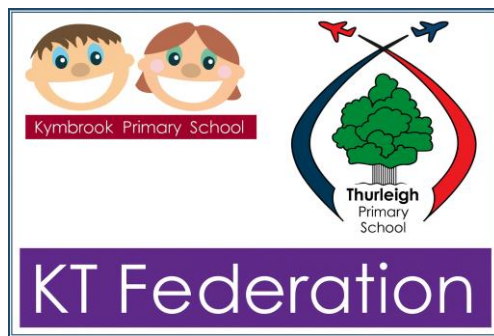




**BEDFORD**  
BOROUGH COUNCIL

**Kymbrook and Thurleigh Federation**



# CONFIDENTIAL REPORTING POLICY

(Also known as 'Whistleblowing')

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# CONFIDENTIAL REPORTING POLICY

## 1. Introduction

- 1.1. The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it is expected that staff, contractors and their workforce, volunteers or members of the public who the school deals with, who have serious concerns about any aspect of the school's work, will come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.2. Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also fear harassment or victimisation and feel it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3. The Public Interest Disclosure Act 1998 encourages individuals to raise concerns about malpractice in the workplace. This policy acknowledges the amendments made to the Public Interest Disclosure Act by the introduction of the Enterprise and Regulatory Reform Act 2013.
- 1.4. The Employment Rights Act 1996 as amended (Part IVA) provides protection to workers who come forward to raise concerns. This policy makes clear the school's positive commitment to these principles so that concerns can be raised without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable staff to raise serious concerns within the school rather than overlooking a problem or 'blowing the whistle' outside.
- 1.5. This policy applies to all employees, casual workers and agency staff, as well as contractors working on school premises. It also covers suppliers and those providing services under a contract with the school or Bedford Borough Council (hereinafter referred to as "the Council").
- 1.6. These procedures are in addition to any complaints procedures and other statutory reporting procedures. The Headteacher is responsible for making individuals aware of this policy as and when required and for ensuring concerns raised through other procedures are considered properly.
- 1.7. This policy is a modified version of the Council's Confidential Reporting Policy and consultation has taken place with the relevant trade unions and professional associations and has their support.
- 1.8. All schools are required to have confidential reporting arrangements in place and this policy should therefore be adopted by the Governing Body of any Bedford Borough maintained school.
- 1.9. Bedford Borough Academies are required to adopt a Confidential Reporting Policy as referred to in Section 11 of this document.

## **2. Aims and scope**

### **2.1 This policy aims to:**

- encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about the school;
- show an individual how to raise those concerns and receive feedback on any action taken;
- ensure that a response to concerns raised is received and to make individuals aware of how to pursue them if they are not satisfied;
- reassure individuals that they will be protected from possible reprisal or victimisation where they have a reasonable belief that the disclosure is made in the public interest.

2.2 There are existing procedures in place to enable an employee to lodge a grievance relating to their own employment. (The Grievance Procedure can be found at Chapter 3, Section 9, in the Personnel Handbook for Schools). This Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. If the Governing Body considers that a concern raised under the Confidential Reporting Policy should more properly be dealt with under the provisions of another policy or procedure, the individual who raised the concern will be advised accordingly. Advice from the school's Human Resources Provider should be sought where required.

### **2.3 Major concerns that are intended to fall within the scope of this Confidential Reporting Policy include:**

- health and safety risks, either to the public or to other employees;
- any unlawful act (e.g. theft);
- maladministration (e.g. not adhering to procedures or negligence); health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds (e.g. expenditure for improper purpose);
- fraud and corruption, including bribery;
- abuse of power;
- poor value for money;
- any other unethical conduct; or
- deliberately concealing information to cover up any of the above.

