

# Confidential Reporting Code/Whistleblowing Policy



## 1 Introduction

Employees can sometimes be the first to realise that there may be something seriously wrong with procedures or processes within the school, although they may not always express their concerns because they feel that speaking up would be disloyal. They may also fear the threat of harassment or victimisation and may feel it easier to ignore their concern rather than report what may just be a suspicion of malpractice.

The school is committed to the highest standards of openness, honesty and accountability and expects anyone who has any serious concerns about any aspect of the school's work to come forward and voice those concerns. Wherever possible, you are encouraged to use relevant school procedures to report issues in an open and transparent way, although it is recognised that some cases will have to proceed on a confidential basis.

This Confidential Reporting Code is intended to enable employees to raise serious concerns within school, rather than overlooking a problem or 'blowing the whistle' outside, without the fear of victimisation, discrimination or disadvantage.

The code applies to anyone involved in the school including employees, governors, parents, local community and also applies to former employees, job applicants, and agency staff working for the school, contractors and suppliers.

## 2 Scope of the code

This code is designed to enable individuals to raise concerns internally and at a high level and to disclose information that they believe shows malpractice or impropriety. It is not designed to question financial or business decisions taken by the school or any matters which fall within or have already been addressed by grievance, complaint, disciplinary or other procedures.

Anyone who makes a disclosure under this code must reasonably believe that:

- They are acting in the public interest;
- The disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
  - Criminal offences;
  - Failure to comply with an obligation set out in law;
  - Miscarriages of justice;
  - Endangering of someone's health and safety;
  - Damage to the environment;
  - Covering up wrongdoing of any of the above.

Examples of the above could include:

- Safeguarding concerns, including sexual or physical abuse of children/or vulnerable young people or adults;
- Conduct which is an offence or a breach of law;
- Health and safety risks, including risks to the public as well as other employees;

- Unauthorised use of public funds;
- Negligence;
- Unauthorised disclosure of confidential information;
- Possible fraud and corruption;
- Deliberate concealment of the above matters.

This list is neither exhaustive nor exclusive.

### **3 Safeguards**

The school recognises that the decision to report a concern can be a difficult one to make and it is understandable that those who are making a disclosure may be concerned about possible repercussions. The school aims to encourage openness and will support individuals who raise genuine concerns under this code, even if they turn out to be mistaken.

The school will take appropriate action to protect anyone making a disclosure under this policy from victimisation or detrimental treatment and may deal with any such instances as a conduct matter under the School's Disciplinary Policy.

If you make an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against you, however, in making a disclosure you should exercise due care to ensure the accuracy of the information. However, if you make a frivolous, malicious or vexatious allegation, disciplinary action may be taken under the School's Disciplinary Procedure.

#### **3.1 Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the individual raising the concern as long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence.

This code encourages individuals to put their name to any disclosures made as concerns expressed anonymously are much less credible and more difficult to investigate. When considering investigating an anonymous claim, the school will need to consider the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.

Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly. The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school.

### **4 Raising a concern**

Any concerns should first be raised with the Head Teacher or Chair of Governors. Ideally this should be done using the confidential reporting code form, however, concerns can also be raised verbally or in writing. The earlier concerns are expressed, the easier it is for action to be taken. 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.

The completed form should be reviewed by the Head Teacher or Chair of Governors, as appropriate, and any points of clarity or additional information noted following a discussion with the person raising the concern.

All concerns need to be logged with the Chief Internal Auditor and Corporate Fraud Manager, therefore a copy of the form should be forwarded to [corporatefraudteam@durham.gov.uk](mailto:corporatefraudteam@durham.gov.uk), who will agree how the concern should be investigated, in consultation with the school. Voluntary aided schools should consider notifying the Director of the Diocese, where appropriate.

Ideally individuals should feel able to make a disclosure within the school, however there may be circumstances where you feel unable to. If the individual does not feel able to, or it is not appropriate to raise the concerns with the Head Teacher or Chair of Governors due to the type of issues involved, the concern can be directed to either the Head of Education or Chief Internal Auditor and Corporate Fraud Manager (Internal Audit) using the same form.

Individuals can also make a disclosure under whistleblowing law to prescribed person(s) who are mainly regulators, professional bodies or MPs. The relevant prescribed person depends on the subject matter of the disclosure, for example a disclosure about wrongdoing in a school could be made to OFSTED. A full list of prescribed persons is available [here](#).

#### **4.1 Obtaining advice**

Advice and guidance about how to pursue a matter of concern can be obtained from the Head of Education or Chief Internal Auditor and Corporate Fraud Manager.

For advice from someone independent of the council, the council's External Auditors can be contacted: Mazars LLP on 0191 3836314 or alternatively you can seek advice from Public Concern at Work, an independent whistleblowing charity: 020 74046609 or [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk).

