Chillingham Road Primary School

Whistleblowing Policy-Confidential reporting of concerns for staff employed in schools.

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1 Scope

This policy is recommended for adoption by the governing bodies of community schools, foundation / trust schools, voluntary aided schools and academies and multi academy trusts (MAT) including free schools and studio schools etc.

2 Purpose

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

3 Roles and responsibilities

- **Staff, Workers, Contractors, Suppliers and Volunteers:** The policy applies to all school / academy / MAT employees and includes those contractors providing a service working for Newcastle City Council or other organisations working on school premises, for example, private agency staff, builders and

school meals staff. It also covers suppliers and those providing service under a contract with the school / academy / MAT. This includes volunteers, governors, Boards of Trustees within schools.

- **Head teacher/managers:** The head teacher and other managers are normally responsible for investigating and responding to concerns raised, including for locally maintained schools, notifying the Local Authority's (LA) Legal Monitoring Officer.

- **Governing bodies, Trustees of Academies / MATS:** may also be involved in investigating and responding to concerns depending on the nature of the matter involved.

- **Trade unions:** Trade union representatives are a useful source of advice for staff. The recognised trade unions in Newcastle are ASCL, ATL, NAHT, NASUWT and NUT for teaching staff and GMB, Unison and Unite for school support staff. All trade union officials, regardless of whether the union is recognised, may represent their members individually. This policy has been discussed with the relevant trade unions and professional organisations and has their support.

- **External agencies:** A range of external agencies can provide advice and support to individuals with a concern.

4 Policy statement

This policy reflects the school's / academy's / MAT's commitment to safeguarding children and young people, good working practices and systems, valuing staff and seeking continuous improvement in service delivery.

An important aspect of accountability and transparency is a mechanism to enable staff to voice concerns in a responsible and effective manner. It is a important term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done and this is the purpose of this policy.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to just question financial, service delivery or business decisions taken nor should it be used to reconsider any matters which have already been / or should be addressed under other procedures eg complaints, disciplinary, grievance, dignity at work etc. With the

establishment of the "whistleblowing" policies and procedures, it is reasonable to expect staff to use them rather than air their complaints outside the organisation.

The wrongdoing or concern disclosed under this policy must be in the public interest. This means it must normally affect others, eg the general public. Usually individual or personal grievances are not technically covered by whistleblowing legislation, unless the particular case is in the public interest.

Employees are often the first to realise that there may be something wrong within the organisation. 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 to report it.
However, the school / academy / MAT is 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 our 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 / academy / MAT rather than overlooking a problem or "blowing the whistle" outside the organisation.

5 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 (in accordance with health and safety policy statements) 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 / MAT'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 a health and safety or trade union representative, or if appropriate, LA's Health and Safety Section based in the Human Resources Division.

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) for example:

- 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;
- financial, malpractice, 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 staff, others acting on behalf of schools/governing bodies or the LA 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 school / MAT subscribe to; or
- is against the school's / MAT'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 school's / MAT's complaints procedure, the grievance procedure and other procedures.

6 Safeguards for complainants

6.1 Harassment or victimisation

The Governing Body / Board of Trustees are committed to good practice and high standards and aim to be supportive of its staff.

The Governing Body / Board of Trustees 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 / MAT. You will be doing your duty to your employer and those for whom you are providing a service.

The Governing Body / Board of Trustees will fulfil their responsibilities to ensure that you are not harassed, victimised or otherwise disadvantaged as a result of making a disclosure. Any allegation concerning an employee who engages in any form of victimisation or harassment against you as a result of you raising a concern will be the subject of a thorough investigation and disciplinary action will be taken if such an allegation is substantiated. Any governor / trustee /director 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.

However, allegations by an employee who is the subject of disciplinary investigations or proceedings concerning the conduct of those proceedings can raise these matters at a disciplinary hearing and /or through the disciplinary appeals processes.

6.2 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.

6.3 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 school / MAT.

6.4 Untrue allegations

If you make an allegation or disclosure this should be made in good faith based on reasonable belief that it is in the public interest.

If you make an allegation or disclosure falsely or maliciously, or is found to be fabricated or for personal gain, disciplinary action could be taken against you, including dismissal in very serious cases.

7 How to raise a concern

As a first step you should raise concerns with your line manager or 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 your head teacher is involved you should approach your chair of governors or the chair of the board of trustees in the case of an academy or a MAT. For locally maintained schools only it may be appropriate to contact the post holder designated as Chief Education Officer in the LA. For faith schools it may be appropriate to contact the diocesan authority – this include faith schools that are academies or MATs.

Head teachers 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 head teacher is regarding a member of the governing body advice should be sought from the chair of governors, or as appropriate, the chair of the board of trustees in the case of an academy or MAT. For locally maintained schools it may be appropriate to contact the post holder designated as Chief Education Officer in the LA. For faith schools it may be appropriate to contact the diocesan authority – this include faith schools that are academies or MATs.

In the case of a locally maintained school the person receiving notification of concerns under this policy should inform the Head of Legal Services that a confidential report has been received and provide a copy.

If the concern relates to financial irregularities or failures of financial controls the head teacher or chair of governors receiving the report must immediately notify the Chief Internal Auditor, and the post holder designated as Chief Education Officer and the relevant diocese as appropriate.

In the case of financial irregularities or failures of financial controls in an academy / MAT it may be appropriate contact the organisation's external auditors and/or the Education Funding Agency.

Concerns may be raised verbally, but preferably in writing. If you make a written report please use the pro-forma available at the end of this policy.

