

WHISTLEBLOWING REPORTING PROCEDURES - A POLICY FOR SCHOOLS

1. INTRODUCTION

- 1.1. Portsmouth City Council and the School are committed to achieving the highest possible standards of openness, probity and accountability in all of its practices. This policy has been introduced to help raise concerns about malpractice (for example fraud, a danger to health, safety or the environment or a crime) in the right way without fear.
- 1.2. Staff who believe that there is a serious problem within Portsmouth City Council or the School may feel reluctant to express their concerns because they feel that speaking up would be disloyal to their colleagues, school, or to the City Council. They may also fear discrimination, harassment or victimisation. This policy makes it clear that they have a duty and a right to disclose concerns, in confidence, without fear of subsequent discrimination, harassment, victimisation or disadvantage.
- 1.3. Portsmouth City Council and the School would prefer that any concerns about malpractice were raised when it is just a concern, rather than wait for proof. This policy has been introduced to help raise any concerns in the correct way. It explains the routes open to staff. It includes employees, temporary workers, agency staff and people working for contractors.
- 1.4. **Staff may wish to consult their trade union before taking any other action.**
- 1.5. The standards expected of the City Council's employees are set out in the Code of Conduct and in departmental and local procedures and guidance relating to specific issues.
- 1.6. It is a disciplinary matter both to victimise a bonifide whistleblower or to maliciously make a false allegation.
- 1.7. Disclosers will be protected if they meet the legal requirements, which generally require the worker to be acting in good faith.
- 1.8. The Dignity at Work policy outlines how employees can initially deal with cases of discrimination, harassment, victimisation or bullying in the workplace. The Grievance Policy is also available to employees. These documents can be obtained from the Headteacher or the Human Resources Team.
- 1.9. This policy is also separate from external complaints procedures for use by pupils/parents and members of the public.

- 1.10. Where there are complaint procedures in place for addressing problems with service issues, these should continue to be used by service users, other organisations and members of the public.

2. AIMS AND SCOPE

2.1. This policy aims to:

- provide information about what the whistleblowing process means for openness, confidentiality and anonymity.
- encourage staff to question and act upon concerns about malpractice and to feel confident in raising serious concerns;
- provide avenues for staff to raise those concerns;
- ensure that staff raising concerns receive feedback on any action taken, if possible;
- provide guidance to staff on how to take matters further if they are not satisfied;
- reassure staff that they will be protected from possible reprisals or victimisation if they have made the disclosure in good faith.

2.2. Possible issues include:

- conduct which is an offence or a breach of law;
- health and safety risks (to pupils and members of the public as well as to staff);
- damage to education property;
- unauthorised use of public funds and resources;
- fraud and corruption;
- abuse of clients;
- abuse or intimidation of staff or pupils;
- other unethical conduct.

This list is not exhaustive.

This policy is intended to cover major concerns that staff might have.

3. SAFEGUARDS

3.1. Your safety

3.1.1. It is recognised that it may be difficult to raise a concern. The law gives certain safeguards if a concern is raised as a whistleblower and Portsmouth City Council and the School will not tolerate discrimination, harassment or victimisation of anyone who has raised a concern in good faith. If it is felt that this has happened, you must report it and the conduct will be treated seriously. Portsmouth City Council and the School will encourage its contractors to do the same. Provided that the concern is raised honestly, a member of staff will not be at risk of losing their job or suffering any form of retribution for doing so even if they are mistaken.

3.1.2. If a member of staff makes an allegation in good faith but it is not confirmed by the subsequent investigation, no action will be taken against them

This assurance is not extended to anyone who maliciously raises a concern they know is untrue. Such conduct may be liable to disciplinary action.

3.1.3. If disciplinary action or redundancy procedures have already been started, raising a concern will not, in itself, halt them.

3.2. Your Confidence

3.2.1. With these assurances we hope staff will raise concerns openly in the normal way. However, it is recognised that there may be some circumstances when it would be preferable to speak to someone in confidence. If so, please state this when the concern is raised.

3.2.2. Keeping a confidence means that if a member of staff asks not to disclose their identity, this will not be done without consent, unless it is legally required to do so.

3.3. Anonymity

Please remember that if a member of staff raises a concern anonymously, it is much more difficult to look into the concern. It is more difficult to protect a member of staffs' position or to inform them of the outcome. The same support and assurances can not be guaranteed if a concern is reported anonymously.

3.4. Support

3.4.1. The School and Portsmouth City Council will take steps to minimise any difficulties which a member of staff may experience as a result of

raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings Portsmouth City Council will arrange for advice and support to be provided. The School and Portsmouth City Council will also consider practical issues such as travel costs and the implications of spending time away from the workplace.

