

Confidential Reporting Code (Whistleblowing Policy)

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Ian Johnson
Strategic Director for
Childrens Services

Emma Crapper
HR Service Partner (CAYA)

Children & Younger Adults Dept
County Hall
Matlock
Derbyshire DE4 3AG

Minicom: (01629) 533240
Fax: (01629) 538992

Telephone 01629 580000
Ext 35734
Ask For: Teresa Potter
E-mail Teresa.Potter@derbyshire.gov.uk
Our ref
Your ref
Date 24 March 2019

Headteachers & Chairs of Governors

Dear Colleagues

Confidential Reporting Code (Whistleblowing)

Please find attached an updated version of the above document, which has been subtitled 'Whistleblowing'. The addition of this more colloquial term is intended to ensure that all employees are aware of the appropriate guidance for addressing relevant concerns.

There are two other small amendments to the code, in paragraphs 4.4 and 4.5.1 but otherwise the procedure remains the same. The representatives of the recognised Trade Unions and Professional Associations have been consulted and collective agreement has been reached on this procedure.
Governing Bodies are strongly advised to adopt this, or another, confidential reporting code/whistle blowing procedure.

If you have any queries relating to the code please contact an HR Consultant from the Schools' Team, Children's Services through 01629 535734.

Yours sincerely

Emma Crapper
HR Service Partner (CAYA

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CONFIDENTIAL REPORTING CODE FOR SCHOOLS

Date of Issue	September 2015 (Whistleblowing Policy)
To	All Headteachers Purchasing the LA's Comprehensive Personnel Service or Personnel Handbook.
Purpose of Document	To provide schools with a Confidential Reporting Code which Governing Bodies are advised to adopt.
Summary of Main Points	▪ A Confidential Reporting Code provides a procedure whereby possible malpractice can be disclosed in confidence and without prejudice or retribution (known as Whistleblowing). ▪ This procedure applies to all employees. ▪ Includes a procedure by which employees can make disclosures in confidence. ▪ The procedure outlines actions employers and the school should take when making and responding to any disclosure. ▪ This Confidential Reporting Code for Schools has been discussed and agreed with the recognised Trade Unions and Professional Associations. ▪ Governing Bodies are advised to adopt this, or an alternative Confidential Reporting Code.
Contact/Further Information	Teresa Potter/Les Biggs – Senior HR Consultant, Children & Younger Adults Department, County Offices, Matlock, DE4 3AG 01629535719 or Tel: 01629535751

Action

DERBYSHIRE LEA

Confidential Reporting Code for Schools

The Acorn Federation

Confidential Reporting Code for Schools

1. Introduction

1.1 Confidential reporting is the disclosure or communication of information about possible malpractice by individuals or organisations. Disclosure can be either internal within the organisation or external to an outside authority.

1.2 This confidential reporting code is intended to enable employees to disclose information about malpractice internally and to provide employees with protection from subsequent victimisation, discrimination or disadvantage. This will assist in detecting and deterring malpractice and, by demonstrating the School's accountability, maintain public confidence and the School's good reputation.

2. Purpose

2.1 Employees are often the first to realise that there may be evidence of malpractice 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.

2.2 In line with the School's commitment to high standards of openness, integrity and accountability, the School expects employees who have a reasonable belief that malpractice is taking place within the School to come forward and voice those concerns internally. This may be an awareness of suspected irregularity, wrongdoing or a failure of standards. This code provides the means for employees to make such disclosures.

2.3 An employee's concerns about malpractice may include a reasonable belief that one or more of the following has occurred or is likely to occur:

- Conduct which is an offence or a breach of law,
- 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,
- Sexual or Physical abuse of pupils,
- Other unethical conduct.

2.4.1 Under this code employees should make disclosures about possible malpractice to:

- The Headteacher
- Where this is inappropriate, the Chair of Governors.
- Where both of these are inappropriate, The Director of Children's Services or the Assistant Director of Finance (Audit Services).

It is recognised that most cases will have to proceed on a confidential basis.

2.5 It is in the interests of all parties that disclosures are dealt with properly, quickly and discreetly. The overriding consideration for the School and the employee is that it would be in the public interest for any malpractice found to be corrected and, where appropriate, sanctions applied.

2.6 The code provides employees with a procedure to make disclosures of irregularity or wrongdoing without fear of adverse treatment as a result. The School will not tolerate any harassment or victimisation of employees making disclosures (including informal pressures) and will take action to protect employees when they make a disclosure in good faith.

2.7 The code addresses major concerns that fall outside the scope of other procedures and where the interests of others or of the School are at risk. It has been developed within the following legislative and policy framework:

It takes into account the requirements of the Public Interest Disclosure Act 1998.

