St. John's C.E. Primary School

Poplar Street
Heaton Mersey
Stockport SK4 3DG

www.st-johns.stockport.sch.uk

Policy for: Confidential Reporting (Whistleblowing)

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Introduction

The Governing Board is committed to creating a work environment with the highest possible standards of openness, probity and accountability. In view of this commitment, we encourage employees and others with serious concerns about any aspect of the School's work to come forward and voice those concerns without fear of reprisal.

This Confidential Reporting Policy is intended to encourage and enable employees and others to raise serious concerns **within** the School, rather than overlooking a problem or 'blowing the whistle' outside.

Scope of the Policy

The policy applies to all employees, volunteers, governors and contractors either working for the School or working on School premises, for example, agency staff, builders and cleaners. The policy also covers suppliers and those providing services under a contract with the School in their own premises.

This policy is written in accordance with the Employment Rights Act 1996; Equality Act 2010; Health and Safety at Work Act 1974;Protection from Harassment Act 1997; Management of Health and Safety at Work Regulations 1999 (SI 199/3243) and Public Interest Disclosure Act 1998.

This policy does not apply to situations covered by statutory reporting procedures or mechanisms that exist for raising particular issues, e.g. the grievance procedure that exists for issues around employment, parental complaints (managed through the Governor Complaints' procedure & Schools Management Team), child protection issues should be directed in the first instance to the Local Authority Designated Officer.

Policy Statement

The Governing Board acknowledges that employees and contractors are often the first to realise that there may be something seriously wrong within the School. 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. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

"Whistleblowing" describes the disclosure of concerns regarding a danger or illegality that has a public interest, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individual's own position and with no public interest.

This policy aims to:

- encourage employees to feel confident about raising serious concerns and to question and act upon their concerns;
- provide avenues for employees to raise those concerns and receive feedback on any action taken;
- allow employees to take the matter further if they are dissatisfied with the School's response; and
- reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in the public interest.

There are existing procedures in place for dealing with grievances, safeguarding children, Health and Safety, Assaults on Staff, stress, violence at work, dignity at work and smoke free arrangements. If concerns cover any of these aspects, employees should first consult the relevant School policy. The Confidential Reporting Policy is intended to cover those major concerns made in the public interest that fall outside the scope of these procedures. These include:

- conduct which is an offence or breach of law;

- disclosures related to miscarriage of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse;
- other unethical conduct; and
- the deliberate covering up of information relating to any of the above bullet points.

Any serious concerns that employees have about operation of the School or the conduct of School staff (including temporary, supply or casual workers) or members of the Governing Board can be reported under the Confidential Reporting Policy. Reporting this concern must be made in the public interest. This may be about something that:

- is against the School's procedures and protocols as set out in its constitution;
- amounts to improper conduct; or
- is an abuse of power for personal gain.

This policy has the support of the relevant trade unions and professional organisations.

Links to other policies

Safer Working Practice – Workplace Conduct
Dignity at Work
Employee Relations

Roles and Responsibilities

This section outlines the roles and responsibilities for the main parties involved in creating a safe environment where individuals with a concern about School practices come forward to report them in the public interest.

These lists are not exhaustive.

The Responsible Officer

The Director for Education Services has overall responsibility for the maintenance and operation of this policy in maintained schools. They will maintain a record of concerns raised and the outcomes (but in a form which does not endanger a complainant's confidentiality) and will report as necessary to the Council.

Senior Managers (Headteacher or equivalent)

Senior managers play a lead role in creating an open and transparent culture where school policies and procedures are embedded, monitored and followed. They are responsible for ensuring that:

- all staff are aware of this policy and associated procedures and receive appropriate training where necessary;
- they set a good example by their behaviour;
- all reports of malpractice reported to them are taken seriously and investigated;
- employees who make an allegation in the public interest are not victimised; and
- confidentiality is preserved where appropriate;
- good practice is followed in the areas that they manage;

- respond to and support employees who report concerns under this policy;
- treat all concerns seriously and sensitively;
- ensure that the correct policy is used to pursue concerns if the Confidential Reporting policy is not applicable;
- encourage employees to raise their concerns in writing;
- provide full and clear advice to employees on the procedures to be followed.

If they do not carry out their responsibilities under this policy, they may be subjected to disciplinary action and claims from the employee that they have also contravened this policy.

Employees/volunteers/governors

Employees are responsible for:
- reporting any public interest concerns they have as early as possible;
- raising the concerns in writing (if possible);
- putting their name to any allegations rather than making them anonymously (where possible);
- reporting if they are victimised after raising a concern under this policy; and
- acting in the public interest at all times.

