Stogursey C of E Primary and Pre-School

Whistleblowing Policy

Approved by: LGC	**Date:** 9.4.20
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RAISING CONCERNS AT WORK ("WHISTLEBLOWING")
CONFIDENTIAL REPORTING CODE

1. Introduction

1.1 Stogursey C of E Primary and Pre-school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we wish to encourage employees, and others that we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns.

1.2 Employees are often the first to realise that there may be something seriously wrong within the school. 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 report what may just be a suspicion of malpractice.

1.3 This Confidential Reporting Code is intended to encourage and enable employees to raise concerns within the school rather than overlooking a problem or 'blowing the whistle' outside. This Code makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. Stogursey C of E Primary and Pre-school is committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.

1.4 The Code applies to all employees and those contractors working for the school on our premises, for example agency staff, trainees on vocational/work experience, consultants, builders, drivers.

1.5 The Code is in addition to the School's Complaints Procedure and other statutory reporting procedures.

1.6 The Code is based on the Local Government Management Board Model Confidential Reporting Code which has been discussed with the relevant trade unions and professional organisations and has their support.

1.7 In addition to the school's commitment to protect employees who raise concerns, the Public Interest Disclosure Act 1998 provides a worker with potential protection from detriment and dismissal for making a 'qualifying disclosure'. The Act encourages workers to raise matters internally with employers and where an internal whistleblowing policy exists, it steers the worker to use this. (Please note: there are legal requirements for 'qualifying disclosures' to be protected under the Act.) In addition, an employee who raises a concern under this Code and reasonably believes the disclosure is in the public interest will be protected from any claim of defamation by the Council's insurance policy.

2. Aims and Scope Of The Code

2.1 This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;

- provide avenues for you to raise concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure you have made to be in the public interest.

2.2 There is a Grievance procedure in place for you to raise a concern relating to your own employment. This Confidential Reporting Code is intended to cover major concerns reasonably believed to be in the public interest that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of the law;
- disclosures related to miscarriages of justice;
- health and safety risks, including actions likely to cause physical danger to any person or to give rise to a risk of significant damage to property;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud, corruption and bribery;*
- sexual or physical abuse;
- other unethical conduct.
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant, avoidable cost or loss of income to the school or would otherwise seriously prejudice the school;
- abuse of power or the use of school powers and authority for any unauthorised or ulterior purpose.

Please note that this is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this Code.

2.3 Thus, serious concerns which you have about any aspect of service provision or the conduct of employees or governors of the school or others acting on behalf of the school can be reported under the Confidential Reporting Code. This may be something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the school subscribes to; or
- is against Standing Orders and school policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 The school provides guidance to employees on the standards it expects from its employees through the policies agreed by the school, for example:

- Standards of Conduct
- Health and Safety Policy
- Equality Policy
- Anti-Fraud and Corruption Policy
- Gifts and Hospitality Policy
- Anti-Bribery Policy

and through procedures, agreed with the relevant recognised trade unions and professional associations, for addressing poor standards which include:

- Disciplinary Procedure
- Grievance Procedure

2.5 This Code does not replace the School's Complaints Procedure.

3. How To Raise A Concern

3.1 As a first step, you should normally raise concerns with your immediate manager or their line manager. 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 management (a member or members of the school management team) is involved, you should approach one of the following:

- The Head of School
- The Chair of Governors

3.2 If these channels have been followed but you continue to have concerns or believe that those listed above are implicated then you should approach one of the following:

- The Finance Controls and Standards Manager for any financial irregularities
- The HR Advisory Team for any employment issues

3.3 Concerns may be raised verbally or in writing. You will need to include the background and history of the concern (giving relevant details, eg, names, dates) and the reason why you are particularly concerned about the situation. When raising a concern, you must declare any personal interest you have in the matter.

3.4 The earlier you express the concern, the easier it is to take action.

3.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for a concern. However, you must not attempt to investigate a concern or accuse individuals directly.

