Wingate Primary School

Confidential Reporting Code

Approved by:	Rachel Wilson	**Date:**	November 2021
Last reviewed on:	September 2022		
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Confidential Reporting Code

The Confidential Reporting Code is intended to enable employees to raise serious concerns within school, rather than overlooking a problem or 'blowing the whistle' outside, without the fear of victimisation, discrimination or disadvantage.

The code applies to anyone involved with the school, including employees, governors, parents, local community and also applies to former employees, job applicants, and agency staff working for the school, contractors and suppliers.

Where the headteacher is the employee concerned, any reference to the headteacher in this policy should be replaced with the chair of governors.

1 Aim of the policy

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

This code is designed to enable individuals to raise concerns internally and at a high level and to disclose information that they believe shows malpractice or impropriety. It aims to:

- Encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for individuals to raise those concerns and receive feedback on any action taken;
- Ensure that individuals receive a response to their concerns and that they are aware of how to pursue them in they are not satisfied;
- Reassure individuals who raise a concern that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in the public interest.

2 What can be raised under this code?

The school is committed to the highest standards of openness, honesty and accountability and expects anyone who has any serious concerns about any aspect of the school's work to come forward and voice those concerns. These could be in relation to an aspect of service provision or the conduct of employees, governors or others acting on behalf of the school.

Wherever possible, employees are encouraged to use relevant school procedures to report issues in an open and transparent way, although it is recognised that some cases will have to proceed on a confidential basis.

It is not designed to question authorised financial or business decisions taken by the school or any matters which fall within or have already been addressed by resolution, complaint, disciplinary or other procedures.

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

- They are acting in the public interest;
- 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 of any of the above.

Examples of the above could include:

- Safeguarding concerns, including sexual or physical abuse of children/or vulnerable young people or 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;
- Unauthorised use of public funds;
- Negligence;
- Unauthorised disclosure of confidential information;
- Possible fraud and corruption;
- Deliberate concealment of the above matters.
- A breach of the contract procurement rules

This list is neither exhaustive nor exclusive.

This code does not replace the following procedures:

- Complaints procedure
- Financial procedure rules
- Resolution policy

3 Raising a concern

As a first step, the individual should raise their concerns with the headteacher or Chair of Governors. This can be done verbally or in writing. Wherever possible, concerns should be raised in writing by the person concerned, using the Confidential Reporting Code form which is available on the extranet. The earlier the concern is expressed, the easier it is to take action.

Although the individual is not expected to provide proof of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for the concern.

Employees may invite their trade union or a work colleague to be present during any meetings or interviews in connection with the concerns they have raised.

The completed form should be reviewed by the person to whom the concern has been raised and any points of clarity or additional information noted following any discussion with the person raising the concern.

The form should be forwarded to the HR Advice and Support team (hradvice@durham.gov.uk) and the Chief Internal Auditor and Corporate Fraud Manager (corporatefraudteam@durham.gov.uk) who will agree how the concern should be investigated, in consultation with the school. Voluntary aided schools should also consider notifying the Director of the Diocese, where appropriate.

Should a safeguarding concern be raised, the issue should also be logged with the Local Authority Designated Officer (LADO) by completing the form on Durham Safeguarding Children Partnership website: www.durham-scp.org.uk/professionals/ and emailing it to cypsladosecure@durham.gov.uk. Details of how to refer to First Contact are also available on the website, if required.

In certain circumstances, the individual may feel unable, or it may not be appropriate, to raise their concerns with the headteacher or Chair of Governors 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 to either the Head of Education (jim.murray@durham.gov.uk) or Chief Internal Auditor and Corporate Fraud Manager (corporatefraudteam@durham.gov.uk) using the same form.

Ideally, individuals should feel able to make a disclosure within the school or council, however, there may be circumstances where they feel unable to. Individuals can also make a disclosure under whistleblowing law to prescribed person(s) who are mainly regulators, professional bodies or 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 full list of prescribed persons is available here.

Individuals can also seek advice from a person independent of the school or council and in this case, should contact the council's external auditors:

- Mazars: 0191 383 6314

Alternatively, advice can be sought from the following independent whistleblowing charity:

- Protect: www.protect-advice.org.uk or 020 3117 2520

3.1 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the individual raising the concern if they so wish. Although every effort will be made not to reveal the individual's identity, they may be called as a witness if this matter is progressed.

Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. If an employee has any concerns about how their data is handled, they should contact either the school's Data Controller or the Information Commissioner's Office.

3.2 Protection for those making a disclosure

The school recognises that the decision to report a concern can be a difficult one to make and it is understandable that those who are making a disclosure may be concerned about possible repercussions. The school aims to encourage openness and will support individuals 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 an employee who raises a concern in the public interest.

