

RIVERSIDE SCHOOL



Raising Concerns in School Policy

APPROVED BY GOVERNORS

RESPONSIBLE PERSON – HEADTEACHER

June 2018

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Statement of Intent

Riverside School is committed to open and honest communication and the highest standards in integrity, and will treat whistleblowing as a serious matter.

In line with Riverside's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. All concerns raised will be taken seriously, investigated and appropriate action taken in response. Such action is termed 'whistleblowing' or 'raising concerns' and should be viewed as a positive action of speaking up.

1. Introduction

1.1 This Policy covers the procedure whereby school-based staff can raise genuine and legitimate concerns about any form of wrongdoing or malpractice (e.g., alleged misconduct relating to improper practices or fraud, sexual or physical abuse of clients or disadvantaged groups such as children; persistent breaches of Council Standing Orders or Financial Regulations) in schools which fall outside the scope of other existing internal procedures.

1.2 'Raising Concerns' will allow staff to voice their concerns in the knowledge that these will be taken seriously and investigated thoroughly and impartially, and that there will be no repercussions against staff who raise matters in good faith. The procedure therefore aims to act as a deterrent to serious malpractice and also enables the school to avoid public criticism should such matters become public knowledge.

1.3 The procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. The procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Model Grievance and Disciplinary Procedures for Staff in Schools and any adopted complaints procedure.

1.4 The procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance, then it must be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

2. Scope

2.1 This policy should be read in conjunction with the [Bromley Procedure for Raising Concerns in Schools](#).

2.2 The procedure applies to all teaching and support staff on the complement of a school and includes contractors working on the school premises, for example agency staff. This procedure also includes School Governors. The procedure does not apply to parents for whom separate procedures exist.

2.3 Reference to Senior Managers, employees and Director of Education; Care and Health Services shall include their personal representatives as appropriate.

3. Other Policies and Procedures

3.1 Riverside has a range of policies and procedures which deal with standards of behaviour at work. They cover Anti-Bullying, Discipline, Grievance, Harassment and Recruitment and Selection, as well as Child Protection, Health and Safety and Financial Standards. Employees are encouraged to use the provisions of these procedures when appropriate. Examples of areas that may not be covered by other policies are:

- Malpractice or ill treatment of a pupil or member of staff;
- Repeated ill treatment despite a complaint being made;
- A criminal offence has been or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, particularly in relation to Health and Safety at work;
- The environment has been or is likely to be damaged;
- Breach of standing financial instructions;
- Showing undue favour over a contractual matter or to a job applicant;
- A breach of a code of conduct; and
- Information on any of the above has been, is being, or is likely to be concealed.

3.2 Riverside School will not tolerate any harassment or victimisation of a person raising a concern (including formal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Rules and Procedure.

4. Role of Trade Unions

4.1 Riverside recognises employees may wish to seek advice and be represented by their trade union(s) officers when using the provisions of this policy, and acknowledge the role trade union officers can play in this area.

5. Designated Officers

5.1 The following persons have been nominated and agreed by Riverside School as designated officers for concerns under this procedure. They will have direct access to the Headteacher. A member of staff also has recourse to a designated officer within the Authority should they not be happy to raise their concerns with the school's designated officers of the Headteacher directly.

Naomi Walters – School Business Manager

The designated officers chosen by the Director of Education, Care and Health Services are communicated through 'In Touch' and 'One Bromley'. The name of the designated officers will be displayed on the Staff Matters noticeboard.

6. Concerns against the Headteacher or Governors

6.1 If the concern raised is about the Headteacher at Riverside, this should be made to the Chair of the Governing Board, who will decide on how the investigation will proceed. This may include an external investigation.

6.2 If a concern against a Governor is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. Wrongdoing by Governors is fortunately rare, but it can happen.

6.3 If the concern is against a Chair of Governors then clearly the normal process of taking the concern to the Chair of Governors cannot be followed. In such circumstances, the concern will be taken directly to the LA Designated Officer who will decide in consultation with other appropriate officers how it should be dealt with. In normal circumstances such a concern would be immediately referred by the Designated Officer to the Director of Education, Care and Health Services for action.