3.6 Advice and guidance on how to pursue matters of concern may be obtained from:

- HR Advisory Service (01823 355992)
- Officers within South West Audit Partnership, Finance (01823 355299); or
- Your trade union/professional association representative.

3.7 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

3.8 You may invite your trade union/professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns you have raised. Meetings can be arranged off-site if you wish.

4. How the School/LA Will Respond

4.1 The School/LA will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

4.2 The action taken by the School/LA will depend on the nature of the concern. Where appropriate, the matters raised may:

- be investigated by the LA or Internal Audit;

- be referred to the Police;
- be referred to an external auditor;
- form the subject of an independent inquiry;
- be dealt with under a more appropriate School procedure.

4.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the School/LA will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues or financial irregularities) will normally be referred for consideration under those procedures.

4.4 Some concerns may be resolved by agreed action without the need for investigation.

4.5 If urgent action is required this will be taken before any investigation is conducted.

4.6 Within ten working days, the person with whom you raised the concern will write to you:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place, and if not, why not.

4.7 The amount of contact between the people considering the issues and you 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 you.

4.8 The School/LA will take steps to minimise any difficulties which you may experience as a result of raising a concern. For example, if you are required to give evidence the School/LA will arrange for you to receive advice about the procedure.

4.9 The School/LA accepts that you need to be assured that the matter has been properly addressed and you will be informed of the final outcome of the investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party or legal constraints.

4.10 If you make an allegation that you reasonably believe is in the public interest but it is not confirmed by the investigation, no action will be taken against you.

5. How The Matter Can Be Taken Further

5.1 This Code is intended to help you raise concerns you may have within the School/LA. Hopefully, you will be satisfied with any action taken. If you are not, there are other people you can contact and these are:

- the External Auditor;
- your trade union/professional association;
- relevant professional bodies or regulatory organisations (for example Health and Safety Executive);
- the Police;
- your own solicitor.

5.2 If you do take the matter outside the School/LA, you should ensure that you do not misuse confidential information. The person you contact should be able to advise you on this.

5.3 The Code, in line with the legislation, provides protection for employees who raise concerns internally. It is inconsistent with the satisfactory operation of the Code to pursue such concerns with the media (newspapers, TV, radio, etc) and employees who do so are unlikely to be protected by the provisions of the Public Interest Disclosure Act, and may be subject to disciplinary action.

6. Anonymous Allegations

6.1 This Code encourages you to put your name to your allegation whenever possible.

6.2 Concerns expressed anonymously or through a third party are much less powerful and may not be possible to investigate. The person to whom the concern is initially reported may discuss it with the County Council's Monitoring Officer, and it will be at their joint discretion as to whether the concern will be considered further.

6.3 In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

7. Harassment or Victimisation

7.1 Stogursey C of E Primry and Pre-school recognises that the decision to report a concern can be a difficult one to make. However, you have a responsibility to the school and to those for whom you are providing a service to raise serious concerns using the approach outlined in this Confidential Reporting Code.

7.2 The school will not tolerate any harassment or victimisation (including informal pressures) and will take action to protect you when you raise a concern where you reasonably believe the disclosure is in the public interest

7.3 Disciplinary action will be taken against an employee if they try to stop you from raising a concern or if an employee is responsible for any act of recrimination against you for raising a concern.

7.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

8. Confidentiality

8.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated, however, that the investigation process may reveal the source of the information, and that a statement may be required as part of the evidence and/or you may need to come forward as a witness at the appropriate time.

9. False Allegations

9.1 If an allegation is knowingly made frivolously, maliciously or for personal gain, disciplinary action may be taken.

10. The Responsible Officer

10.1 The Head of School has overall responsibility for monitoring the Code and will report annually to the Local Governance Committee on the operation of the Code.

11. Review

11.1 The Code will be kept under review and as a result may be subject to amendment.

* Note: Somerset County Council has an anti-fraud and corruption strategy which sets out the LA's stance on fraud and corruption. The strategy (which is available from the County Council) provides guidance to employees on action to prevent or report on malpractice or the perception of malpractice.