- 3.4.2. Support is available at all stages of the process from the confidential counselling and support service. Contact details are provided in Section 7 below.

4. HOW CONCERNS CAN BE RAISED

- 4.1. Firm evidence of malpractice is not required before raising a concern. However, the concern will need to be explained as fully as possible with the information or circumstances that gave rise to the concern. The earlier the concern is raised, the easier it may be to resolve.
- 4.2. Most concerns should be resolved simply and effectively at the lowest possible level within a member of staff's school, section, team or work area. This will normally entail staff raising concerns with their immediate manager, supervisor, headteacher or trade union representative. However, this will depend on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. It should be noted that all concerns relating to financial malpractice should be raised with the Director of Children's Services.
- 4.3. If a member of staff feels unable to raise the matter with a manager, supervisor or the headteacher for whatever reason, or they feel that the concern has not been properly addressed they are advised to contact one of the following:
- The Chair of Governors; or
 - The Director of Children's Services.

The flowchart in Annex 1 clarifies the process for raising concerns and contact details are provided in Section 7 below.

- 4.4. The concern may be raised orally, or in writing.
- 4.5. There is no definite time limit for raising concerns; whether an issue will be dealt with viably after a long period of time will depend on the circumstances.
- 4.6. Staff may wish to discuss their concerns with a colleague first and may find it easier to raise the matter if there are two (or more) people who have had the same experience or concerns. However, staff

should also be prepared to give their own individual account during the investigation process.

- 4.7. At any stage of the procedure, the employee may be accompanied by a representative from their trade union or work colleague.

5. HOW THE SCHOOL AND PORTSMOUTH CITY COUNCIL WILL RESPOND

- 5.1. The School/Portsmouth City Council will always respond to concerns raised by staff and there will be an investigation by management. Further courses of action will vary, depending on the issue, but could include:

- using the school's disciplinary process;
- investigation by Internal Audit, again resulting in the use of the disciplinary process if appropriate;
- referral to the Audit Commission;
- referral to the police.

- 5.2. When deciding on which course of action is appropriate, the School and Portsmouth City Council will consider public interest as an overriding principle.

- 5.3. Within ten working days of the concern being raised, and if it is not anonymous, the headteacher/line manager receiving the disclosure will write to the member of staff to:

- acknowledge that the concern has been received;
- Summarise the concern and ask to be contacted if the concern has been misunderstood or any information is missing.
- indicate how it is proposed that the matter will be dealt with (i.e. whether further investigations will take place, and what form these will take);
- indicate whether any initial enquiries have been made;
- give an estimate of how long it will take to provide a final response;
- supply information on staff support mechanisms.

- 5.4. The amount of contact between the headteacher/line manager considering the issue and the member of staff who has raised the issue 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 the person making the disclosure, ensuring that confidentiality is maintained.
- 5.5. It is accepted that a member of staff may want to be assured that the matter has been properly addressed and whenever possible, feedback will be provided on the outcome of any investigation. Please note, however, information about disciplinary or other action will not be provided when it infringes a duty of confidence that is owed to third parties.
- 5.6. If the member of staff has a personal interest in the matter, it is asked that this is highlighted properly at the outset.
- 5.7. If the concern falls more properly within the Dignity at Work or Grievance Procedure the member of staff will be informed of this.

6. HOW THE MATTER CAN BE TAKEN FURTHER

- 6.1. If a member of staff raising a concern is dissatisfied with the action taken, and wishes to take the matter outside of Portsmouth City Council or the School, the following are examples of appropriate contact points:

External contacts:

- Department for Education.
- An Elected Member of the Council.
- The Audit Commission.
- A Trade Union.
- The Local Government Ombudsman.

Other contacts:

- The Citizen Advice Bureau;
- Public Concern at Work (a national charity that gives advice on whistleblowing);
- Appropriate professional bodies or regulatory organisations.

Contact details are provided below.

- 6.2. If the matter is taken outside of Portsmouth City Council, the member of staff should ensure that confidential or privileged information is not disclosed, such as personal details about colleagues, or restricted financial information.

- 6.3. Staff raising a concern externally should consider carefully whether this is the most appropriate course of action for resolving the issue and whether all reasonable, internal steps have been taken.

7. CONTACT DETAILS

For general concerns (as appropriate):

- The Headteacher.
- The Chair of Governors.
- A Senior Manager in the school.
- The Head of Operational Human Resources.
- The Director of Children's Services.

For all financial issues (fraud, corrupt practices and other irregularities):

- The Director of Children's Services.

For confidential support and counselling:

- All employees have access to the Employee Assistance Programme.

