



ROCHDALE
BOROUGH COUNCIL

SCHOOL CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

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SCHOOL CONFIDENTIAL REPORTING POLICY (WHISTLEBLOWING) POLICY

1.0 INTRODUCTION

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 **anyone who has** a 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.

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. This policy document makes it clear to employees that they can do so without fear of victimisation, subsequent discrimination or disadvantage.

This Confidential Reporting (**Whistleblowing**) Policy is intended to encourage and enable **anyone (e.g. employees, governors, volunteers, visitors, parents)** to raise serious concerns within the School rather than overlooking a problem or 'blowing the whistle' outside.

The Policy applies to all employees and others including (NB: this list is not exhaustive):

- **governors**
- **volunteers**
- **visitors**
- **parents**
- **contractors working for the school on school premises or elsewhere**
- **suppliers**
- **those providing services under contracts with the School/Council in their own premises**

From this point forward, the person raising the concerns (the Whistleblower) will be referred to as the Complainant except where specific provisions apply to employees.

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.

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 and others** 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 and others** to raise those concerns and receive feedback on any action taken;
- ensure that **employees and others** 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 for **an employee** to lodge a grievance relating to employment matters. The Confidential Reporting (**Whistleblowing**) Policy is intended to cover major concerns, **(for example those that have a “public interest” aspect to them)** 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
Recruitment and Selection Complaints Procedure	All aspects of the recruitment and selection process

Where reporting or referring concerns through the above policies/procedures is not appropriate, the Confidential Reporting (**Whistleblowing**) Policy should be used. **This may cover concerns or disclosures:**

- that a criminal offence has been committed, is being committed or is likely to be committed including; racial harassment, sexual or physical abuse of clients, or other unethical conduct, safeguarding concerns e.g. harm, neglect or abuse; the unauthorised or inappropriate use of public funds; fraud, corruption and bribery;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged, or
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

It is the responsibility of all persons to report all actual or suspected security breaches, that may have placed the availability, confidentiality, or integrity of information at risk and this can be pursued via this procedure.

The term “the public interest” is not defined in whistleblowing legislation. However, something which is “in the public interest” may be summarised very simply as something which serves the interests of the public.

Thus, any serious concerns that **employees and others** 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 (**Whistleblowing**) Policy. This may be about something that:

- makes **employees and others** 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. The School recognises that the decision to report a concern can be a difficult one to make. If what **is being said** is true, **the Complainant** should have nothing to fear because they will be doing their duty.

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 employee found to have mistreated or victimised a person as a result of that person having made a whistleblowing disclosure will be subject to disciplinary measures.**

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 **the Complainant** if they so wish. At the appropriate time, however, **they** may need to come forward as witnesses if any action is to be taken.

7.0 ANONYMOUS ALLEGATIONS

This policy encourages **the Complainant** 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 **Director¹ of Children's Services** (or their representative)/**School**.

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, **vexatiously** or for personal gain, disciplinary or other action may be taken against them.

¹ The Director may determine it appropriate to refer the matter to an appropriate school based person e.g. Headteacher, Chair of Governors, Governor depending on the nature of the complaint.

9.0 HOW TO RAISE A CONCERN

As a first step, **the Complainant** should normally raise concerns with their immediate manager/**Headteacher of the school**. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if **the Complainant** believes that management is involved, they should approach the **Director of Children's Services** (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 **in the first instance, but would need to be followed up in writing; written concerns should be done 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 **concerns are raised**, the easier it is to take action.

Although **the Complainant** is 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 **Director of Children's Services**, or the Local Authority Delegated Officer (LADO), or in the case of voluntary aided schools a Diocesan advisor.

Director Children's Services: Gail Hopper – 01706 925000

LADO: 01706 925345 or email lado@rochdale.gov.uk

Concerns about a child safeguarding issue, eg that a child may have suffered harm, neglect or abuse, can be reported to the Children's' Social Care Service on 03003030440; or in an emergency, contact the Police directly.

Anyone who has a good reason to be unwilling to refer the matter of concern to one of the sources above, section 12 contains details of how concerns can be reported elsewhere.