The school will take appropriate action to protect anyone making a disclosure under this policy from victimisation or detrimental treatment and may deal with any such instances as a conduct matter under the Disciplinary Policy. Detrimental treatment may include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure.

If an employee makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against them. However, if they make a frivolous, malicious or vexatious allegation, disciplinary action may be taken under the Disciplinary Policy.

3.3 Anonymous allegations

This code encourages individuals who raise a concern to identify themselves whenever possible.

Concerns expressed anonymously can be more difficult to investigate and when considering an investigation, 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.

4 How the school will respond

Once the form is received by the Chief Internal Auditor and Corporate Fraud Manager, they can agree the most appropriate way of investigating the concern with the headteacher or Chair of Governors. The Chief Internal Auditor and Corporate Fraud Manager is independent and has unlimited access to any officer, member or information within the school.

The concerns raised will be dealt with appropriately and may result in:

- An investigation by management, internal audit and corporate fraud, or through the disciplinary process;
- Referral to the police;
- Referral to the external auditor;
- 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. 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. The overriding principles for the school to consider are the well-being of the individual making the disclosure and the public interest.

The amount of contact between those considering the issues and the individual who raised the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided.

It may be necessary to seek further information from the individual who raised the concern, however, should this information need to be gleaned from another person without them being made aware of the individual's involvement in the confidential reporting process, specific procedures will need to be applied. Please see section 5 for further information.

Concerns or allegations that fall within the scope of specific procedures, for example child protection, will normally be referred for consideration under those procedures.

Within 10 school days of a concern being raised, the person with whom the concern was raised will respond in writing:

- Acknowledging that the concern has been received;
- Indicating how the school propose to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Detailing whether any initial enquiries have been made;
- Providing information on employee support mechanisms; and
- Explaining any 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 school accepts that the individual who raised the concern will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the school will inform the individual of the outcome of any investigation.

5 Regulation of Investigatory Powers Act 2000 (RIPA)

Under no circumstances should any employee attempt to obtain any information covertly, either directly or indirectly, without first having complied with procedures in relation to employee surveillance contained in the RIPA Policy.

Before any covert investigation is started, a decision will need to be made as to whether such a course of action is both necessary and proportionate, as failure to do so may infringe Human Rights and render the school liable to legal action.

6 Raising a concern externally

This code is intended to provide concerned individuals with an avenue to raise concerns internally within the school or council. It is hoped that concerns can be addressed and resolved satisfactorily, however, if an individual who has raised a concern is not happy with the outcome, the following can be contacted:

- The council's external auditors – Mazars (see section 3)
- Citizens' Advice Bureau
- Police
- Protect (see section 3)
- Prescribed person(s) (see section 3)
- Trade union
- Relevant professional bodies or regulatory organisations

If an individual does feel it is necessary to take the matter outside the school, they must ensure that they do not disclose any confidential information.

6.1 The Responsible Officer

The Corporate Director of Resources has overall responsibility for the maintenance and operation of the code within maintained schools.

The Corporate Director of Resources, via the Chief Internal Auditor and Corporate Fraud Manager, will maintain a record of concerns raised in maintained schools and where appropriate appoint investigating officers, monitor the progress and record the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Audit Committee.

This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

Telephone	03000 266688
Email	hradvice@durham.gov.uk

Further support can be accessed by contacting (subject to SLA buy in):

Payroll and Employee Services	pesschools@durham.gov.uk
Occupational Health	occhealthadmin@durham.gov.uk
Health and Safety	hsteam@durham.gov.uk
Employee Assistance Programme	www.healthassuredeap.com Username: durham Password: council 0800 716017

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The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.

Complainant details			
Signature		Date	

Manager receiving complaint			
Name			
Job title			
School			
Contact details		Telephone	
		Email	
Relationship with subject of allegation e.g. manager, colleague, none			

Additional information Include detail of any information obtained from person raising the concern to help clarify the nature of the concern, if applicable.

Manager details			
Signature		Date	

The completed form should be forwarded to:

- HR Advice and Support - hradvice@durham.gov.uk
- Chief Internal Auditor and Corporate Fraud Manager - corporatefraudteam@durham.gov.uk

Confidential Reporting Code Form

This form should be completed by the person initially raising the concern and/or the manager to whom the concern was raised.

Complainant details		
Name		
Job title		
School		
Contact details	Telephone	
	Email	
Relationship with subject of allegation e.g. manager, colleague, none		

Summary of concerns Please include details of the issue including names, job titles, dates, timescales etc.