

**SCHOOL CONFIDENTIALITY REPORTING
(WHISTLEBLOWING) POLICY**

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SCHOOL CONFIDENTIALITY REPORTING POLICY

1.0 INTRODUCTION

Employees are in a good position to be aware of **unacceptable behaviour or practice** within the School/Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. Employees may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concerns rather than report what may just be suspicions of unacceptable behaviour or practice.

The School is committed to the highest possible standards of openness, probity and accountability. To achieve these ends it encourages freedom of speech. In line with that commitment it is expected that employees who have serious concerns about any aspects of the School's work or an individual's behaviour/conduct should 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 to employees that they 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 School rather than overlooking a problem or 'blowing the whistle' outside.

The Policy applies to all employees. For the purpose of this Policy only, the term "employees" also includes contractors working for the School on School premises or elsewhere and suppliers and those providing services under contracts with the School/Council in their own premises.

The Policy and Procedure have been developed by the LA working in partnership with representatives of the recognised Professional Associations/Trade Unions.

2.0 THE LEGAL POSITION

Employees and workers who make a 'protected disclosure' are protected from being treated unfairly or being dismissed. The key piece of whistleblowing legislation is the Public Interest Disclosure Act 1998 (PIDA) which applies to almost all workers and employees who ordinarily work in Great Britain. The situations covered include criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage.

The PIDA is incorporated into the Employments Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by section 151 Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, The Local Government and Housing Act 1989 and Accounts and Audit Regulations 2003.

3.0 EQUALITY

The Schools HR Service aims to regularly review all the policies and procedures we operate to ensure there are no negative equality impacts on staff based on their age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation as outlined in the Equality Act 2010. Consultation with our customers is an important part of how we achieve this. If you feel, on reading this policy, that there may be a negative equality impact within your school, please tell us about this. Please also let us know if you need to access this policy in a different format.

4.0 AIMS AND SCOPE OF THIS POLICY

This Policy aims to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about unacceptable behaviour or practice within the School;
- provide avenues for employees to raise those concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and that employees are aware of how to pursue them if they are not satisfied;
- reassure employees that they will be protected from possible reprisals or victimisation if employees have a reasonable belief that they have made any disclosure in good faith.

There are existing procedures to lodge a grievance relating to employment matters. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other policies/procedures and therefore this procedure should not be used to pursue a personal grievance. Those other policies/procedures include:-

Policies/Procedures	Areas of concern which can be reported
Dignity at Work – Anti Bullying and Harassment Policy	All forms of harassment/Bullying
Health and Safety Policy	Health and safety risks including risks to the public as well as to other employees
Recruitment and Selection Complaints Procedure	All aspects of the recruitment and selection process
Allegations Management	All aspects of safeguarding pupils.

Where reporting or referring concerns through the above policies/procedures is not appropriate, the confidential reporting policy should be used. This may cover concerns such as: -

- conduct which is an offence or a breach of the law including all safeguarding concerns;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- racial harassment, sexual or physical abuse of clients, or other unethical conduct.

Thus, any serious concerns that employees have about any aspect of service provision or the conduct of staff/officers/governors, members of the School or others acting on behalf of the School can be reported under the Confidential Reporting Policy. This may be about something that:

- makes employees feel uncomfortable in terms of known standards, experience or the standards they believe the School subscribes to; or
- is against the School's financial standards and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

5.0 SAFEGUARDS

Harassment/bullying and Victimisation

The School is committed to good practice and high standards and wants to support employees in achieving good practice and high standards.

The School recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, employees should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

The School will not tolerate any harassment or victimisation (including informal pressures) of a person expressing a concern and will take appropriate action to protect employees when they raise a concern in good faith.

Any investigation into allegations of potential unacceptable behaviour or practice will not influence or be influenced by any disciplinary or redundancy procedures that already affect employees.

6.0 CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal the identity of employees if they so wish. At the appropriate time, however, employees may need to come forward as witnesses if any action is to be taken.

7.0 ANONYMOUS ALLEGATIONS

This policy encourages employees to put their names to their allegations whenever possible.

Concerns expressed anonymously are much less powerful as it makes it more difficult to look into the matter and feedback cannot be provided, but will be considered at the discretion of the Executive Director¹: Children's Schools and Families (or their representative).

In exercising this discretion the factors to be taken into account include:

- the seriousness of the issues raised;
- the credibility of the concerns; and
- the likelihood of confirming the allegations from attributable sources.

