

Confidential Reporting Policy

Ormiston Meridian Academy

Ormiston Academies Trust

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Confidential Reporting (Whistleblowing) Procedure

Policy and Procedure for Academy's Managed Staff and Centrally Employed Teachers

November 2017

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Introduction

The Governing Body of the Academy is proud of the high standards it operates and is dedicated to providing a quality service to pupils, parents, governors and academy's partners. The academy promotes good educational practices and is committed to addressing poor practices.

Individuals who work for the academy are often the first people to realize there may be something seriously wrong. However you may not want to speak up about it in case you seem disloyal to colleagues or you are concerned about being victimized or harassed or for some other reason. You might be worried that you could be wrong or it might just seem too complicated and therefore easier to say nothing.

You have a right and a responsibility to raise concerns about poor practices and a right to be protected from reprisals if you do raise concerns. Any employee becoming aware of inappropriate activity is obliged and Governors and the Headteacher encourage you to report it.

The academy recognizes staff may wish to seek advice and be accompanied by their Trade Union when using the provisions of this policy and acknowledges and endorses the role representatives play in this area.

The procedure has been consulted on with recognized Teaching and Support Trade Unions and its operation will be kept under review.

What is this Procedure For?

The academy already has a number of different policies and procedures to deal with different types of concerns. For example, it has a grievance procedure for employees to raise matters relating to their conditions of employment and personal circumstances. We have a complaints procedure for parents to raise concerns and a safeguarding policy to investigate allegations of alleged abuse. Other relevant policies and procedures can be found in Section 3 'Other Procedures.'

The Confidential Reporting (Whistleblowing) Procedure is not intended to replace these procedures but it covers major concerns which fall outside the scope of other procedures. It also provides a channel for you to report serious concerns and ensures that the academy provides you with the support you need. It is possible that an investigation into the concerns raised might be carried out under one of the other procedures. Allegations of abuse to a child are an obvious example.

Examples of Other Procedures

(Copies are available from the learning platform website under LA Docs, HR policies and procedures)

- The Grievance Procedure

- Safeguarding and Safer Recruitment Policy
- Managing Allegations Against Staff & Volunteers Working with Children & Young People (Child Protection allegations will not be investigated without seeking advice from LADO).

(This list is not exhaustive)

Principles of the Confidential Reporting (Whistleblowing) Policy/Procedure

This Policy/Procedure explains how you can raise serious concerns and what the academy will do to deal with these concerns and support you.

The policy is based on several principles.

- Our primary duty of care to children and young people and other users of our services.
- Our duty of care to colleagues
- Concerns raised internally will be dealt with seriously and thoroughly investigated.
- Employees raising concerns will be offered full support.
- The academy will not tolerate any harassment, bullying or detriment to employees raising legitimate concerns.
- The academy will not tolerate employees making malicious and vexatious allegations.

Whistleblowing is a term commonly used for raising serious concerns. It is often thought feels unable to raise it internally. This policy aims to encourage and enable employees to raise their concerns within the academy rather than overlooking the problem or raising it outside.

The 'Public Interest Disclosure Act 1998' protects employees who raise serious concerns this way. Should an issue be raised that does not have the protection of the law the academy will protect and support the employee so long as they act in good faith.

This policy is for guidance only and does not form part of your contract of employment. The process outlined in this policy can be varied by mutual agreement of all parties concerned.

What are Serious Concerns

Serious concerns could relate to a number of different things such as:

- breach of recognized or established standards of professional practice or conduct within academy practice;
- suspected conduct which is an offence or a breach of the law, including criminal activity;
- suspected breach of academy or Local Authority policy;
- fraud or corruption; e.g. misappropriation of funds
- danger to health and safety;
- physical or sexual abuse (from either a position of trust or of a vulnerable person);
- improper conduct;
- dangerous procedures or practice risking Health and Safety
- the unauthorized use of public funds
- conduct which may be deemed unethical
- cover up of any such things.

Protection under the Public Interest Disclosure Act extends to disclosure concerning a wrongdoing that took place overseas or where the law applying to the misconduct was not that of the United Kingdom.

