



## Rossllyn Park Primary & Nursery School

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### CONFIDENTIAL REPORTING POLICY ('WHISTLEBLOWING' PROCEDURE)

#### CONTENTS:

1. Introduction
2. Aims and Scope of this Policy
3. Safeguards
4. Confidentiality
5. Anonymous Disclosures
6. Untrue Disclosures
7. How to Raise a Concern
8. How the Local Authority will Respond
9. The Responsible Officer
10. How the Matter can be Taken Further
11. Further Information

#### Introduction

The Governing Body of Rosslyn Park Primary and Nursery School acknowledges that employees are often the first to realise that there may be something seriously wrong within a school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or 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 policy is designed to encourage employees to report any concerns they may have by giving them confidence that their concern will be thoroughly investigated.

This is a policy of the local education authority, approved by representatives of the recognised trade unions and has been agreed by the Governing Body of the school. This policy aims to encourage employees to raise such concerns using the internal mechanisms set out below. This policy makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or 'blowing the whistle' outside.

The **Public Interest Disclosure Act 1998** protects workers who 'blow the whistle' about wrongdoing. It makes provision about the kinds of disclosures, which may be protected; the circumstances in which the disclosures are protected and the persons who may be protected. The provisions introduced by the act protect most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities, which the employer would otherwise have offered. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

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Rosslyn Park Primary and Nursery School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the school expects employees, and others that are dealt with who have serious concerns about any aspects 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.

The policy applies to all employees and those contractors working for the school on school premises. These procedures are in addition to the school complaints procedures and other statutory reporting procedures. The Governing Body will ensure that all are made aware of this policy.

The Employment Rights Act 1996 already provides protection for employees who, in certain circumstances, raise concerns about health and safety matters. For example, the act already states that it would be unfair to dismiss an employee who acts to protect him/herself or others from serious and imminent danger.

### **Aims and Scope of this Policy**

This policy aims to:

- Encourage employees to feel confident in raising concerns and to question and act upon concerns about practice
- Provide avenues for employees to raise those concerns and receive feedback on any action taken
- Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure employees that they will be protected from possible reprisals provided the worker makes the disclosure in good faith, reasonably believes that the information and any allegation it contains are substantially true and does not act for personal gain.

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Confidential Reporting Policy 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 or any other safeguarding issues
- Other unethical conduct
- Racism or any other discrimination
- Action to conceal any of the above

This list is wider than those disclosures covered by the Public Interest Disclosure Act 1998.

Any serious concerns that staff have about any aspect of service provision or the conduct of officers or members of the school or others acting on behalf of the school can be reported under the Confidential Reporting Policy. This may be about something that;

- Makes staff feel uncomfortable in terms of known standards, their experience or the standards they believe the school subscribes to
- Is against school policies
- Falls below established standards of practice
- Amounts to improper conduct

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This policy does not replace the school's complaints procedure.

## **Safeguards**

The school is committed to good practice and high standards and wants to be supportive of employees. The school recognises the difficulty of deciding whether to raise a concern. Employees should have nothing to fear if they genuinely believe that what they are saying is true because it is a duty to the employer and those for whom they are providing a service. The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when a concern has been raised in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee.

## **Confidentiality**

All concerns will be treated with confidence and every effort will be made not to reveal the employees identity if they do not wish. At the appropriate time, however, staff may be required to come forward as a witness.

## **Anonymous Disclosures**

This policy encourages employees to put their name to a disclosure, whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Head Teacher (or Trust Representative). In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

## **Untrue Disclosures**

If a disclosure is made in good faith but is not confirmed by the investigation, no action will be taken against the employee making the allegation. If, however, an employee makes a disclosure frivolously, maliciously or for personal gain, disciplinary action may be taken.

## **How to raise a Concern**

Staff may find it easier to raise the matter if there are two (or more) staff who have had the same experience or concerns. The earlier concerns are expressed the easier it is to take action. Staff may wish to speak to their trade union representative or colleague before making a disclosure.