It is complementary to the School's Code of Conduct which makes clear the standards of propriety and good practice expected of employees.

It is complementary to the School's Discipline, Grievance and Harassment Procedures. Together they form a framework which allows employees to be disciplined, to seek personal redress, to raise personal complaint and to disclose malpractice where appropriate.

The code is in addition to the School's complaints procedures and other reporting procedures, for example child protection procedures.

3 Scope

3.1 This code applies to all employees in the school. It is also applicable to:

- contractors working for the School on School premises, for example, agency staff, builders, drivers.
- suppliers and those providing services under a contract with the School in their own premises.

4 Procedure for Making A Disclosure

4.1 Introduction

4.1.1 This code provides you with a procedure for making disclosures internally about suspected wrongdoing, irregularity or a failure of standards within the School. Its aims are:

- To encourage you to feel confident in raising serious concerns and to question and act upon concerns about possible malpractice within the School.
- To provide a means for you to disclose those concerns and receive feedback on any action taken.
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them further if you are not satisfied.
- To reassure you that you will be protected from possible reprisals or victimisation and from subsequent discrimination or disadvantage.

4.1.2 Any serious concerns that you have about an 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 this code. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the School subscribes to.
- is against the School's policies.
- falls below established standards of practice.
- amounts to improper conduct.

Examples of these are given in paragraph 2.3.

4.2 Confidentiality

4.2.1 All disclosures will be treated in confidence and wherever possible, every effort will be made not to reveal your identity. However, you may need to come forward as a witness and you will be given every support from management at that time.

4.3 Anonymous Disclosures

4.3.1 You should put your name to your disclosure whenever possible. Disclosures made anonymously will still be considered at the discretion of the School. However, it is helpful to have your name in case further information is required.

4.3.2 In exercising its discretion, the School will take into account:

- the seriousness of the issues raised.
- the credibility of the disclosure.
- the likelihood of confirming what is alleged from attributable sources.

4.4 Untrue Disclosures

If you make a disclosure in good faith that you reasonably believe is in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If however, your allegation is frivolous, malicious or for personal gain, you may be subject to disciplinary action.

4.5 Employee Action

4.5.1 As a first step, you should normally raise your concerns with your Headteacher. If you believe your Headteacher is involved, you should approach the Chair of Governors. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If you believe that the Headteacher and Chair of Governors are involved, you should approach the Director of Children's Services or, if the concern is regarding financial irregularities or fraud then you should contact the Assistant Director of Finance (Audit), Derbyshire County Council.

4.5.2 You may raise your concern either verbally or in writing. The earlier you express the concern, the easier it is to take action. You should provide:

- details of your concerns, including the nature, dates and location of any relevant incidents.
- reasons why you feel concerned about the situation.

4.5.3 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that

there are reasonable grounds for your concern.

4.5.4 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. You may also discuss your concerns with your trade union representative.

4.5.5 You may invite your trade union or other representative to be present during any meetings or interviews in connection with the concerns you have raised.

4.5.6 The amount of contact between you and the person 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 School will seek further information from you.

4.6 Action Taken by the School

4.6.1 The School will respond to your disclosure. Where appropriate, the matters raised may be:

a) investigated by management, by internal audit, or through the disciplinary process;

b) referred to the Police;

c) referred to the external auditor;

d) the subject of an independent inquiry.

4.6.2 In order to protect individuals and those accused of possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The over-riding principle the School will have in mind is the public interest. Disclosures for which there are other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

4.6.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any action investigation is conducted.

4.6.4 Within 10 working days of a concern being raised, you will receive a response:

a) acknowledging that the concern has been received;

b) telling you whether any initial enquiries have been made;

c) indicating how the matter is going to be dealt with;

d) giving an estimate of how long it will take to provide a final response;

e) supplying you with information on staff support mechanisms;

f) telling you why if there is to be no further investigation.

4.6.5 The School will take steps to minimise any difficulties you may experience as a result of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings the School will arrange for you to receive advice about the procedure.

4.6.5 You will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcomes of any investigation.

4.7 How the Matter Can Be Taken Further

4.7.1 This code is intended to provide you with a route within the School to make disclosures of malpractice. The School hopes you will be satisfied with any action taken. If you are not, and you believe the information you have disclosed is substantially true, possible contact points are:

- Public Concern At Work
- The external auditor
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The Police

4.7.2 If you do take the matter outside the School, you should ensure that you do not disclose confidential information. Check with the person dealing with your disclosure within the School before divulging any information.