

# Guidance for Schools

## Confidential Reporting (Whistleblowing) Policy

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**Contact:** Children's Services Human Resources – 01905 766188



# **CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY SCHOOLS**

## **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 a suspicion of malpractice.

This school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others working at or for the school who have serious concerns about any 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 you to raise concerns you might have about the way the school or County Council conducts its business. It does this by providing you with an opportunity to raise concerns which you reasonably believe point to serious malpractice either in your school or within the County Council in a confidential way, without fear of victimisation, subsequent discrimination or disadvantage. Your 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 this 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 disciplinary or grievance and harassment policies. If you have a personal concern unrelated to malpractice, please use the school's Grievance and Harassment Policy, copies of which are available from your Headteacher or from Children's Services Human Resources.

If, having read this policy, you are uncertain about whether it is the appropriate policy or how to proceed, please feel free to seek informal advice from Children's Services 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 you have a concern about malpractice, the governing body hopes that you will be able to raise the matter with your Headteacher. If your concern is connected to a child protection issue, you must follow the school's Child Protection Policy.

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

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

If you are personally involved in the matter you raise, you must state this at the outset. You may invite your 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 your normal workplace if you so wish) in connection with the concerns you have 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 you have a concern about any financial loss or irregularity, this would be raised with the Internal Auditor; if your 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 you have followed the channels described in Step 1 and you still have concerns or you feel that you are unable to discuss the matter with any of the individuals listed in Step 1, you may wish to raise the matter with the Director of Children's Services or alternatively, please contact either the Monitoring Officer, who is the Director of Legal and Democratic Services.

If the concern is related to child protection, you may wish to raise it with the Senior Adviser Safeguarding Children in Education on 01905 728902 or with Children's Services Access Centre on 01905 768054.

## **What will happen?**

The school or County Council will respond promptly to your concerns by assessing what action ought to be taken. This may involve an internal investigation or a more formal inquiry. You will be told who is handling the matter (the Responsible Officer), how you can contact them and whether any more assistance from you will be required. In normal circumstances within 7 working days of a concern being raised, the Responsible Officer will write to you acknowledging that your concern has been received. The letter will also inform you of any relevant staff support mechanisms and agree arrangements for keeping you 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 any investigation is conducted.

Thereafter, the Responsible Officer will keep you 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 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 Council will arrange for you to receive advice about the procedure.

### **Step 3 - Raising a concern externally**

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

If you act in good faith and genuinely and you reasonably believe that both the malpractice falls within the remit of a regulator and that the information disclosed is substantially true, you 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;
- the Information Commission for compliance with the requirements of legislation relating to data protection and freedom of information;
- the Commission for Social Care Inspection for matters related to the provision of regulated social care services for children;
- the Pensions Regulator for occupational pension schemes;
- the Commission for Her Majesty's Revenue and Customs;
- the Director of the Serious Fraud Office for serious or complex fraud;
- the General Social Care Council for matters relating to the registration of social care workers;
- The Standards Board of England in respect of concerns relating to County Councillors.

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

### **Confidentiality**

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

## **Untrue allegations**

If you make an allegation in good faith, but the evidence produced during the investigation does not substantiate it, no action will be taken against you. If, however, you are an employee or statutory office holder and you make an allegation maliciously or for personal gain, this may result in disciplinary action taken against you. If you are a Contractor or you are employed by another organisation but working on behalf of the school or County Council and you make an allegation maliciously or for personal gain this may result in you being removed from the approved list of contractors or the school or Council may discontinue using your services.

## **The role of the Trade Unions**

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

## **Further advice**

You may of course seek advice from any of the Council's officers listed below:

The Chief Executive, Director of Financial Services, Monitoring Officer (the Head of Legal and Democratic Services), Chief Internal Auditor, Corporate Health and Safety Manager or the Head of Human Resources and Organisational Development

by telephoning the County Council main switchboard on 01905 763763.

You may also wish to contact Children's Services Human Resources at County Hall on 01905 766188.

However, if you want independent advice at any time you may contact your trade union or the independent charity, Public Concern at Work on 0207 404 6609 or email them on [whistle@pcaw.demon.co.uk](mailto:whistle@pcaw.demon.co.uk). Their lawyers will give you free confidential advice at any time on how to raise a concern about serious malpractice at work.