

St. John Bosco RC Primary School



Whistleblowing and Confidential Reporting Policy

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BACKGROUND

The United Kingdom public sector maintains high standards of openness, honesty, integrity and accountability. The Governing Body of St. John Bosco School share these standards and are committed to maintaining them. As part of this commitment the Governing Body will thoroughly investigate any acts of impropriety wherever they may arise in relation to any of the School's activities or services. In achieving this aim, the Governing Body have put in place arrangements to ensure high standards are maintained and that any act of impropriety is prevented or is detected at an early stage. The Governing Body realise, however, that, despite their best efforts, impropriety (e.g. unlawful conduct, financial malpractice, conducting activity which may present a danger to the public employees or the environment) can be discovered by chance. It is often thought the alertness of not only their workers but members of the public, other authorities or agencies, service users, partners or suppliers/contractors etc. that impropriety is detected. Consequently, the Governing Body acknowledge the important role that these parties, including the local community, have to play in helping them to maintain high standards and are keen to involve them in its arrangements for the detection of acts of impropriety.

1. INTRODUCTION

St. John Bosco School acknowledges that employees are often the first to realise that there may be something seriously wrong within their organisation and that we need to encourage people with concerns about any aspect of the school to come forward and voice those concerns. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public, other staff or the environment, it can be difficult to know what to do.

As an employee, you may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may also fear harassment or victimisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next. This Policy has been adopted by the Governing Body to enable you to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof. The Policy is intended to encourage and enable you, as an employee, to raise serious concerns within the School rather than overlooking a problem or simply reporting it outside. It should be read in conjunction with the Code of Conduct already issued to staff. If something is troubling you, which you think we should know about, or look into, please use this policy. Don't ignore the concern.

If, however, you have a grievance about your own personal position or employment, please use the School Grievance Procedure - which you can get from the Headteacher, Directorate Personnel Section or from the Intranet. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice. This Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.

2. WHO CAN RAISE A CONCERN UNDER THIS POLICY?

The provisions of the policy apply to all:

- Employees at the school
- Governors of the school
- Employees of contractors working for the school, e.g. agency staff
- Employees of suppliers
- Voluntary workers within the school

3. AIMS

The policy is designed to ensure that staff can raise their concerns about wrongdoing or malpractice within the school without fear of victimisation, subsequent discrimination or disadvantage. It is also intended to

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encourage and enable them to raise serious concerns within the school rather than ignoring a problem or 'blowing the whistle' outside.

This policy aims to:

- encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
- provide avenues for them to raise concerns, in confidence if requested, and receive feedback on any action taken;
- ensure that they receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosure in the public interest

The policy is not, however, intended to replace existing procedures, for example:

- *If the concern relates to someone's own treatment as a member of staff or breaches of their own employment contract, they should raise this under the existing grievance or harassment procedure, as appropriate;*
- *If a parent or other user of the school has a concern about services provided, they should raise this as a complaint to the school;*

Some areas have their own specific procedures which need to be carefully followed, this is particularly important for Child Protection issues. Where concerns are raised, the subsequent investigation may take the form of any appropriate procedure, either internal or external, e.g. an internal audit enquiry or a Police investigation. The person who has raised the concerns will ordinarily be kept informed of progress and of the outcome of any investigation.

4. WHAT SHOULD BE REPORTED?

A qualifying disclosure means any disclosure of information that in the reasonable belief of the employee is made in the public interest. Staff should report any concerns that they have about service provision or about the conduct of employees or governors of the school or others acting on behalf of the school that:

- make them feel uncomfortable in terms of known standards
- are not in keeping with the school's regulations and policies
- fall below established standards of practice
- are improper behaviour

These concerns might relate to:

- conduct which is unlawful
- disclosures related to miscarriages of justice
- discrimination, including but not limited to age, race, sex, sexual orientation, religion or belief, gender re-assignment, disability, pregnancy or maternity and marriage or civil partnership
- health and safety of the public and/or other employees
- damage to the environment
- unauthorised use of public/school funds
- possible fraud and corruption
- neglect or abuse of clients, or
- other unethical conduct

5. SAFEGUARDS

The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures in the public interest about malpractice. The Act makes it unlawful for an employer to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Harassment or Victimisation

The school is committed to good practice and high standards and to being supportive of its staff. The school recognises that the decision to report a concern can be a difficult one to make. If a member of staff honestly

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and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the school, their colleagues and those for whom they are providing a service. The school will not tolerate any harassment or victimisation (including any informal pressures) and will take the appropriate action to protect staff when they raise a concern in the public interest.

Support for the Person Raising Concerns

Throughout the process the member of staff:

- will be protected from suffering a detriment, bullying or harassment from another employee
- will be given full support from the management and governors of the school
- their concerns will be taken seriously
- the school will do all it can to help them throughout the investigation e.g. provide access to advocacy services where the individual has no access to Trade Union Support.

Confidentiality

All concerns will be treated in confidence and any records relating to the case should be handled in accordance with the Data Protection Act. Every effort will be made not to reveal the identity of the member of staff who raises concerns, should that be their wish. If the concerns raised are investigated as part of the disciplinary/grievance/ harassment procedures, it may be that it is not possible to take the appropriate action on the disclosure without the help of the person raising the concerns. As a result, they may be asked to come forward to act as a witness. If they agree to this, they will be offered the appropriate advice and support.