8.0 UNTRUE ALLEGATIONS

If employees make allegations in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, employees make allegations frivolously, maliciously or for personal gain, disciplinary or other action may be taken against them.

9.0 HOW TO RAISE A CONCERN

As a first step, employees should normally raise concerns with their immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if employees believe that management is involved, they should approach the Executive Director¹: Children's Schools and Families (or their representative), or the Local Authority Delegated Officer (LADO) where the matter relates to safeguarding. Employees or Governors of voluntary aided schools are able to raise concerns with their Diocesan Authority.

Concerns may be raised verbally or in writing. Employees will be encouraged to put their complaints in writing; they should do so using the following format:

- the background and history of the concerns (giving relevant dates whenever possible);
- the reasons why they are particularly concerned about the situation.

The earlier employees express their concerns the easier it is to take action.

¹ The Executive Director may determine it appropriate to refer the matter to the Chair of Governors, depending on the nature of the complaint.

Although employees are not expected to prove the truth of allegations, they will need to demonstrate to the person contacted that there are reasonable grounds for their concerns.

Advice and guidance on how to pursue matters of concern may be obtained from the Executive Director²: Children's Services, or the Local Authority Delegated Officer (LADO), or in the case of voluntary aided schools a Diocesan advisor.

Executive Director: Children's Services – Cheryl Eastwood – 01706 925000
LADO – Dawn Lundergan – 01706 925363

Employees may invite their trade union or professional association representative or workplace colleague to be present during any meetings or interviews in connection with the concerns they have raised.

10.0 HOW THE SCHOOL/COUNCIL WILL RESPOND

The School/Council will respond to the concerns of employees. Employees should remember that testing out their 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 school's disciplinary process;
- be referred to the police;
- be referred to the District Auditor;
- be referred to be the LADO;
- be the subject of a multi-agency strategy meeting;
- Investigation by independent consultant.

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/Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures 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 concerns being raised, the Executive Director²: Children's Schools and Families (or their representative) will write to the relevant employee:

- acknowledging that the concerns have been received
- indicating how it is proposed to deal with the matters raised
- giving an estimate of how long it will take to provide a final response or when the next update will be provided
- indicating whether any initial enquiries have been made
- supplying information on staff support mechanisms, and
- indicating whether further investigations will take place and, if not, why not.
- regular updates will be provided to the employee throughout the investigation

The amount of contact between the officer considering the issues and the relevant employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the relevant employee.

² The Executive Director may determine it appropriate to refer the matter to the Chair of Governors, depending on the nature of the complaint.

Where any meeting is arranged, off-site if the employee so wishes, the employee can be accompanied by a trade union or professional association representative or a workplace colleague. If an employee raises a concern and then wishes not to proceed with the disclosure, the person receiving the disclosure will be obliged to consider whether the matter should still be investigated because of the nature of the issue. The employee will be informed of this decision. The decision will be based on what is in the public interest.

11.0 DISCIPLINARY

Where an employee has been made subject to a whistleblowing disclosure and following an investigation where there is a case to answer, the matter will be dealt with through the school's relevant procedures. Where the investigation concludes that there is a case of misconduct by an employee, a formal disciplinary investigation leading to a hearing may take place in accordance with the school's Disciplinary Procedure.

12.0 HOW MATTERS OF CONCERN CAN BE TAKEN FURTHER

This Policy is intended to provide employees with an avenue to raise concerns within the School/Authority. The School/Authority hopes that employees will be satisfied.

However, if employees feel that matters of concern have not been dealt with satisfactorily, the following are possible contacts if they wish to take the matters further:

- Local Council Members
- The District Auditor
- Relevant professional bodies
- Solicitors
- Greater Manchester Police
- Ofsted Whistleblower hotline (0300 123 3155)

If employees take matters outside the School/Authority, it will be necessary to ensure that they do not disclose confidential or legally privileged information. It is advisable to take advice before doing so.

13.0 SUPPORT AVAILABLE FOR EMPLOYEES WHO MAKE A CONFIDENTIAL REPORT

Employees who make a confidential report under this procedure can be provided with support. This support can be provided in a variety of ways including:

- Professional Association Representative/Trade Union Representative
- Teacher support network (only applicable to teachers)
- Occupational health services (where the appropriate SLA has been purchased)
- Counselling referral (where the appropriate SLA has been purchased)
- Schools HR Service (where the appropriate SLA has been purchased)