6.4 If the concern is against another member of the Governing Board, then it will be raised by the Designated Officer with the Chair of Governors who will decide how it should be dealt with.

7. Harassment or Victimisation

7.1 Riverside School recognises that the decision to report a concern can be a difficult one to take, not least because of the fear reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith.

7.2 Employees are encouraged to put their names to allegations as concerns expressed anonymously are less powerful. However, anonymous allegations will be considered by the designated officer after consideration of the following:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from reliable sources.

8. Procedure

8.1 The process for considering concerns raised is outlined in Appendix 1. Internal concerns raised with a designated officer at Riverside will be raised with the Headteacher in the first instance unless the matter relates to the Headteacher directly. The Headteacher will be responsible for the commission of any further investigation.

8.2 A record of the concern raised will be kept as at Appendix 2. This will not be made available to anyone else unless it is absolutely necessary so that an investigation can be taken further. In any event the record will not be released without the consent of the concern raiser if doing so would reveal their identity. The record of the concern will be agreed by both parties.

8.3 The LA Designated Officers will receive a concern in one of three ways:

1. over the telephone;

2. by letter; or
3. by a visit to or from the employee

8.4 Once a concern has been raised the first step under the procedure is for the Designated Officer to determine whether it falls under the procedure. This will include seeking clarification as to whether all normal procedures available to the employee raising the concern have been explored or used first. Anonymous communications may not be acceptable where there is insufficient information to proceed with the concern.

8.5 Further information is provided in the questions given at Appendix 3.

8.6 Anyone feeling unsure can seek confidential advice at any time from Protect (formerly Public Concern at Work), a registered charity which advises on serious malpractice in the workplace. For more information visit their website [here](#), or call them on 020 3117 2520.

9. The Investigation

9.1 The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, such as allegations of ill treatment of pupils, suspension from work may have to be considered immediately. Protection of pupils is paramount in all cases.

9.2 The Designated Officer will offer to keep the person raising the concern informed about the investigation and its outcome.

9.3 If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary Rules and Procedure will be used.

9.4 Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the designated officer should ensure that the employee suffers no reprisals.

9.5 Only where false allegations are made maliciously will it be considered appropriate to act against the concern raiser. under the terms of the Disciplinary Rules and Procedure. In this event confidentiality cannot be guaranteed.

9.6 In the event that it may be necessary to reveal the identity of the employee in order to complete an investigation where the employee would need to give evidence, it would be necessary to go back to the employee and explain this, and that it may not be possible to proceed if they do not agree to their identity being revealed.

10. Following the Investigation

10.1 In respect of internally raised concerns, the Headteacher will brief the Designated Officer as to the outcome of the investigation. The Designated Officer will then arrange a meeting with the whistle-blower to give feedback on any action taken (this will not include details of any disciplinary action, which will remain confidential to the individual concerned).

11. Statutory Requirements

11.1 The Public Interest Disclosure Act 1998 which aims to give statutory protection against victimisation and dismissal to employees who are 'whistle-blowers' about their employers' fraudulent, criminal or dangerous activities came into effect on 2 July 1999.

11.2 From that date, employees who report malpractice in specified circumstances and subject to specified conditions, have been protected from maltreatment due to 'whistle-blowing'. The Act sets out six categories of disclosure which qualify for protection. They are matters which, in the reasonable belief of the 'whistle-blower' tend to show:

- the commission of a criminal offense;
- failure to comply with a legal obligation;
- a miscarriage of justice;
- health and safety contraventions;
- environmental damage; or
- deliberate concealment of information in relation to the above.

11.3 The 'belief' can be in relation to past, present or future anticipated events.

11.4 If a 'whistle-blower' is dismissed directly as a result of this action, he/ she could be entitled to unlimited compensation from an Employment Tribunal. Dismissal will be automatically unfair.

