



WINDLESTONE SCHOOL

CONFIDENTIAL REPORTING CODE



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1. PREFACE

As a result of the Public Interest Disclosure Act which came into force on 2 July 1999, Durham County Council introduced The Confidential Reporting Code. This new code has been adopted to protect workers from fear of harassment or victimisation when reporting concerns. It aims to encourage and enable employees to raise serious concerns within the Council rather than turn a blind eye to a problem or malpractice or ‘blow the whistle’ outside.

The Public Interest Disclosure Act, commonly known as the Whistleblowers Act, is a statutory provision. The Confidential Reporting Code applies therefore to all employees of the County Council including teaching and non-teaching staff at this and other CSA schools. All Durham CSA Schools are responsible for ensuring that they have a proper process and procedure for handling serious concerns.

1. INTRODUCTION

The Governing Body is committed to the highest possible standards of openness probity and accountability. In line with that commitment it expects those who manage, govern and work in the school and others that the school deals with, who have serious concerns about any aspect of the school’s work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

Employees are often the first to realise that there may be something seriously wrong within the School. However, 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.

This document makes it clear this can be done without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Code is intended to encourage and enable all employees and governors to raise serious concerns within the School rather than overlooking a problem or ‘blowing the whistle’ outside.

The Code applies to all employees, governors and those contractors working for the School on School premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the school or County Council in their own premises, for example, leisure centres or swimming pools.

These procedures are in addition to the school’s complaints procedures and other statutory reporting procedures. If asked, governors and employees should make interested parties aware of the existence of these procedures.

This Code has been discussed with the relevant trade unions, and professional organisations and has their support.

3. AIMS AND SCOPE OF THE CODE

This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concern 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; and
- 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 good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- conduct which is an offence or a breach of law,
- 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 or physical abuse of pupils, employees, and
- other unethical conduct.

Thus, any serious concerns that you have about any aspects of the school or the conduct of staff or governors of the School or others acting on behalf of the School can be reported under the Confidential Reporting Code.

This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the School subscribes to;
- is against the County Council's Standing Orders or school policies;
- falls below established standards of practice; or

- amounts to improper conduct

This Code does not replace the School's General Complaints and Grievance Procedure.

4. SAFEGUARDS

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

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 is made in good faith, 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.

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 good faith. This action will depend on the type of concern.

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

5. 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. At the appropriate time, however, you may need to come forward as a witness.

6. ANONYMOUS ALLEGATIONS

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

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Governing Body or local education authority.

In exercising this discretion, the facts to be taken into account would include:

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

7. UNTRUE ALLEGATIONS

If you make an allegation in good faith, 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.

8. HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with the Headteacher or other senior member of staff. This depends, however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chair of Governors or the CSA at County Hall, Durham (see below for contacts).

Concerns may be raised verbally or in writing. A written report should use the following format:

- the background and history of the concern [giving relevant dates]; and
- the reason why you are particularly concerned about the situation.

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:

Pete Jonson 01388 720337
Headteacher

Councillor George Porter 01388 720346
Chair of Governing Body

Ian Frame 0191 3834594
Area Co-ordinator, South Western Division,
Education Department

If the concern is of a financial nature you may seek advice from Phil Barclay, Head of Education Resources, telephone 0191 3833314.

Alternatively you may wish to seek advice from a person independent of the school or CSA i.e. Head of Personnel Services, telephone 0191 3833559.

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 friend to be present during any meetings or interviews in connection with the concerns you have raised.

It is a disciplinary offence for any member of staff to fail to report actual or reasonably suspected physical, sexual or emotional abuse or neglect of a child or incidences of real or suspected self harm.

9. HOW THE SCHOOL WILL RESPOND

The School will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated and dealt with by management or the governing body,
- be referred to the CSA for investigation, or
- be referred along with details of the investigation to another responsible body.

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 School 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.

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 person with whom you have raised your concerns will write to you:

- 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 staff support mechanisms; and
- telling you whether further investigation will take place and if not, why not.

The amount of contact between the person 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, further information may be sought from you.

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

The school will take steps 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 the school will arrange for you to receive advice about the procedure.

The school accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

10. THE RESPONSIBLE BODY

The Governing Body has overall responsibility for the maintenance and operation and review of this Code. The Governing Body will ensure that a record of concerns raised is maintained along with the outcomes [but in a form which does not endanger your confidentiality or the rights of others].

11. HOW THE MATTER CAN BE TAKEN FURTHER

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:

- CSA contacts
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- Commission for Social Care Inspection
- a relevant voluntary organisation
- the police
- Secretary of State for Education

If you do take the matter outside the school you should ensure that you do not disclose confidential information. Check with the contact point about that.

The Confidential Reporting Code aims to encourage and enable serious concerns to be raised within the school or CSA rather than ignore a problem or malpractice or 'blowing the whistle' outside.

12. **OTHER PROCEDURES**

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

A. **School's Complaints & Grievance Procedure**

Unresolved criticism about the standard of service, actions or lack of actions by the School is a complaint. Handling of complaints is, in the first instance, the responsibility of the Headteacher. If a complainant is not satisfied at this stage referral is made to the Governing Body.

A grievance can relate to any aspect of employment which affects the employee personally and which is not reserved to be dealt with under any other established procedures excepting the following - disciplinary matters, matters relating to deductions from pay, grading matters, redundancy and recruitment issues.

The matter should first be raised with the employee's line manager, then referred to a 'grievance officer' for discussion between the line manager and Headteacher and ultimately consideration by the Governing Body's Appeals Committee.

B. **Financial Regulations**

Anyone in school who becomes aware of any financial irregularities or suspected irregularities must immediately notify the Headteacher, Chair of Governors and the County Treasurer or CSA contact.

C. **Arrestable Offences**

In any case where there is reason to believe that an employee of the school may have committed, in the course of their duties, an arrestable offence, the Director of Children & Young People's Services or representative must be informed and where it is considered an arrestable offence has occurred, the Director of Children & Young People's Services will inform the police.

13. **SUMMARY**

All concerns applicable under this Confidential Reporting Code should be raised with the person's immediate manager or supervisor. If the concern relates to their immediate manager then the concern should be raised with the next appropriate senior manager or Chair of Governors if it relates to the Headteacher. Advice/guidance on who is the appropriate manager can be sought from the contacts named in the Code.

Concerns regarding senior officers within the County Council should be referred to one of the following: Chief Executive, the County Treasurer, and

the Deputy Director of Corporate & Legal Services or the Head of Internal Audit.

Although concerns may be raised verbally or in writing (a suggested format for making a written report is included in the Code) a confidential log of the nature and number of concerns arising within the school should be held by the Headteacher on behalf of the Governing Body.

The person to whom the concern is raised should complete the attached form and forward it to the Headteacher, or appropriate person.

14. REVIEW

This code will be regularly reviewed.

Councillor G Porter
Chair of Governing Body

PM Jonson
Headteacher

January 2001
Latest revision June 2006

PRIVATE AND CONFIDENTIAL

WINDLESTONE SCHOOL



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**To be completed by person to whom the concern is raised.
To be forwarded to Head Teacher of Windlestone School or Line Manager or
Chair of Governing Body or LEA Officer**

Name of person:
raising concern (may be anonymous)

Post Held:

Brief outline of nature of concern and dates :

Names of other persons involved :

Brief description of outcome, with dates :

Signature :
(of person to whom complaint is raised)

Print Name :

Date :