

Confidential Reporting (“Whistleblowing”) Policy

Giving people the confidence to raise and disclose serious concerns within the County Council’s schools and colleges

Provides a clear framework to report practice concerns in good faith without fear of reprisal or victimisation

Key points

- The County Council and its schools and colleges are committed to the highest standards of openness and expect employees to come forward and voice appropriate concerns
- This policy covers major concerns that fall outside the scope of other procedures
- Please also refer to the Code of Conduct for employees which makes reference to other important policies that need to be read in conjunction with this policy
- All concerns will be treated in confidence and your identity will not be revealed without your prior agreement and you will not be penalised for making a disclosure
- This policy is informed by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 which provide specific rights for workers who disclose information about alleged wrongdoings in certain specific circumstances

1. Who does this policy apply to?

All employees and contractors and their staff working in schools/colleges including governors, volunteers, agency staff, builders and drivers; also providers of works, services and supplies including external contractors and those providing services under a contract with the County Council or the school/college.

2. What is the purpose of this policy?

This policy aims to:

- encourage employees to feel confident to make a disclosure of concerns about issues that fall under this policy
- provide avenues for employees to raise those concerns
- reassure employees that they will be protected from being penalised or suffering detriment

3. What kind of concerns would I disclose under this policy?

This policy covers any serious concerns about any aspect of service provision or the conduct of officers or members of the County Council or school/college or others acting on their behalf. This could be something that makes you feel uncomfortable in terms of known standards; is against the school's policy; falls below established standards of practice or amounts to improper conduct.

Concerns that fall within this policy could include:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligations;
- disclosures relating to miscarriages of justice;
- Health and Safety risks, including risks to the public;
- damage to the environment;
- something that is against County Council standing orders and/or school policies;
- information relating to any of the above categories is being or is likely to be deliberately concealed

Please note that the Grievance Procedure exists to enable you to lodge a grievance relating to any matter concerning your own employment that you are unhappy about, in particular, matters that fall outside this policy. This policy should not be used to raise individual grievances, and nor is it to be a mechanism for challenging decisions, practices and policies with which you disagree.

4. Can I remain anonymous?

You are encouraged to put your name to allegations as anonymous concerns are much less powerful. However, anonymous concerns will still be considered by the school management and governing body. The governors or SMT will not tolerate harassment or victimisation and will take appropriate action to protect you.

5. How do I raise a concern and make a disclosure?

You can do so either orally or in writing to your immediate line manager or headteacher/principal. In cases where your concerns relate to the headteacher or principal, you can approach the chair of governors or Director of Children's Services.

You will be expected to give as much background and history as you can and, whilst you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that you are making the disclosure in good faith and that you reasonably believe that the information disclosed, and any allegation contained within it, are substantially true. None of this policy will apply unless you act in good faith.

6. How will the school/college respond?

In order to protect all individuals concerned with any disclosure, initial enquiries will be made to decide whether an investigation is appropriate. Where appropriate the matters raised may be:

- investigated by management, internal audit or through disciplinary procedures
- be referred to the police, and or, other appropriate agencies
- be referred to the external auditor
- form the subject of an independent enquiry
- resolved by agreed action without the need for investigation

Within 10 working days the appropriate representative of the governing body or school/college management will:

- acknowledge receipt of your concern
- indicate how it is proposed to deal with the matter and give an estimate of how long this will take
- provide information on staff support mechanisms

Should there be a need for investigating officers to meet with you, this can be off site if you wish and you can be accompanied by a trade union representative or someone else who can support and advise you. All parties will be expected to maintain strict confidentiality.

The school/college will take steps to minimise any difficulties which you may experience as a result of raising a concern, and if you are required to give evidence at a criminal or disciplinary hearing the school/college and, where applicable, the County Council will support you.

Whilst the school/college must act in confidence in relation to any disclosure made under this policy, it will use its best endeavours to inform you of the outcome of any investigation wherever possible.

7. Making an external disclosure

It is hoped that this policy gives you the reassurance to raise matters within the school/college but, as a last resort, you may wish to raise matters with the County Council. In this instance you should contact Professional services, Personnel and Training. You will then be provided with advice and guidance on how the matter will proceed.

If you were to disclose the matter outside the County Council, you should ensure that you do not disclose confidential information and you must ensure that you satisfy the following five conditions in order to gain the specific rights under this policy or the relevant legislation referred to above:

- you must have made the qualifying disclosure in good faith,
- you must reasonably believe that the information disclosed, and any allegation contained in it, is substantially true,
- the disclosure must not have been made for the purposes of personal gain,
- one of the following three conditions must apply,

1 At the time of the disclosure, you reasonably believe that you will be subjected to detriment by raising the concern with the employer or a prescribed person (listed in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999),

2 Where there is no prescribed person in relation to the relevant failure, you reasonably believe that it is likely that evidence will be concealed or destroyed if you make a disclosure to your employer,

3 You have previously made a disclosure of substantially the same information to either your employer or a prescribed person,

- In all of the circumstances of the case, it is reasonable to make the disclosure.

The following external contacts will be able to provide you with support on a confidential basis:

- Public Concern at Work – Suite 306, 16 Baldwin Gardens, London EC1N 1RJ
Tel: 020 7404 6609 Fax: 020 7404 6576
- The District Auditor – The Croft, County Hall, Lewes Tel: 01273 481711
- Your trade union

Arrangements for Monitoring and Evaluation

Date established by Governing body:	November 2009
Date for full implementation:	November 2009
Date of review:	November 2010