Employees may invite their trade union, professional association representative or workplace colleague to be present during any meetings or interviews in connection with the concerns they have raised, **but no one else**.

10.0 HOW THE SCHOOL/COUNCIL WILL RESPOND

The School/Council will respond to the concerns. **The Complainant** should remember that testing out their concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may **(NB: this list is not exhaustive)**:

- be investigated by management, internal audit, or through the school's disciplinary process;
- be referred to the police;
- be referred to the **External Auditor (Grant Thornton Associates)**;
- be referred to be the LADO;
- be the subject of a multi-agency strategy meeting;
- be investigated by an independent consultant.

In order to protect individuals and those accused of misdeeds or possible malpractice, **Internal Audit will be notified and they will make a determination (even where the whistleblowing complaint**

is received by the school) 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.

All reasonable efforts will be made to ensure that individuals directly or indirectly involved in any initial enquiries are made aware (as far as the need to maintain confidentiality permits) why those enquiries are taking place. It is the School's responsibility to ensure that any employees involved are aware and that support is available where necessary.

It is stressed that there is no presumption of guilt at any stage in the initial enquiries process. Investigating Officers are professionally bound to work independently with integrity and an open mind and are intent on examining processes and activities at this stage rather than individuals personally.

The time frame for completing the initial enquiries cannot be specified easily, as each situation is different and in some cases, further issues may arise which require follow up. Investigating Officer's will seek to ensure that this part of the process is carried out as expediently as possible without compromising the thoroughness of the enquiry.

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 Director² of Children's Services (or their representative)/School will write to the complainant to acknowledging that the concerns have been received.

Where applicable, they may also:

- indicate how it is proposed to deal with the matters raised
- give an estimate of how long it will take to provide a final response or when the next update will be provided
- indicate whether any initial enquiries have been made
- supply information on staff support mechanisms (where applicable), and
- indicate whether further investigations will take place and, if not, why not
- provide regular updates to the Complainant throughout the investigation

The amount of contact between the officer considering the issues and the Complainant 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 Complainant.

Where any meeting is arranged, off school site if the employee (where the Complainant is an employee) so wishes, the employee can be accompanied by a trade union or professional association representative or a workplace colleague.

If the Complainant 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 Complainant will be informed of this decision. The decision will be based on what is in the public interest.

² The Director may determine it appropriate to refer the matter to an appropriate school based person e.g. Headteacher, Chair of Governors, Governor depending on the nature of the complaint.

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. **The complainant may be advised of any general outcomes/recommendations, but no specific outcomes linked to an individual will be provided.**

12.0 HOW MATTERS OF CONCERN CAN BE TAKEN FURTHER

This Policy is intended to provide **anyone who wishes to raise a concern** with an avenue to raise them within the School/Authority. The School/Authority hopes that **the Complainant** will be satisfied.

However, if **the Complainant is reluctant to raise their concern through internal school channels, or** feel that matters of concern **previously reported** have not been dealt with satisfactorily, the following are possible contacts if they wish to take the matters further:

- Local Council Members – **details of how to contact and surgery hours are on the Council's website www.rochdale.gov.uk**
- Rochdale Borough Council Internal Audit Section; School Audit Manager (John Sear); 01706 925453
- The External Auditor (Grant Thornton Associates);
- Relevant professional bodies
- Solicitors
- Greater Manchester Police – **telephone number 101**
- Ofsted Whistleblower hotline (0300 123 3155)
- **Public Concern At Work – An independent authority which seeks to ensure that concerns about malpractice are properly raised and addressed in the workplace. Contact details are on their website at www.pcaw.org.uk.**
- Health and Safety Executive, contact details on their website <http://www.hse.gov.uk>
- ACAS - telephone number 0300 123 1100

The Complainant may 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.

An employee might choose to approach the media with their concerns. If an employee goes to the media, they can expect in most cases to lose their whistleblowing law rights. It is only in exceptional circumstances that they can go to the media without losing their rights.

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)
- **Employee Assistant Programme (only applicable to support staff)**
- Counselling referral (where the appropriate SLA has been purchased)

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