APPENDIX 1

PROCEDURE FOR RAISING CONCERNS IN SCHOOLS

| | | | | | |
|---|---|---|--|--|----------------------------|
| Concern raised with Designated Officer | | | | | |
| Designated Officer investigates and assesses concern and determines what further action is to be undertaken | | | | | |
| Designated Officer investigates and assesses concern and determines what further action is to be undertaken | | | | | |
| Matter is referred to Internal Audit for consideration | Matter is referred to Headteacher or Chair of Governors for consideration under the school's Disciplinary Procedure | Matter is referred to Education Welfare Service for consideration under Child Protection Procedures | Employee is referred to School's Grievance Procedure | Matter is dealt with under some other appropriate internal procedure | Employee withdraws concern |
| Information/ Outcome recorded on Pro-Forma and Employee notified where a referral is made | | | | | |
| Further action in accordance with School Procedure | | | Further action in accordance with some other Local Procedure | | |
| Employee notified of final outcome if appropriate | | | | | |

APPENDIX 2

RECORD OF CONCERN RAISED

| | | | | | |
|---|----------------|------------------------|----------------|--------------|----------------|
| DATE | | | | | |
| NAME OF PERSON RAISING CONCERN | | | | | |
| DOES PERSON WISH TO REMAIN ANONYMOUS | | | | YES/ NO | |
| SCHOOL CONCERNED | | | | | |
| DOES CONCERN INVOLVE SENIOR SCHOOL MANAGERS/ MEMBER(S) OF THE COUNCIL | | | | YES/NO | |
| IF YES NAME(S) | | | | | |
| NATURE OF CONCERN(S) | | | | | |
| Personnel Related | Yes/ No | Finance Related | Yes/ No | Other | Yes/ No |
| Brief Details: (Including details of any documentary evidence provided/ available) | | | | | |
| Action Taken/ Advice Given: (If concern not accepted – state reason and date person raising concern told) | | | | | |
| Raised with Supervising Officer | | | Date: | | |
| Advice Sought from Others (please state whom) | | | Date: | | |
| Outcome: (including date person raising concern informed, if appropriate) | | | | | |
| Designated Officer | | | | Date | |

RAISING CONCERNS

Some Questions and Answers for Staff

Q. What is the “Procedure for Raising Concerns”?

A. “Raising Concerns” is a procedure through which any member of staff can raise concerns about wrongdoings (as defined within paragraphs 1.1 to 1.4 of the procedure) within schools, and know that those concerns will be taken seriously. In some organisations the process is called “Whistle Blowing” but Bromley is not using this description because many staff have said they are unhappy with it. Employee representatives have also been consulted about this procedure.

Q. How does it work?

A. There are “Designated Officers” who are available for listening to staff concerns and deciding what action is appropriate.

Q. Who are these “Designated Officers” and how do I find out about them?

A. They are ordinary members of staff who undertake this role in addition to their normal duties. There are no “hard and fast” rules about who can be a “Designated Officer”. They need a number of qualities – an understanding of how the Authority works, the ability to gain the confidence of staff and, of course, a large measure of common sense! The names and telephone numbers of “Designated Officers” are published periodically in “In Touch” and “One Bromley”. If you have any problems in locating them, you can also contact the LA Supervising Officer for the “Raising Concerns” procedure.

Q. How are “Designated Officers” chosen?

A. Each “Designated Officer” is selected by the Director of Education and Care Services after considering nominations put forward from within central CYP Services.

Q. What will happen when I raise something with a “Designated Officer”?

A. The “Designated Officer” will decide, first of all, if it is something he/ she can deal with under the procedure. Some issues might be better dealt with in other ways – for example, through the school’s grievance, complaints or disciplinary procedures – and in such cases the “Designated Officer” will give you advice and direct you to the right procedure to use. The earlier you express the concern (i.e. in relation to when the matter occurred) the easier it is to take action.

Q. What if the “Designated Officer” decides to look into my concern?

A. First of all they will take down the details on a pro-forma and also ask you to let them have any other relevant information such as letters or other documents. They will then decide what action needs to be taken and you will be informed of the outcome of the investigation by telephone or in writing, as appropriate.