### **5 Investigating procedure**

Once the form is received by the Chief Internal Auditor and Corporate Fraud Manager, they can agree the most appropriate way of investigating the concern. The Chief Internal Auditor and Corporate Fraud Manager is independent and has unlimited access to any officer, member or information within the school.

The concerns raised will be dealt with appropriately and may result in:

- An investigation by management, internal audit and corporate fraud, or through the disciplinary process;
- Referral to the police;
- Referral to the external auditor;
- An independent inquiry.

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. 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 overriding principles for the school to consider are the well-being of the individual making the disclosure and the public interest.

Concerns or allegations that fall within the scope of specific procedures, for example child protection or discrimination issues, will normally be referred for consideration under those procedures.

#### **5.1 Responding to a disclosure**

The Head Teacher, Chair of Governors or whoever received the disclosure, will respond in writing within 10 school days covering the following:

- Acknowledging that the concern has been received;
- Indicating how the school propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Detailing whether any initial enquiries have been made;
- Providing information on employee support mechanisms; and
- Explaining any further investigations will take place and if not, why not.

A copy of the response will be forwarded to the Chief Internal Auditor and Corporate Fraud Manager for monitoring purposes.

The amount of contact between the officers considering the issues and the individual making the disclosure will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. Where it is necessary to meet with the individual, they are entitled to be accompanied by a trade union representative or work colleague.

## **5.2 Regulation of Investigatory Powers Act 2000 (RIPA)**

Under no circumstances should any employee attempt to obtain any information covertly, either directly or indirectly, without first having complied with procedures in relation to employee surveillance contained in the RIPA Policy.

Before any action is taken a decision will need to be made as to whether such a course of action is both necessary and proportionate, as failure to do so may infringe Human Rights and render the school liable to legal action.

## **6 Other procedures**

This code covers concerns outside of the following areas and does not replace the following procedures:

### **6.1 Complaints procedure**

Complaints by an individual or individuals about the standard of service, actions or lack of actions by the school should be managed under the school's complaints procedure.

### **6.2 Financial procedure rules**

Under the schools approved financial procedures the Head Teacher is responsible to the Governing Body for ensuring that financial procedures are correctly applied and observed by staff and contractors providing services on the school's behalf.

The Head teacher or Chair of the Governing Body is also responsible for reporting any known breach or suspected breach of procedures or any failures of financial controls to the Chief Finance Officer. In practice the Head of Corporate Finance and Commercial Services and the Head of Finance and Transactional Services should be notified of any such incident. Voluntary aided schools should consider notifying the Director of the Diocese where appropriate.

The Chief Internal Auditor and Corporate Fraud Manager (the Head of Internal Audit) must be notified immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the school's property or resources.

### 6.3 Grievance procedure

The school's Grievance Policy is designed to ensure that concerns, problems and complaints arising in the course of employment can be raised and resolved quickly and in a fair and reasonable manner. Further information on the policy and the type of issues that can be raised as a grievance can be found in the Grievance Policy on the extranet.

If you become aware that there has been a breach of the contract procurement rules you can report such a breach using the Confidential Reporting Code.

## 7 The Responsible Officer

The Corporate Director Resources has overall responsibility for the maintenance and operation of the code.

The Corporate Director Resources, via the Chief Internal Auditor and Corporate Fraud Manager, will maintain a record of concerns raised and where appropriate appoint investigating officers, monitor the progress and record the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Audit Committee.

Signature: <i>B Dean</i>	Governor (Chair of Children, School and Community Committee)
Signature: <i>H Sutherland</i>	Head Teacher

Ratified by the governing body on	13.02.19
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Policy Review Date	November 2020
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For advice regarding the application of this policy please contact:

HR Advice and Support

[hradvice@durham.gov.uk](mailto:hradvice@durham.gov.uk)

03000 266688

Relevant forms or letters should be forwarded to HR Operations and Data:

Regeneration and Local Services

[hrreal@durham.gov.uk](mailto:hrreal@durham.gov.uk)

Children and Young People's Services

[hrcyps@durham.gov.uk](mailto:hrcyps@durham.gov.uk)

Adult Health Services

[hrahs@durham.gov.uk](mailto:hrahs@durham.gov.uk)

Resources

[hrresources@durham.gov.uk](mailto:hrresources@durham.gov.uk)

Transformation and Partnerships

[hrtap@durham.gov.uk](mailto:hrtap@durham.gov.uk)

Further support can be accessed by contacting:

Occupational Health

[occhealthadmin@durham.gov.uk](mailto:occhealthadmin@durham.gov.uk)

03000 268 999

Health and Safety

[hsteam@durham.gov.uk](mailto:hsteam@durham.gov.uk)

Employee Assistance Programme

[www.healthassuredeap.com](http://www.healthassuredeap.com)

Username: durham Password: council

0800 716 017

Author	Version	Last review	Next review
Senior HR Officer	V 7.4	November 2018	November 2019

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.