The law protects employees who make certain disclosures. To rely on this legal protection you should reasonably believe that the disclosure is in the public interest and

- a) that a criminal offence has been committed, is being committed or is likely to be committed;
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- c) that a miscarriage of justice has occurred is occurring or is likely to occur;
- d) that the health and safety of any individual has been, is being or likely to be endangered;
- e) that the environment has been, is being or is likely to be damaged, or;
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.

Even when you do not have the protection of the law, the academy will protect and support you so long as you act in good faith

Who Can Use This Procedure?

Provided your concern does not fit more comfortably within another policy/procedure (see section 3) you can use the Confidential Reporting (Whistleblowing) Procedure if you are:-

- an employee (permanent, temporary, casual or student on placement) you are
- encouraged to use this procedure to raise serious concerns;
- a volunteer working in the academy
- an employee in an organization (including the LA) providing a service under a contract to the academy
- an agency worker provided via a contract for service with an employment

How do you raise a Serious Concern?

Any problem should be resolved as close to its source as possible. It is better, therefore to report concerns to your line manager, the senior leadership team or the Headteacher.

In such cases where you cannot talk to your line manager/Headteacher or if you prefer to talk with someone outside your direct management you can do so as follows.

You can raise your concerns orally or in writing. You must state you are raising an issue under the Confidential Reporting (Whistleblowing) Procedure and specify whether you wish your identity to be kept confidential.

Other Referrals

You can raise your concerns with the Chair of the Governing Body of the Academy with the Trade Union, or the Academy's HR Team.

If you feel unable to raise your concerns by any of these routes you can report it to the City Council CYPS Statutory Complaints Officer or to the Director of Children and Young Peoples Services (who may allocate the matter to a Local Authority representative to investigate).

You can also raise your concern to the City Councils Monitoring Officer who is Paul Hackney (Head of Legal Services). This is because the Monitoring Officer has a statutory duty to consider any issue that has, or may, result in the City Council being in contravention of the law or a code of practice with association to the academy.

The person to whom your disclosure is made (as set out above) will ask you to formalize your concerns in writing either before or after the first meeting if you have not already done so. Your formal written disclosure will be acknowledged and the person dealing with it will keep a record of further action taken.

You are entitled to be accompanied by a workplace colleague or union representative at any meeting in relation to your disclosure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent disclosure.

How are Concerns Dealt With?

In the first place the Headteacher or the person whom you made the disclosure to or LA officer needs to make sure that no one is at serious risk or in danger. If they are, prompt action needs to be taken to protect them.

Initial Fact Finding

Initial enquiries will usually be made to decide how to deal with any concerns raised. All serious concerns will be investigated quickly using the most appropriate procedure.

Investigations

Investigations might be undertaken by the Headteacher, internal management, a nominated academy governor/panel (including a nominated officer by the Director of People) or the City Council Internal Audit Service. In some cases the matter will need to be referred to the police for an independent inquiry.

Timeframes

The investigating officer/panel will try to tell you within ten working days the concerns you have raised have been dealt with. As far as possible the investigations will be endeavored to be completed within twenty-eight working days. However, complex investigations may take longer. Any investigation taking longer than twenty-eight working days will be reviewed and you will be kept informed of any delays.

Anonymous Reporting

Anonymous concerns are much more difficult to deal with and employees are encouraged to put their name to the allegation. The purpose of the investigation is to prove the allegation.

In deciding whether it is possible to deal with anonymous concerns the following will be taken into account;

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of being able to confirm the allegation.

Anonymous allegations cannot be guaranteed to be investigated if the above criteria are not satisfied.

In addition proper investigation may prove impossible if the investigator cannot obtain further information from the individual, or give feedback and the investigating officer/panel is unable to ascertain whether the disclosure was made in the reasonable belief that the disclosure was in the public interest.

The individual should reveal his/her identify to the person with whom the concerns are raised and measures can then be taken to preserve confidentiality as appropriate.