Anonymous Allegations

This policy encourages staff to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but they may be considered at the discretion of the school. In exercising this discretion the factors to be taken into account would include:

- *the seriousness of the issue raised*
- *the credibility of the concern; and*
- *the likelihood of confirming the allegation from other sources.*

Untrue Allegations

Some concerns raised may, when investigated, prove to be groundless. If a concern is raised or an allegation made in the public interest by someone reasonably believing it to be true and their concerns are not confirmed by investigation, they should have nothing to fear as the school will recognise their genuine motives. However, it needs to be stated, should someone make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

6. EXTERNAL DISCLOSURES

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases Staff should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone externally. If an individual is unsure whether or how to raise a concern or wants confidential advice, they may wish to consult their Trade Union or the independent whistleblowing charity, Public Concern at Work, which operates a confidential helpline on 020 7404 6609 or e-mail at helpline@pcaw.co.uk They also have a list of prescribed regulators for reporting certain types of concern. Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows Staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, Staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

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If the matter of whistleblowing is against the 'regime' in school and therefore cannot be managed by senior leaders, then 'whistleblowers' are advised to contact their Local Authority in the first instance. OFSTED may also be contacted directly. Her Majesty's chief inspector of Education, Children's Services and Skills (the chief inspector) about matters relating to the regulation and inspection of establishments and agencies for children's social care services.

OFSTED

Picadilly Gate

Store Street

Manchester

M1 2WD

0300 123 3155

Email: whistleblowing@ofsted.gov.uk

7. CONCERNS AGAINST GOVERNORS

If a concern against a Governor is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Headteacher with the Chair of Governors who will decide how it should be dealt with. If the concern is against the Chair of Governors then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Headteacher who will decide in consultation with the Headteacher and the Governor with responsibility for Whistleblowing matters how it should be dealt with. In normal circumstances such a concern would be referred to the DfE for action.

8. HOW TO RAISE CONCERN(S)

Staff may raise their concern by telephone, in person or in writing. In the interests of confidentiality, staff may raise concerns via their Trade Union. The earlier they express their concern, the easier it is to take action.

They will need to provide the following information:

- the background and history of the concern (giving relevant dates);
- the reason why they are particularly concerned about the situation. Although they are not expected to prove beyond doubt the truth of their suspicion, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Staff may wish to consider discussing their concern with a colleague first and they may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns. They may invite their Trade Union, professional association representative or a friend to be present during any meeting or interviews in connection with the concerns they have raised.

9. HOW THE SCHOOL WILL RESPOND

The school will take their concerns seriously and will respond to them. In order to be fair to all employees, including those who may have been wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate and, if so what form that investigation should take. Where concerns or allegations fall within the scope of specific school procedures, then they would normally be referred for consideration under those procedures.

As a result of this, where appropriate, the concerns raised may:

- be investigated by management, internal audit or through the discipline/grievance/harassment process;
- be referred to the external auditors;
- be referred and dealt with under the established child protection procedures
- form the subject of an independent inquiry.

Within ten working days of your concern being raised the head teacher (or chair of governors if internally raised with him/her) will write to the person raising the concern:

- *acknowledging that their concern has been received;*
- *indicating how the school propose to deal with the issue;*
- *telling them whether any further investigations will take place (and if not, explaining why this is the case);*
- *supplying them with information on staff support mechanisms.*

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The amount of contact between the person raising the concern and those considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. It is likely that the person raising concern will be interviewed to ensure that their disclosure is fully understood. A meeting can be arranged away from the workplace, if they wish, and a union or professional association representative or a friend may accompany them in support. The school will do what it can to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive appropriate advice and support.

They need to be assured that their disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, they will be kept informed of the progress and outcome of any investigation.

10. RECORD KEEPING

The Headteacher has overall responsibility for the maintenance and operation of this policy. The Headteacher will maintain a record of concerns raised and the outcomes. Records will be kept in such a way so as not to endanger the confidentiality concerning the identity of the person raising concerns. The Headteacher will report to the governing body as necessary.

11. HOW THE MATTER CAN BE TAKEN FURTHER

The aim of the policy is to provide staff with an appropriate way to raise their concerns. Hopefully, they will be satisfied with any action taken as a result of their raising issues.

However, should this not be the case and they feel it necessary to take the matter outside the school, our prescribed contacts are:

- the Local Authority Director of Education Services
- the external auditor
- the relevant trade union
- the police

This does not prevent staff from seeking their own legal advice. If the member of staff raises their concerns outside the school, they should ensure that it is to one of the above prescribed contacts. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this policy. They should not disclose information that is confidential to the school or to anyone else, such as a client or contractor of the school, except to those included in the list of prescribed contacts.

12. AWARENESS

The Governing Body of St. John Bosco RC Primary School will seek to ensure that its policy and arrangements for Confidential Reporting are widely publicised both internally and externally to the School.

13. MONITORING AND EVALUATION

The Governing Body is committed to ensuring that this policy is fully implemented. The Governors will monitor this policy as part of the annual monitoring programme adopted by the Governing Body.

This policy should be read in line with the Local Authority's practice on whistleblowing.

Signed: _____

Designation: _____

Date: _____

Review Date: _____