Q. What action will the “Designated Officer” take?

A. That will depend on a number of things. For example, a matter involving financial misconduct or the misuse of Council resources would have to be reported to the

Director of Education, Care and Health Services and Internal Audit. Certain categories of concern (e.g. abuse of disadvantaged groups such as children) would have to be raised promptly with the Education Welfare Service so that early consideration could be given to them under already well-established procedures.

Q. Who is responsible for overseeing Raising Concerns?

A. The LA's Supervising Officer and the Council's Monitoring Officer. He/ She will guide and give advice to the "Designated Officer" where necessary, and carry out regular reviews of the working of the procedure.

Q. If the "Designated Officer" refuses to investigate my concern, or I am unhappy at the way they have handled the matter, can I appeal?

A. No. There is no right of appeal against any decision made under the procedure. However, you or the "Designated Officer" will have the right to refer the case to the LA's Supervising Officer for review.

Q. Can I be sure that any information I give will be treated in confidence?

A. The "Designated Officer" will initially need to know your name but will ask you if you wish your identity to remain confidential. If so, he/ she will not let anyone else know your identity without your permission. However, in some cases – for example, where a serious matter may involve disciplinary proceedings in which you might be asked to give evidence – it may not be possible for your identity to remain confidential.

Q. What would happen in those circumstances?

A. The "Designated Officer" would ask you if you were willing to let your identity be known. The choice would be entirely yours – there would be no pressure to do so if you did not want to. However, you should be aware that in some cases, for example where disciplinary action against another person was involved, it may not be possible to take the matter further unless you are prepared to give evidence openly. In most cases, however, it should be possible to respect confidentiality.

Q. What about the confidentiality of any documents involved?

A. The "Designated Officer" is responsible for the safe-keeping of the pro-forma and any other documents involved, and they will not be made available to anyone else unless it is absolutely necessary so that the investigation can be taken further or to enable the Supervising Officer to perform his/ her role. In any case, they will not be released, if they reveal your identity, unless you have given your consent.

Q. How will you prevent victimisation of staff who use the procedure?

A. The Authority will take all practicable steps to ensure that there is no victimisation, regardless of the outcome of any particular incident. Any cases of victimisation will be viewed very seriously and, if proven, may result in disciplinary action against those concerned under the School's Disciplinary Procedure. There are special rules about misuse of the procedure – see the next question.

Q. Isn't it possible that some staff might use the procedure to make malicious allegations against colleagues?

A. That is always a possibility with any system which allows free and open access, but staff are expected to be responsible and not abuse the procedure. Both management, staff and trade unions have expressed concerns about this and any serious or persistent abuse of the system may lead to disciplinary action being taken.

Q. Is there anything I can't raise under the procedure?

A. If there is already a remedy, you should channel it through the existing school procedure. For example, if you have personal grievance, you should pursue it through the school's grievance procedure. The procedure is not a route through which employees raise concerns about mismanagement which arise from weak management rather than malpractice. However, you should never be put off from raising something which concerns you simply because you are not sure whether the procedure applies. If you are uncertain, discuss it with the "Designated Officer" who can advise you on the best course of action.

Q. Doesn't the procedure undermine the role of line managers?

A. The procedure does not replace normal line management processes. It is expected that, in most cases, staff will feel able to go straight to their line manager if they have any concerns. However, it is recognised that sometimes, for whatever reason, staff may prefer to discuss their concerns with someone other than their line manager. The procedure is designed to cater for those situations.

Q. So, to sum up, what is Raising Concerns meant to achieve?

A. Anyone who works for the Authority, whatever their position, may come across major things they feel are wrong (for example, misconduct – financial or otherwise - improper practices or procedures). If they do, they may be happy to raise them with their Headteacher or line manager if the Headteacher is not the line manager. If not, Raising Concerns will allow them to voice their concerns in the knowledge that they will be taken seriously, and that there will be no repercussions against staff who have raised genuine concerns in good faith.