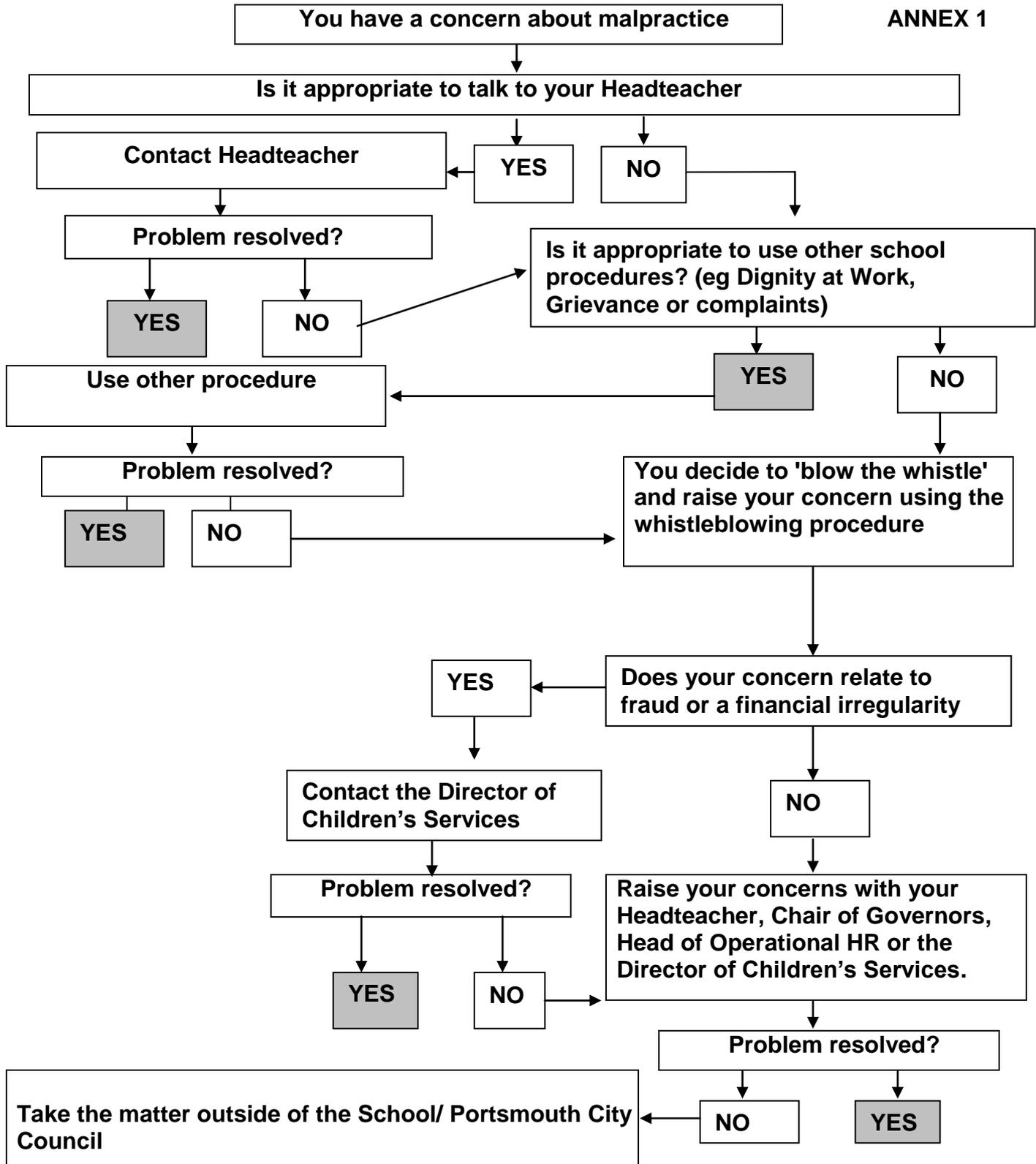
Right Corecare

0800 1116 387 or www.eap.rightcorecare.co.uk

- Teachers also have access to Teacher Support Line on 08000 562 561 or www.teachersupport.info

Other external contacts:

- The Audit Commission
- A Trade Union
- The Citizen's Advice Bureau – www.adviceguide.org.uk
- The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
Tel: 0300 061 0614
- Public Concern at Work
3rd Floor Bank Chambers
6-10 Borough High Street
London
SE1 9QQ
Tel: 020 7404 6609
Email: helpline@pcaw.co.uk Website: www.pcaw.co.uk



- Full contact details are given in the policy document
- Confidentiality should be maintained at all stages where appropriate
- Seek support from your Trade Union if needed at any stage of the process