outside.
- 1.3 **Public Interest Disclosure Act 1998**

This act protects workers who 'blow the whistle' about wrongdoing. It makes provision about the kinds of disclosures, which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected. The provisions introduced by the act protect most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.
- 1.4 The LA is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the LA expects employees, and others that are dealt with who have serious concerns about any aspects of the local authority's work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.5 The policy applies to all employees and those contractors working for the Council on local authority premises.
- 1.6 These procedures are in addition to the local authority and school complaints procedures and other statutory reporting procedures.
- 1.7 The governing body will ensure that all are made aware of this policy.
- 1.8 The Employment Rights Act 1996 already provides protection for employees who, in certain circumstances, raise concerns about health and safety matters. For example, the act already provides that it would be unfair to dismiss an employee who acts to protect him/herself or others from serious and imminent danger.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- a) encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- b) provide avenues for employees to raise those concerns and receive feedback on any action taken;
- c) ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied; and
- d) reassure employees that they will be protected from possible reprisals provided the worker makes the disclosure in good faith, reasonably believes that the information and any allegation it contains are substantially true and does not act for personal gain.

2.2 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- a) conduct which is an offence or a breach of law;
- b) disclosures related to miscarriages of justice;
- c) health and safety risks, including risks to the public as well as other employees;
- d) damage to the environment;
- e) the unauthorised use of public funds;
- f) possible fraud and corruption;
- g) sexual or physical abuse or any other safeguarding issues;
- h) other unethical conduct;
- i) racism or any other discrimination; or
- j) action to conceal any of the above.

This list is wider than those disclosures covered by the Public Interest Disclosure Act 1998.

2.3 Any serious concerns that staff have about any aspect of service provision or the conduct of officers or members of the local authority or others acting on behalf of the local authority can be reported under the Confidential Reporting Policy. This may be about something that -

- a) Makes staff feel uncomfortable in terms of known standards, their experience or the standards believed the local authority subscribes to;
- b) is against the local authority's and school policies;
- c) falls below established standards of practice; or
- d) amounts to improper conduct.

2.4 This policy does **not** replace the school's complaints procedure.

3. SAFEGUARDS

3.1 The LA and school are committed to good practice and high standards and want to be supportive of employees.

3.2 The LA recognises the difficulty of deciding whether to report a concern. Employees should have nothing to fear if they genuinely believe that what they are saying is true because it is a duty to the employer and those for whom they are providing a service.

- 3.3 The LA and school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when a concern has been raised in good faith.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal the employees identity if they do not so wish. At the appropriate time, however, staff may be required to come forward as a witness.

5. ANONYMOUS DISCLOSURES

- 5.1 This policy encourages employees to put their name to a disclosure, whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Corporate Director, Children's Services (or representative).
- 5.3 In exercising this discretion the factors to be taken into account would include:
- a) the seriousness of the issues raised;
 - b) the credibility of the concern; and
 - c) the likelihood of confirming the allegation from attributable sources.

6. UNTRUE DISCLOSURES

- 6.1 If a disclosure is made in good faith but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If, however, an employee makes a disclosure frivolously, maliciously or for personal gain, disciplinary action may be taken.

7. HOW TO RAISE A CONCERN

- 7.1 Staff may find it easier to raise the matter if there are two (or more) staff who have had the same experience or concerns. The earlier concerns are expressed the easier it is to take action. Staff may wish to speak to their trade union representative or colleague before making a disclosure.
- 7.2 Employees need to be aware that their colleagues are bound by the same obligations, as they are themselves, relating to confidential information. If employees share confidential information with union representatives, professional associations or others with a view to using this procedure they will need to ensure that the confidential information is not used inappropriately. The Public Interest Disclosure Act provides protection where information is disclosed in the course of obtaining legal advice. Therefore, when seeking such advice, employees should ensure that in seeking the advice confidential information is not passed on to third parties.

- 7.3 The first stage requires concerns to be raised with the employee's immediate supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that the head teacher is involved, the Chair of Governors, the HR Service Partner, or the Corporate Director, Children's Services, should be contacted in the first instance.
- 7.4 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
- a) the background and history of the concern (giving relevant dates); and
 - b) the reason why they are particularly concerned about the situation.
- 7.5 Although staff are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.
- 7.6 Employees may wish to obtain advice or guidance from Children's Services Human Resources on how to pursue matters of concern.
- 7.7 A trade union or professional association representative, work colleague or a friend may be present during any meetings or interviews in connection with the concerns raised.

8. HOW THE LOCAL AUTHORITY WILL RESPOND

- 8.1 The local authority (the governing body and LA) will respond to concerns. Testing out concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
- a) be investigated by the governing body, internal audit, or through the schools disciplinary procedures;
 - b) be referred to the police;
 - c) be referred to the external auditor;
 - d) form the subject of an independent inquiry; and/or
 - e) be referred to the Safeguarding Board.
- 8.3 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. The overriding principle that the local authority 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.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. On occasions, urgent action may be required to be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the responsible person (the head teacher or chair of governors or Corporate Director, Children's Services, in the case of a concern relating to the head teacher) will write to the employee:
- a) acknowledging that the concern has been received;

- b) indicating how it is proposed to deal with the matter;
- c) giving an estimate of how long it will take to provide a final response;
- d) telling the employee whether any initial enquiries have been made;
- e) supplying the employee with information on support mechanisms; and
- f) telling the employee whether further investigations will take place and if not, why not.

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

8.7 An employee can be accompanied by a union or professional association representative or a work colleague at any meeting. If preferred, the meeting should take place away from the workplace.

8.8 The LA will take steps to minimise any difficulties that may be experienced as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings the local authority will arrange for this person to receive advice about the procedure.

8.9 The LA accepts that employees need to be assured that the matter has been properly addressed and, subject to legal constraints, an employee will be informed of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

9.1 The Corporate Director, Children's Services has overall responsibility for the maintenance and operation of this policy and will inform governing bodies of any changes agreed.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide employees with an avenue within the local authority to raise concerns and hopes employees will be satisfied with any action taken. If staff are not, and they feel it is right to take the matter outside the local authority, the following are possible contact points:

- a) the designated independent person or organisation (The District Auditor);
- b) the local Citizens Advice Bureau;
- c) relevant professional associations/trade unions or regulatory organisations;
- d) a relevant voluntary organisation; and
- e) the police.

The local authority recognises the lawful right of employees to make disclosures to prescribed persons under the terms of the Public Interest Disclosure Act.

10.2 If an employee does take the matter outside the Council, s/he should ensure that confidential information is not disclosed. Staff should check with the contact point about matters of confidentiality. This procedure has been written taking into account the terms of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern where those disclosures are made in accordance with the act's provisions.

The scope of the procedure is wider than the obligations contained in the 1998 Act, which covers:

- a) criminal offences;
- b) failures to comply with legal obligations;
- c) miscarriages of justice;
- d) endangerment of health and safety; and
- e) concealment.

If an employee makes a protected disclosure, the act protects him/her against dismissal for making the disclosure. A disclosure covered by the procedure but not also covered by the act is offered no such protection.

- 10.3 Workers protected by the provisions (including employees) can complain that they have been subjected to detriment by their employer for making a protected disclosure. An employee can make a claim for unfair dismissal because s/he made a protected disclosure and has been subjected to detriment. A complaint to an employment tribunal should normally be made within three months of the dismissal or detriment.

11. FURTHER INFORMATION

Department for Business, Enterprise & Regulatory Reform - [UK Dept for Business, Enterprise & Regulatory Reform](#)