Human Resources

Human Resources plays an important role in supporting the School to create an environment with the highest possible standards of openness, probity and accountability.

Its role is to:
- support senior managers and employees on the interpretation and application of this policy;
- provide skills and knowledge-based training to enable managers to fulfil their responsibilities under this policy; and
- be aware of changes in legislation.

Confidential Reporting Procedure

Safeguards

Harassment or Victimisation

The School will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in the public interest.

In addition, the Public Interest Disclosure Act 1998 protects employees from reprisals as long as they meet the rules set out in the Act. The School may be fined for not protecting anybody making a disclosure in the public interest.

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

Confidentiality

All concerns will be treated in confidence and every effort will be made to protect the employee's identity if they wish to remain anonymous. However, at the appropriate time, employees may need to come forward as a witness.

Anonymous Allegations

This procedure encourages people to put their names to their allegation whenever possible. Concerns expressed anonymously are much less powerful but will still be considered at the discretion of the School.

When 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 attributable sources

Untrue Allegations

If an employee makes an allegation, but it is not confirmed by the investigation, no action will be taken against them. However, if an employee makes malicious or vexatious allegations without good reason, to cause trouble, for personal gain, or to discredit the School or any member or officer, an investigation will take place to determine whether disciplinary action should be taken.

How to Raise a Concern

The earlier an employee expresses a concern the easier it is to take action.

Concerns should normally be raised with an employee's immediate line manager, Headteacher, Chair of Governors or Director of Education Services at the local authority (where most appropriate). However, this depends on the seriousness and sensitivity of the issue involved and who is suspected of the wrongdoing, including malpractice.

Employees can raise a concern in writing either by letter or e-mail, by telephone or in person. Employees should advise the person they approach that they wish to make a complaint under the Confidential Reporting Procedure. Employees who choose to raise their concern in writing should use a Confidential Disclosure form. Information required includes background and history of the concern, dates and places where possible,

and the reason(s) why they are concerned about the situation. A copy of the Confidential Disclosure form can be found on Appendix A.

Although employees are not expected to prove beyond doubt the truth of an allegation, they should have reasonable grounds for their concern or be acting in the public interest.

Employees may wish to discuss their concerns with a colleague or trade union representative.

Employees may invite a trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised. Meetings can be arranged off site if needed.

The School recognises that reporting a concern can be difficult. If what the employee is saying is true, they have nothing to fear. If they raise a concern in good faith, they will have nothing to fear.

A summary of the reporting procedure can be found at Appendix B

Responding to concerns

All concerns will be responded to.

The action taken will depend on the nature of the concern. A decision may be made to take one or more of the following actions as deemed appropriate:

- be investigated internally within the School;
- be referred to the police;
- be referred to the external auditor;
- be referred to another appropriate policy or procedure;
- be referred to the appropriate service within the Authority for further investigation; or
- form the subject of 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 what form it should take. The overriding principle is the public interest. Any 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 separate procedures.

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.

Within 10 working days of a concern being raised, the appropriate officer will write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling employees whether any initial enquiries have been made; and
- telling employees whether further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and the employee will depend on the nature of the concerns raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought.

In appropriate cases, where an independent inquiry is to be held the relevant Trade Unions will be consulted about the scope and constitution of that inquiry.

Where any meeting is arranged, (off-site if preferred), employees may be accompanied by a union or professional association representative or a friend.

Steps will be taken to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, arrangements will be made for them to receive advice about the procedure.

Employees need to be assured that the matter has been properly addressed. So, subject to statutory constraints, the employee will be informed of the outcome when the matter has been concluded.

A summary of the Disclosure Investigation process is attached at Appendix C.

How the matter can be taken further

This procedure is intended to provide employees with an avenue to raise concerns. If employees are dissatisfied with the action taken, the following are possible contact points:

- a Stockport councillor (if you live in Stockport)
- the external auditor (Grant Thornton)
- a solicitor
- their trade union
- the Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- the police
- the independent charity Public Concern at Work[1]

Where an employee takes the matter to an external organisation, confidential information must not be disclosed unnecessarily.

Review

This policy will be reviewed in line with changes to legislation and in any event at least every three years.

[1] Public Concern at Work (disclosure hotline 020 7404 6609 or www.pcaw.org.ukfor useful advice) is an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice and employers who wish to create a culture where it is safe and accepted for staff to blow the whistle.

