



## 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.

Employees have a responsibility to ensure that they, their colleagues and others working in the school follow safe working practices so that pupils are kept safe at all times. Employees must also understand that they have a duty to report unsafe practices that could lead to a child being harmed or put at risk of harm. Failure to report such practices may lead to disciplinary action being taken against them if as a result of the failure to report, a child is harmed or put at risk of harm.

This policy applies to all school staff including full and part time, casual, temporary, agency staff, students, individuals undertaking work experience in the school, volunteers and all contractors working for the school on school premises, for example drivers and builders.

### 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.
- **Head teacher/managers:** The Head Teacher 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, NASWUT and NEU for teaching staff and GMB and Unison and UNITE 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 City Council's and school 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 City Council and 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:

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- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that they are encouraged to act on those concerns
- provide members of staff with avenues to raise concerns.
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith.

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.:

- sexual, physical or emotional abuse of members of staff or pupils;
- 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;
- action that has caused or is likely to cause danger to the environment;
- failure to comply with a statutory or legal obligation;
- the unauthorised use of public funds;
- breaches of financial regulations or policies;
- fraud and corruption;
- inappropriate use of social media and other technologies;
- racist incidents or acts, or racial harassment;
- unfair discrimination;
- abuse of authority;
- 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 City Council and governing body are committed to good practice and high standards and aim to be supportive of its staff.

The City Council and 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 City Council and 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 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. Any concern about a Head Teacher must be reported by the Chair of Governors to the Head of School Effectiveness. 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 any member of the governing body advice should be sought from the Chair of Governors. The person receiving notification of concerns under this policy will inform the Legal Department at the Local Authority 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 postholder designated as Chief Education Officer and the relevant diocese as appropriate.

Concerns may be raised verbally or in writing. Reports should be sent to your immediate manager and the Head Teacher 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 Protect. Speak up, stop harm on 0207 31172520. Their website is: <https://protect-advice.org.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, Head Teacher 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. (except in the case of anonymous allegations)

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 City Council and 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 City Council will arrange for you to receive advice about the procedure.

The City Council and 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.

## **9 The responsible officer**

The Legal department at the local authority 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 may report as necessary to the Council, but in such a way that your confidentiality will be preserved.

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

- copy the report immediately to the legal department at the Civic centre;
- copy the initial written response and any further responses to the Chief Legal Officer; and,
- inform the legal team at the Civic Centre of the outcome(s) of any investigation and any actions instigated as a result.

## **10 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 2013. 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.hmso.gov.uk](http://www.legislation.hmso.gov.uk).

National Audit Office  
Newcastle  
+44 (0) <https://www.nao.org.uk/contact-us/>

1912691820

Environment Agency 03708506506

[enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Food Standards Agency 0207 2768000

[www.food.gov.uk](http://www.food.gov.uk)

Health and Safety Executive 03007906787

[www.hse.gov.uk](http://www.hse.gov.uk)

Information Commissioner 03031231113

<https://ico.org.uk/>

Pensions Regulator

<https://www.thepensionsregulator.gov.uk/>

Charity Commission [whistleblowing@charitycommission.gov.uk](mailto:whistleblowing@charitycommission.gov.uk)

Advice about your rights is also available from:

Citizens Advice Bureau (Newcastle City)  
Newcastle Law Centre

0191 2320832  
0191 2304777

## **11 Publication of the policy**

On adoption by the governing body, this policy will be brought to the attention of all school staff.

## **12 Relationship with other policies/procedures**

These procedures are in addition to the City Council's complaints procedures, grievance procedure, Policy on Fraud and Corruption, other statutory reporting procedures applying to some directorates, and relevant school governing body policies.

## **13 Monitoring the policy**

Feedback is encouraged from governing bodies and Head Teachers on the effectiveness of this policy and procedure. It will be reviewed on an annual 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 should monitor the application of this policy and procedure, particularly to ensure that their practices comply with it and are not discriminatory.

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Reviewed by WJPS	Sept 2016		
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