

Confidential Reporting Code for Schools (Whistleblowing)



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Contents

1 Introduction	1
1.1 What is the code about?	1
1.2 Who does the policy apply to?	1
2 Aims and scope of the code	2
2.1 Aim of the code	2
2.2 Scope of the code	2
2.3 Other procedures	3
2.3.1 The school's complaints procedure	3
2.3.2 Financial procedure rules	3
2.3.3 Arrestable offences.....	3
2.3.4 Grievance procedure	3
2.3.5 Contract procedure rules	4
3 Safeguards	4
4 Confidentiality	5
5 Anonymous allegations	5
6 Untrue allegations	6
7 How to raise a concern	6
8 How you will receive a response	7
9 The responsible officer	9
10 Further information	9
10.1 Supporting documents	9
10.2 Review of the code.....	10
10.3 Equality and diversity	10
10.4 Contact details	10

1 Introduction

1.1 What is the code about?

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

'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

The school is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment it expects employees, and others that it deals with, who have any serious concerns about any aspect of the school's work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant school procedures to report issues in an open and transparent way, because that is the type of culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis.

This document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within school rather than overlooking a problem or 'blowing the whistle' outside.

1.2 Who does the policy apply to?

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

The code is recommended as good practice to all other groups associated with the school. These procedures are in addition to the school's complaints procedures and other statutory reporting procedures applying to some services.

It is recommended that the school publishes this code on its official website.

2 Aims and scope of the code

2.1 Aim of the code

This code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

2.2 Scope of the code

There are existing procedures in place to enable you to lodge a grievance relating to your own employment (see section 2.3 below).

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

- (i) that they are acting in the public interest;
- (ii) that 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 in the above categories.

Examples of the above could include:

- safeguarding concerns, including sexual or physical abuse of children/or vulnerable young people/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;
- the unauthorised use of public funds;
- negligence;
- unauthorised disclosure of confidential information;
- possible fraud and corruption;
- deliberate concealment of the above matters.

The above list is neither exclusive nor exhaustive.

Thus, any serious concerns that you have, which are in the public interest, about any aspects of the school's business or the conduct of employees or governors of the school or others acting on behalf of the school can be reported under the Confidential Reporting Code.

2.3 Other procedures

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

2.3.1 The school's 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.

2.3.2 Financial procedure rules

Under the school's 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 or 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.

2.3.3 Arrestable offences

In any case where the Head Teacher or Chair of the Governing Body has reason to believe that an employee of the school may have committed an arrestable offence, the Corporate Director of Children and Young People's Services, and the Chief Internal Auditor and Corporate Fraud Manager must be informed. Voluntary aided schools should consider notifying the Director of the Diocese where appropriate.

2.3.4 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. The Grievance Policy exists to provide a mechanism for employees to raise concerns that are not covered by other procedures. 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 it is unclear which procedure the employee wishes to pursue, the employee or manager should seek advice from the Human Resources (HR) Advice and Support Team on schoolshradviceandsupportteam@durham.gov.uk

2.3.5 Contract procedure rules

The Contract Procedure Rules (CPRs) provide the framework for procurement activity across the council setting out how contracts for goods, works, services and utilities should be put in place and managed, and detailing the record keeping and reporting requirements related to procurement activity.

The CPRs should not be seen in isolation, but rather as part of the overall regulatory framework of the council as set out in the Constitution.

All schools need to have Contract Procedure Rules in place. The governing body can choose to set school-specific rules which, in such cases, must be published on the school's website to ensure the school's purchasing procedures are transparent. Schools not adopting their own rules should use the Council's standard Contract Procedure Rules as published in the Constitution

The content of these CPRs is supported by additional guidance and documentation within the Procurement Policy and Strategy section of the council's website at <http://www.durham.gov.uk/article/2815/Procurement-policy-and-strategy>

All procurement procedures must:

- realise value for money by achieving the optimum combination of whole life costs and quality of outcome;
- be consistent with the highest standards of integrity;
- operate in a transparent manner;
- ensure fairness in allocation of public contracts;
- comply with all legal requirements including European Union (EU) treaty principles;
- support all relevant school priorities and policies, and
- comply with the council's Corporate Procurement Strategy, and the Sustainable Commissioning and Procurement Policy.

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.

3 Safeguards

The school is committed to good practice and high standards and wants to be supportive of employees.

The school recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your school and those for whom you are providing a service.

It is understandable that whistleblowers are sometimes worried about possible repercussions. The school aims to encourage openness and will support employees who raise genuine concerns under this code, even if they turn out to be mistaken.

The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific school arrangements.

Employees or ex-employees must therefore not suffer any detrimental treatment as a result of raising a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure.

Employees must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

On occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.

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

4 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

Although every effort will be made not to reveal your identity you may however be called as a witness if this matter is progressed.

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

5 Anonymous allegations

This code encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously can be more difficult to investigate. When considering an investigation into an anonymous complaint, the following will be taken into consideration:

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

6 Untrue allegations

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you under the Schools Disciplinary Policy.

7 How to raise a concern

As a first step, you should normally raise concerns with the Head Teacher or Chair of the Governing Body. This can be done verbally or in writing. Wherever possible concerns should be made in writing direct by the person raising the concerns using the confidential reporting code form.

A copy of the completed form should normally be reviewed by the Head Teacher or Chair of the Governing Body as appropriate and any points of clarity or additional information noted following any discussion with the person raising the concern.

A copy of the completed form should then be sent to the Corporate Fraud inbox where there are concerns of a financial and/or fraudulent nature: corporatefraudteam@durham.gov.uk as soon as practicable, so to prevent any delay and allow for any urgent action to be taken. Alternatively telephone concerns can be reported to 03000 266 745.