Confidentiality

Every effort must be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardize the investigation into the alleged malpractice, the individual will also be expected to keep the fact that they have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be exceptional circumstances in which, because of the nature of the investigations or disclosure, it will be necessary to disclose the identity of the individual. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in the view of the investigating officer/panel such circumstances exist you will be informed that your identity is likely to be disclosed.

If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimization or detriment as a result of having made a disclosure.

Record Keeping

The academy will keep its own record of all concerns raised under this policy in a secure environment

Support Available

Individuals who raise serious concerns will inevitably feel anxious or may experience shock if witnessing something unpleasant. The person receiving the information is responsible for ensuring support. Employees should feel confident that their concerns will be treated seriously and sensitively. The identity of the individual will be protected unless they are required to give evidence personally as part of the investigation.

The process of investigating concerns can be lengthy. The employee will be kept informed of developments and supported throughout. Employees who have genuine concerns should not be put off either raising them in the first place or seeing them through the investigation process because of a lack of support. We will ensure you are not left feeling vulnerable and isolated. As far as confidentiality rules allow we will inform you of the outcome of the investigations.

Members of staff who raise genuinely held concerns in good faith under this procedure should not be subjected to any detriment as a result of their disclosure. Detriment includes unwarranted disciplinary action, victimization or threats. If the individual believes they have been subjected to a detriment within the workplace as a result of raising concerns under this procedure they should inform the person to whom the disclosure was made immediately. If the matter is not remedied the employee may raise a grievance under the Grievance Procedure/ Respect at Work Policy.

In the unlikely event of an employee being victimized or fearing reprisals every support will be offered and action will be taken. The employee may wish to contact the Headteacher/Line Manager or their Trade Union Representative for further support.

In all circumstances you the employee wish to seek further support from the employee advice, counselling and support line or the Teacher Support Network. Details of this service are available from the Headteacher or Human Resources.

What Happens If the Concerns Are Not Founded?

If the employee has acted in the public interest they will not be penalized in any way. In such cases the academy and Local Authority will do what it can to support both parties.

However, the academy must protect itself and its staff from false and malicious claims. Disciplinary action will be considered where any member of staff who is found to have acted frivolously, maliciously or for personal gain.

If the employee has acted in the public interest and their identity has become known mediation is available for persons involved in the investigation.

How to Take the Matter Further?

Although every attempt should be made to deal with serious concerns internally in the first instance, if you believe that the concerns you have raised have not been dealt with satisfactorily, or, you reasonably believe that you might be victimized or vital evidence stolen or destroyed, you can contact one of the people listed below. To receive the protection of the law an 'external disclosure' (that is a serious concern raised outside the academy), must fit into one or more of the categories (a to f) listed under What are serious concerns (See section 5) and you must:

Make the disclosure in the reasonable belief that the disclosure is in the public interest.

Reasonably believe that the information disclosed, and any allegation contained in it, are true;

Ensure the disclosure is not for personal gain;

Ensure that in all circumstances of the case it is reasonable to make the disclosure.

Further consultation with your Trade Union

To make an 'external disclosure' you can contact the External Auditor (currently the Audit Commission) on 232788 or you could talk to a elected member of the City Council, the Local Authority, the Police, someone in a Government Department, a professional body or a regulatory organization with an interest in the concerns you want to raise. Some examples are the Health and Safety Executive or the Information Commissioner. If you cannot find the contact details at work your local library would be able to help you.

If you do raise matters outside the academy you must be sure not to disclose confidential information.

External Contacts List

Trade Unions NUT Ivan Hickman

Mobile: 07767 360284

ATL Peter Lane

Mobile: 07870 902006

NASUWT Harold Gurden

Mobile: 07774 650 250

UNISON Justin Ashton

Telephone: 07880 966510

NAHT Derek Gray

Mobile: 07887 803714

GMB Jeff Birks

Mobile: 07919181268

UNITE Steven Williams

Office: 01782 219800

HR

Clare Bromley (HR Business Partner), Human Resources, Floor 2, Civic Centre,

Glebe Street, Stoke on Trent, ST4 1RN.

Telephone: 01782 237037

Legal Services

Paul Hackney, (Head of Legal Services)

Civic Centre, Glebe Street, Stoke-on-Trent, ST4 1RG