

Birkdale High School



Confidential Reporting Policy



Birkdale High School Confidential Reporting Policy

Date of Policy: November 2014
Members of staff responsible: Headteacher
Review date: November 2017

Introduction

The Confidential Reporting Policy (“Whistleblowing” – In the Public Interest) for Birkdale High School has been developed to comply with and fulfil the Public Interest Disclosure Act 1988. The Act introduced new rights for employees not to suffer detriment or dismissal for making a protected disclosure.

Policy Statement

“Birkdale High School Academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others we deal with who have serious concerns about any aspect of the school’s work to come forward and voice those concerns without fear of victimisation, subsequent discrimination or disadvantage.

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

1.0 Preamble

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Academy. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Academy. They may also fear harassment or victimisation. In these circumstances they may feel that it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Academy rather than overlooking a problem or “blowing the whistle” outside.
- 1.3 The policy applies to all employees and those contractors working for the Academy on school premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Academy as well as volunteers or Governors.

1.4 This Policy is in addition to the Academy's complaints procedures and other statutory reporting procedures applying to some departments. All employees are responsible for making service users aware of the existence of these procedures.

1.5 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2.0 Aims of this Policy

2.1 This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for employees to raise those concerns and receive feedback on any action taken;
- Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- Reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that any disclosure made has been in good faith.

3.0 Scope of this Policy

3.1 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is a criminal offence;
- 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;
- possible fraud and corruption;
- sexual, racial or physical abuse of clients/employees; or
- other unethical conduct.

Any serious concerns that employees have about any aspect of service provision or the conduct of other employees or members of the Academy or others acting on behalf of the Academy, can be reported under the Confidential Reporting Policy. This may be about something that:

- makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the Academy subscribe to; or
- is against the Academy's Policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

3.2 This Policy does **NOT** replace the corporate complaints procedure.

4.0 Safeguards

4.1 Birkdale High School recognises that the decision to report a concern can be a difficult one to make. If what an employee is saying is true, they should have nothing to fear in doing their duty to the employer and those for whom a service is being provided.

4.2 Birkdale High School is committed to good practice and high standards, wants to be supportive of employees and will ensure the following safeguards:

4.2.1 **Harassment & Victimisation** – The Academy will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.

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

4.2.2 **Confidentiality** – All concerns will be treated in confidence and every effort will be made not to reveal an identity if it is so wished. At the appropriate time, however, it may be necessary to call an employee as a witness.

4.2.3 **Anonymous Allegations** – This Policy encourages employees to put their name to the allegation whenever possible. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Academy.

In exercising this discretion the factors taken into account would include:

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

4.2.4 **Untrue Allegations** – If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee who raised the concern. If, however, an allegation is made maliciously or for personal gain, disciplinary action will be taken.

5.0 How to Raise a Concern

- 5.1 As a first step a concern should normally be raised with an immediate manager or his/her superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it were believed that management is involved, then an approach to the Chair of Governors would be appropriate.
- 5.2 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:
- The background and history of the concern (giving relevant dates);
 - The reason why there is particular concern about the situation.
- 5.3 The earlier an expression of concern is made the easier it is to take action.
- 5.4 Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.
- 5.5 Advice and guidance on how matters of concern may be pursued can be obtained from:
- The Clerk to the Governors – 01704 577253
- 5.6 Employees may wish to consider discussing their concern with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.
- 5.7 Employees may invite their trade union/professional association representative or a friend to be present during any meetings or interviews in connection with the concerns raised.

6.0 How the Academy will respond

- 6.1 The Academy will respond to concerns raised. However, testing out concerns is not the same as either accepting or rejecting them.
- 6.2 Where appropriate, the matters raised may:
- be investigated by management, internal audit or through the disciplinary process;
 - be referred to the police (following consultation with Chair of Governors);
 - be referred to the external auditor;
 - form the subject of an independent enquiry.

Note: The course of action will be taken by the person to whom the matter is referred, not by the individual employee who raises the issue.

- 6.3 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 Academy 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) will normally be referred for consideration under those procedures.
- 6.4 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.
- 6.5 Within ten working days of a concern being raised, the respondent will write to the employee:
- acknowledging that the concern has been received;
 - indicating how the Academy proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - informing whether any initial enquiries have been made;
 - supplying information on employee support mechanisms; and
 - stating whether further investigations will take place and, if not, why not.
- 6.6 The amount of contact between the person considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Academy will seek further information.
- 6.7 Where any meeting is arranged, off-site if wished, an employee can be accompanied by a trade union/professional association representative or a friend.
- 6.8 The Academy will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if employees are required to give evidence in criminal or disciplinary proceedings, the Academy will arrange for them to receive advice about the procedure.
- 6.9 The Academy accepts that an employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the Academy will inform the member of staff of the outcomes of any investigation.

7.0 The Headteacher

7.1 The Headteacher has overall responsibility for the maintenance and operation of this policy. The Headteacher maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Academy.

8.0 How the Matter Can be Taken Further

8.1 This policy is intended to provide an avenue within Birkdale High School to raise concerns. The Academy hopes employees will be satisfied with any action taken. If not, and if they feel it is right to take the matter outside the Academy, the following are possible contact points:

- Public Concern at Work – 0207 404 6609 or <http://www.pcaw.co.uk>;
- A trade union;
- The local Citizens Advice Bureau;
- Relevant professional bodies or regulatory organisations;
- A relevant voluntary organisation;
- The police.

8.2 If the matter is taken outside the Academy, steps should be taken to ensure that there is no disclosure of confidential information. A check with the contact point may be necessary.