All concerns will be logged for monitoring purposes and the Chief Internal Auditor and Corporate Fraud Manager, in consultation with the school, and any other relevant officers (in relation to Voluntary Aided Schools this may mean notifying officers from the Diocese), will agree how the concern should be investigated.

In certain circumstances, you may feel unable, or it may not be appropriate, to raise your concerns with the Head Teacher or Chair of the Governing Body due to the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If this is the case, the concern can be reported direct to one of the following officers using the same form:

- Head of Education, Children and Young People's Services
- Chief Internal Auditor and Corporate Fraud Manager (Head of Internal Audit).

The earlier you express the concern the easier it is to take action.

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.

Advice/guidance on how to pursue matters of concern may be obtained from:

Head of Education, Children and Young People's Services	☎ 03000 260 000
Chief Internal Auditor and Corporate Fraud Manager	☎ 03000 260 000

Voluntary aided schools should consider notifying the Director of the Diocese where appropriate.

Alternatively, you may wish to seek advice from a person independent of the school. In this case you could contact the council's External Auditors, Mazars:

Mazars LLP	Address: The Rivergreen Centre, Aykley Heads, Durham, DH1 5TS. ☎ 0191 383 6314
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Or alternatively you can seek advice at the following independent whistleblowing charity:

Public Concern at Work	Address: CAN Mezzanine 7-14 Great Dover Street, London, SE1 4YR. Website: www.pcaw.org.uk email: whistle@pcaw.org.uk ☎ 020 7404 6609 (Whistleblowing Advice Line) ☎ 020 3117 2520 (General Enquiries)
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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 invite your trade union, professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

Ideally you should feel able to make a disclosure within the school however there may be circumstances where you feel unable to. You can make a disclosure under whistleblowing law to prescribed person(s) who are mainly regulators and professional bodies but include other persons and bodies such as 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 list of prescribed people and bodies is available on the internet at www.gov.uk and then search for the whistleblowing list of prescribed people and bodies.

8 How you will receive a response

Following the recording of the concern, either directly by the whistleblower or the manager to whom it was reported, a copy of the completed form should then be immediately forwarded to the Chief Internal Auditor and Corporate Fraud Manager for logging and monitoring purposes.

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

Where appropriate, the matters raised may:

- be investigated by management, internal audit and corporate fraud, or through the disciplinary process;

- be referred to the police;
- be referred to the external auditor;
- 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, if so, what form it should take. The overriding principles, which the school will have in mind, are your well-being 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.

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 ten working days of a concern being raised, the appropriate person with whom you have raised your concerns will respond to you in writing:

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on employee support mechanisms; and
- telling you whether 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 you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, any appointed investigating officer will seek further information from you. However, should this further information need to be gleaned by you, from another person, without them being made aware of your involvement in the confidential reporting process, specific procedures will need to be applied.

Should the investigating officer believe that this additional information may assist the enquiry, and that the information can only be obtained by you, no action will be taken until the matter has been referred to the relevant person(s) for a decision to be made as to whether such a course of action is both necessary and proportionate.

Important:

All employees must not, under any circumstances attempt to obtain any further information covertly either directly or indirectly without first having complied with the council's procedures in relation to staff surveillance which can be found in the Regulation of Investigatory Powers (RIPA) Policy. Failure to do so may infringe Human Rights and render the school liable to legal action.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union or professional association representative or a work colleague.

Steps will be taken to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings you will receive advice about the procedure.

Subject to legal constraints, you will be informed of the outcome of any investigation.

This code is intended to provide you with an avenue to raise concerns. The school hopes you will be satisfied with any action taken.

If you are not, and if you feel it is right to take the matter outside the school, the following are possible contact points:

- the council's External Auditors, Mazars;
- your local Citizens' Advice Bureau;
- the police;
- the independent whistleblowing charity Public Concern at Work – telephone 020 7404 6609 or further details are available at www.pcaw.org.uk;
- prescribed person(s) as detailed in Section 7.

9 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.

10 Further information

10.1 Supporting documents

The following documents can be downloaded from the extranet:

A	Confidential Reporting Code Form
B	Code of Conduct
C	Grievance Policy
D	Counter Fraud and Corruption Strategy
E	Regulation of Investigatory Powers (RIPA) Policy
F	Disciplinary Policy

The following documents are available from the council's website at:

<http://www.durham.gov.uk/article/2815/Procurement-policy-and-strategy>

G	Corporate Procurement Strategy
H	Sustainable Commissioning and Procurement Policy

10.2 Review of the code

The operation of this code will be kept under review and such changes will be made to the code as deemed appropriate following necessary consultation with the trade unions.

The Audit Committee will review the effectiveness of this code and recommend any material changes required.

10.3 Equality and diversity

Durham County Council is committed to promoting equality of opportunity, valuing diversity and ensuring discrimination, harassment or victimisation is not tolerated.

Our policy is to treat people fairly, with respect and dignity. We also comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

10.4 Contact details

The Confidential Reporting Code Form (available via the extranet) should be forwarded by email to:

Chief Internal Auditor and Corporate Fraud Manager,
email: corporatefraudteam@durham.gov.uk
tel: 03000 266 745

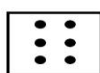
If you would like any further advice or would like the document in an alternative format, please contact the HR Advice and Support Team using the contact details below:

Please ask us if you would like this document summarised in another language or format.

العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)
polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)
বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)
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SchoolsHRAdviceandSupportTeam@durham.gov.uk

03000 266688



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