Policy For Confidential Reporting Of Concerns ("Whistleblowing") For Staff Employed In Schools

1 Scope

This policy is recommended for adoption by the governing bodies of community, voluntary controlled and voluntary aided schools. It is endorsed by the City Council and the diocesan authorities representing the Catholic Education Service and the Church of England.

2 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 workplace.

3 Roles and responsibilities

- **Staff, Contractors, Suppliers and Volunteers:** The policy applies to all employees and those contractors working for the City Council (or for the governing bodies of voluntary aided schools) on City Council/school premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing service under a contract with the City Council in their own premises, for example homes. This will include volunteers or governors within schools.

- **Head teacher/managers:** The head teacher and other managers are responsible for investigating and responding to concerns raised including keeping the City Council's Monitoring Officer informed.

- **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:** 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 and Unison for 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. In specific circumstances individuals can use external agencies to raise concerns outside the internal arrangements set out in this policy.

4 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 City Council'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 City Council or school rather than overlooking a problem or "blowing the whistle" outside.

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 (as notified to you in Corporate 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 Authority'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 Human Resources 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, eg:

- 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;
- 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 your staff or members of the City Council or others acting on behalf of the City Council or schools/governing bodies 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 City Council or governing bodies subscribe to; or
- is against the City Council's or governing bodies' 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.

6 Safeguards for complainants

6.1 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 Authority or 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 fulfil 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 as a result 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.

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 City Council/governing body.

6.4 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.

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 LA or diocesan authority, depending on the nature of the complaint. 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 and/or the postholder designated as Chief Education Officer or Diocesan Director. The person receiving notification of concerns under this policy will 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 postholder designated as Chief Education Officer and the relevant diocese as appropriate.

Concerns may be raised verbally or in writing. If you make a written report please use the pro-forma available on the Schools Extranet. Reports should be sent to your immediate manager, the head teacher or the chair of governors and a copy sent to the Head of Legal Services. The Head of Legal Services is responsible for the maintenance and operation of this policy and will monitor how the complaint is handled and ensure that 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 from the Head of Strategic HR, Room 7, Civic Centre, ext 25246. You can get confidential, independent advice from the charity Public Concern at Work on 0207 404 6609. Their website is www.pcaw.co.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.

8 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.

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 or 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 bodies 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. 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 Chief Legal Officer;

- copy the initial written response and any further responses to the Chief Legal Officer; and,
- inform the Chief Legal Officer 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 City Council to raise concerns. The City Council and governing body 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 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 the City Council, 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 of the City Council 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 City Council or governing body, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Council (e.g. service users) or where you would commit an offence by making disclosure. In order to ensure that you do not make any such disclosures you may want to check the position with the Chief Legal Officer.

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, this policy will be brought to the attention of all school staff. It will be available to all staff on the Schools' Extranet.

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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