Appendix A

Confidential Reporting – Disclosure Form

Description of the Concern: Please put as much detail as you can to assist in any investigation which might be required, - include date(s), time(s), person(s) involved, witnesses, location, why you are concerned and length of time you have been concerned (please use extra sheet if necessary).

Have you discussed your concerns with anyone?
- include details of with whom, when and what the results of the discussion were.

You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate

Name Service

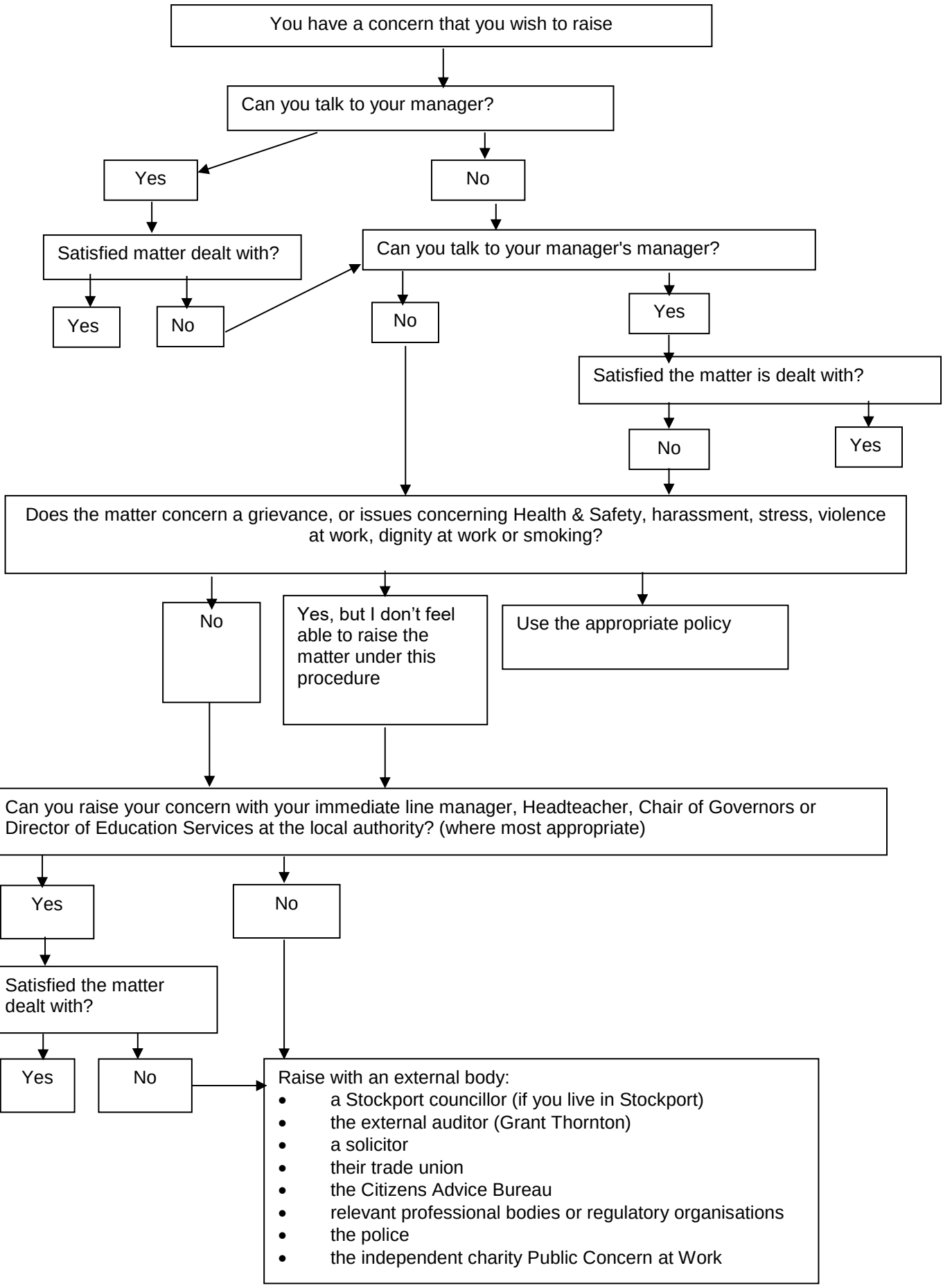
Contact details

Signed Date

On completion the form should be returned to your line manager, Headteacher, Chair of Governors or Director for Education as appropriate in a sealed envelope marked 'Private and Confidential'.

Appendix B

Summary of Confidential Reporting procedure



Appendix C

Summary of Disclosure Investigation Process