Reports should be sent to your immediate manager, the head teacher, or the chair of governors, or for academies / MATs the chair of the board of trustees.

The Head of Legal Services will support the maintenance and operation of this policy in relation to locally maintained schools and for these disclosures will monitor how the complaint is handled and support the requirements of this policy are fulfilled.

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

Advice and guidance on how matters of concern may be pursued can be obtained your usual HR Adviser.

You can get confidential, independent advice from the charity Public Concern at Work on 0207 404 6609. Their website is www.pcaw.co.uk.

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

8 How your concern will be dealt with

The governing body, board of trustees, head teacher or manager, as appropriate, will respond to your concerns, and it will be necessary to investigate them fully.

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

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with this matter;
- giving an estimate of how long it will take to investigate and provide a final response;
- telling you whether any enquiries have been made;
- supply you with information on staff support mechanisms.

Where appropriate, matters raised may:

- be investigated by the school/LA/governing body/board of trustees, 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 City Council, governing body or board of trustees, as appropriate, will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings your employer will arrange for you to receive advice about the procedure.

The City Council, governing bodies or board of trustees accept 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.

9 The responsible officer

The Chief Legal Officer (as Monitoring Officer) has overall responsibility for the maintenance and operation of this policy for locally maintained schools.

For academies this responsibility will lie with the chair of the board of trustees. For MATs this responsibility may be assigned to the chair of the board of trustees and/or a member.

The responsible officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality, if appropriate) and may report as necessary to the employer (eg City Council, governing body, board of trustees and/or members,) but in such a way that your confidentiality will as far as possible, be preserved.

It is the responsibility of any manager who receives a whistleblowing report to:

A) In the case of a locally maintained school copy the report immediately, as appropriate, to the head teacher and/or chair of governors and the Chief Legal Officer. The Chief Legal Officer must also be given a copy of the report outlining the outcome(s) of any investigation and any actions instigated as a result.

B) In the case of an academy or MAT copy the report immediately to the head teacher, chair of the board of trustees and /or the relevant member;

10 How the matter can be taken further

This policy is intended to provide you with an avenue within the employer to raise concerns. The employer hope you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential report you can write to the:

- Chief Executive, in the case of a locally maintained school where Newcastle City Council is the employer, or;
- Chair of Governors, in the case of a locally maintained school where the governing body is the employer, or;
- Chair of the Board of Trustees, in the case of an academy;
- Chair of the Board of Trustees or a designated Member, in the case of MAT.

and ask for the investigation and outcome to be reviewed.

If you remain dissatisfied, and you feel it is right to take the matter outside of your employer, 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 the employer who can be contacted in certain circumstances. You may wish to seek advice on the effect of the Act from the persons referred to above.

If you do take the matter outside of employer, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the employer (e.g. service users) or where you would commit an offence by making disclosure. For staff working in locally maintained schools in order to ensure that you do not make any such disclosures you may want to check the position with the Chief Legal Officer. For staff employed by academies / MATs you may wish to get advice from a third party eg trade union, Citizens Advice Bureau etc.

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.hmso.gov.uk.

Audit Commission for England and Wales	0845 0522646	www.audit-commission.gov.uk
Commission for Social Care Inspection	0845 0150120	www.csci.org.uk

Environment Agency	08708 506506	www.environment-agency.gov.uk
Food Standards Agency	0207 2768000	www.food.gov.uk
General Social Care Council	0207 3975100	www.gscc.org.uk
Health and Safety Executive	0870 1545500	www.hse.gov.uk
Housing Corporation	0845 2307000	www.housingcorp.gov.uk
Information Commissioner	01625 545745	www.informationcommissioner.gov.uk
Occupational Pensions Regulatory Authority	01273 627600	www.opra.gov.uk
Public Concern at Work	0207 4046609	www.pcaw.co.uk
Standards Board for England	0845 0788181	www.standardsboard.co.uk

Advice about your rights is also available from:

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

11 Publication of the policy

On adoption by the governing body / board of trustees this policy should be brought to the attention of all school staff.

12 Relationship with other policies/procedures

These procedures are in addition to the employer's complaints procedures, grievance procedure, Policy on Fraud and Corruption, other statutory reporting procedures, and relevant school policies.

13 Monitoring the policy

Feedback is encouraged from governing bodies / board of trustees and head teachers on the effectiveness of this policy and procedure. It will be reviewed on a regular basis to ensure it is appropriate in light of recommended best practice and complies with statutory regulations. In the event of any conflict with statutory regulations, the legal provisions will have precedence over this procedure in all cases.

Governing bodies / board of trustees should monitor the application of this policy and procedure, particularly to ensure that their practices comply with it and are not discriminatory.

POLICY FOR CONFIDENTIAL REPORTING OF CONCERNS ("WHISTLE BLOWING") REPORT FORM

As an employer we 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 our work to come forward and voice those concerns.

It is recognised that many cases will have to proceed on a confidential basis. If you wish to make a report please use this pro-forma.

(Please attach additional sheets if necessary)

1 Background and history of the concern (giving the relevant dates).

2. The reasons why you are particularly concerned about the situation.

3. You are encouraged to put your name to this report. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible by the school / academy / MAT. If you feel able to, please give your name and details below.

Name:.....

Position……..

Work Location:.....

Contact Telephone Number:……

Email ……..

Date …….

PLEASE SEND THIS FORM TO YOUR LINE MANAGER OR THE HEAD TEACHER, OR IF APPROPRIATE, CHAIR OF GOVERNORS / CHAIR OF BOARD OF TRUSTEES.