Employees need to be aware that their colleagues are bound by the same obligations, as they are themselves, relating to confidential information. If employees share confidential information with union representatives, professional associations or others with a view to using this procedure they will need to ensure that the confidential information is not used inappropriately. The Public Interest Disclosure Act provides protection where information is disclosed in the course of obtaining legal advice. Therefore, when seeking such advice, employees should ensure that in doing so, confidential information is not passed on to third parties.

The first stage requires concerns to be raised with the employee's immediate supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that the Head Teacher is involved, the Chair of governors, the HR Service Partner, or a Transform Trust representative, should be contacted in the first instance.

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Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- a) The background and history of the concern (giving relevant dates)
- b) The reason why they are particularly concerned about the situation.

Although staff are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

Employees may wish to obtain advice or guidance from Human Resources on how to pursue matters of concern. A trade union or professional association representative, work colleague or a friend may be present during any meetings or interviews in connection with the concerns raised.

### **How the School will respond**

The school (the Governing Body) will respond to concerns. Testing out concerns is not the same as accepting or rejecting them. Where appropriate, the matters raised may:

- Be investigated by the Governing Body, internal audit, or through the school's disciplinary procedures
- Be referred to the Police
- Be referred to the external auditor
- Form the subject of an independent enquiry or
- Be referred to the Safeguarding Board.

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 that the local authority 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. On occasions, urgent action may be required to be taken before any investigation is conducted. Within **ten working days** of a concern being raised, the responsible person (the Head Teacher, Chair of Governors or Transform trust representative, in the case of a concern relating to the Head Teacher) will write to the employee:

- Acknowledging that the concern has been received
- Indicating how it is proposing to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling the employee whether any initial enquiries have been made
- Supplying the employee with information on support mechanisms
- Telling the employee 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 matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school will seek further information from the employee.

An employee can be accompanied by a union or professional association representative or a work colleague at any meeting. If preferred, the meeting should take place away from the workplace. The school will take steps to minimise any difficulties that may be experienced as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings the school will arrange for this person to receive advice about the procedure.

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The school accepts that employees need to be assured that the matter has been properly addressed and, subject to legal constraints, an employee will be informed of the outcome of any investigation.

### **The Responsible Officer**

The Head Teacher has overall responsibility for the maintenance and operation of this policy and will inform governing bodies of any change agreed.

### **How the matter can be taken further**

This policy is intended to provide employees with an avenue within the school to raise concerns and hopes employees will be satisfied with any action taken. If staff are not, and they feel it is right to take the matter outside the Trust, the following are possible contact points:

- The designated independent person or organisation (the District Organiser)
- The local Citizens Advice Bureau
- Relevant professional association/trade unions or regulatory organisations
- A relevant voluntary organisation
- The police

The school recognises the lawful right of employees to make disclosures to prescribed persons under the terms of the Public Interest Disclosure Act.

If an employee does take the matter outside the Trust, s/he should ensure that confidential information is not disclosed. Staff should check with the contact point about matters of confidentiality. This procedure has been written taking into account the terms of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern where those disclosures are made in accordance with the act's provisions.

The scope of the procedure is wider than the obligations contained in the 1998 Act, which covers:

- Criminal Offences
- Failures to comply with legal obligations
- Miscarriages of justice
- Endangerment of health and safety
- Concealment

If an employee makes a protected disclosure, the act protects her/him against dismissal for making the disclosure. A disclosure covered by the procedure but not also covered by the act is offered no such protection.

Workers protected by the provisions (including employees), can complain that they have been subjected to detriment by their employer for making a protected disclosure. An employee can make a claim for unfair dismissal because s/he made a protected disclosure and has been subjected to detriment. A complaint to an employment tribunal should normally be made within three months of the dismissal or detriment.

### **Further Information**

Public Interest disclosure Act 1998  
UK Dept for Business, Enterprise and Regulatory Reform  
School Policies: Safeguarding and Child Protection  
Health and Safety  
Complaints Procedure  
Policy to be reviewed May 2018

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