



Marple Hall School

Policy Document

Marple Hall School Whistle Blowing Policy

Staff responsible for policy: Helen Harris

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Signed by Headteacher:

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MARPLE HALL SCHOOL

CP4 - CONFIDENTIAL REPORTING POLICY (“WHISTLEBLOWING”)

1. INTRODUCTION

1.1 Employees and contractors are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. 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.

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

1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees and others that it deals with to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside.

1.4 The policy applies to all employees, Councillors and those contractors on Council business working for the Council on Council premises, for example, agency staff, builders and drivers. The policy also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes. Separate but complementary confidential reporting arrangements should be in place for school based staff.

1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some Services e.g. Child Protection reporting arrangements.

1.6 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns 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
- re-assure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

2.2 There are existing procedures in place dealing with grievances, health and safety, harassment, stress, violence at work, dignity at work and smoking, and if your concerns cover any of these you should first consult the relevant policy, available from SMBC HR on

0161 474 4777 on the Human Resources Intranet site. The Confidential Reporting Policy is intended to cover those major concerns made in the public interest that fall outside the scope of these procedures.

These include:

- conduct which is an offence or breach of law
- disclosures related to miscarriage of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients • other unethical conduct; or
- deliberate covering up of information relating to any of the above

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers (including temporary, supply or casual workers), Councillors or others acting on behalf of the Council can be reported under the Confidential Reporting Policy.

This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's procedures and protocols as set out in the Constitution e.g. the Contract Procedure Rules; or
- falls below established standards of practice; or
- amounts to improper conduct; or
- is an abuse of power for personal gain

but the report must be made in the public interest.

3. SAFEGUARDS

3.1 Harassment or Victimisation

3.2 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.3 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. In addition, the Public Interest Disclosure Act 1998 protects employees from any reprisals as long as they meet the rules set out in the Act. The Council may be fined for not protecting anybody making a disclosure in the public interest.

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

4. **CONFIDENTIALITY**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. **ANONYMOUS ALLEGATIONS**

5.1 This policy 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 Council.

5.2 In exercising this discretion the factors to be taken into account would include:

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

6. **UNTRUE ALLEGATIONS**

6.1 If you make an allegation 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.

7. **HOW TO RAISE A CONCERN** See Appendix 1 – Reporting Procedure

7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issue involved and who is suspected of the wrongdoing including malpractice. For example, if you believe that management is involved, you should approach the Assistant Chief Executive with responsibility for Human Resources), Tel 0161 474 3180 the Monitoring Officer, Tel 0161 474 3202, the Chief Internal Auditor, Tel 0161 474 4033 or the Corporate Director of Corporate and Support Services Tel 0161 474 4000.

7.2 Concerns can be raised by letter, telephone, e-mail or in person, **stating that you wish to make a complaint under the ‘Whistleblowing’ Policy**. Staff who wish to make a written report are invited to use the form (Appendix 2) and should in any case include:

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

If you are not able to put your concern in writing you can telephone or meet the appropriate officer.

7.3 The earlier you express the concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you should have reasonable grounds for your concern'

7.5 Guidance and advice on how to pursue matters of concern can be sought from:

- Monitoring Officer -0161-474 3202
- Chief Internal Auditor -0161-474 4033
- Assistant Chief Executive (with responsibility for Head of Human Resources) on

0161 474 3180

- Corporate Director for Corporate and Support Services on 0161 474 4000

7.6 You may wish to consider discussing your concern with a colleague or trade union representative 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.

7.7 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.

8. HOW THE COUNCIL WILL RESPOND

8.1 The Council will respond to your concerns.

8.2 Where appropriate, the matters raised may include (but not be limited to):

- be investigated by management, internal audit, or other process
- be referred to the police
- referred to the external auditor
- form the subject of an independent inquiry
- be referred to another appropriate policy or process.

8.3 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 Council 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 separate procedures.

8.4 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.

8.5 Within 10 working days of a concern being raised under this reporting procedure, the appropriate officer will write to you:

- acknowledging that the concern has been received
- indicating how they propose 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, and
- telling you whether further investigations will take place and if not, why not.'

8.6 The amount of contact between the officers 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, the Council will seek further information from you.

8.7 In appropriate cases, where an independent inquiry is to be held the Council will consult with the relevant Trade Unions about the scope and constitution of that inquiry.

8.8 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.

8.9 The Council 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 Council will arrange for you to receive advice about the procedure.

8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to statutory constraints, we will inform you when the matter has been concluded telling you the outcome.

9. THE RESPONSIBLE OFFICER

9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. If you are unable to raise the matter within the Council or you are not satisfied with the action taken, the following are possible contact points:

- a Stockport councillor (if you live in Stockport)
- the independent external auditor your solicitor
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation (e.g. Public Concern at Work*)
- the police

If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

*Public Concern at Work (disclosure hotline 020 7404 6609 or www.pcaw.org.uk for useful advice) is an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice and employers who wish to create a culture where it is safe and accepted for staff to blow the whistle.

11. FEEDBACK AND REVIEW

Staff are invited to comment on this policy and procedure and suggest ways in which they could be improved, by writing to the Assistant Chief Executive (with responsibility for Human Resources).