### **3. Safeguards - harassment or victimisation**

- 3.1. The Governing Body is committed to good practice and high standards and wants to be supportive of employees and others.
- 3.2. The Governing Body recognises that the decision to report a concern can be a difficult one to make. If what an individual discloses is true and in reasonable belief that it is being made in the public interest, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.
- 3.3 The Governing Body will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an individual when they raise a concern in good faith in the public interest.
- 3.4 Where an individual makes a disclosure in good faith and in the public interest, the Governing Body will take any appropriate action it can to protect the individual.
- 3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, sickness, capability or redundancy procedures that may already affect the individual or may affect them in future.

### **4. Confidentiality**

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal an individual's identity if they so wish. At the appropriate time, however, they may need to come forward as a witness.
- 4.2 Information may have to be disclosed and an individual's identity revealed where there are legal proceedings following on from a confidential reporting disclosure or where it is felt that allegations made relate to serious criminal offences which the Police should investigate. The individual will be informed prior to this information being released.

### **5. Anonymous allegations**

- 5.1. This policy encourages an individual to put their name to their allegation whenever possible.
- 5.2. Concerns can be raised anonymously but there are disadvantages if an individual does so and cannot be contacted for further information. This might make detailed investigations more difficult, or even impossible, to progress and it might not be possible to understand fully the information provided.
- 5.3. It is also possible that the documents an individual provides might reveal their identity and so they might not be able to stay anonymous throughout an in-depth investigation. It may also be difficult for the individual to demonstrate to a tribunal that any detriment they have suffered is as a result of raising a concern.

### **6. Allegations not in the public interest and without a reasonable belief they are substantially true**

- 6.1. If an allegation is made which an individual reasonably believes is substantially true and made in the public interest, no action will be taken against that individual.

## **7. How to raise a concern**

- 7.1 As a first step, concerns should normally be raised with the employee's immediate manager, their superior or the Headteacher. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that management is involved, the Chair of Governors should be approached.
- 7.2 Individuals employed in maintained schools should raise their concerns in accordance with this policy within their school. However the employee may report the concern directly to the Director of Children's Services, setting out why they feel unable to report the concern directly to the school, if the employee has good reason to believe that:
- the concern will not be managed properly within the school;
  - they will be exposed to victimisation as a result of raising the concern; or
  - the concern is about another Bedford Borough school or another service provided by the Council.
- 7.3 Concerns may be raised orally or in writing. Individuals who wish to submit a written report are invited to use the following format:
- the background and history of the concern (giving relevant dates);
  - the reason why they are particularly concerned about the situation.
- Where a concern is raised verbally, a written note will be taken in accordance with the above format.
- 7.4 The earlier concern is expressed the easier it is to take action.
- 7.5 Although an individual is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.
- 7.6 Advice and guidance on how matters of concern may be pursued can be obtained from:
- the school office;
  - the Headteacher;
  - trade union / professional association representative, or
  - the Council's Monitoring Officer.
- 7.7 The individual may wish to consider discussing their concern with a colleague or trade union / professional association representative first and may find it easier to raise the matter if there are two (or more) individuals who have had the same experience of concerns. However, once a concern has been raised under the Confidential Reporting Policy further discussions with other parties may make it difficult to maintain confidentiality.

7.8 The employee's trade union / professional association representative or a work colleague may be invited to be present during any meetings or interviews in connection with the concerns raised.

## **8. How the Governing Body or the Council will respond**

8.1 The Governing Body or the Council (depending on who the concern was raised with) will respond to concerns raised under this policy. Keep in mind that testing out the concerns raised is not the same as either accepting or rejecting them.

8.2 The Council will acknowledge concerns received in respect of foundation or voluntary- aided schools and deal with those concerns having regard to any legal obligations on the school. However, the Council's ability to investigate disclosures of serious wrongdoing made against a foundation or voluntary-aided school is considerably less than disclosures made against community and voluntary controlled schools where the Council is regarded as the employer. As such, the Council has limited legal powers to investigate a disclosure made in respect of foundation and/or voluntary aided schools (except for certain types of allegation, including Safeguarding, Special Educational Needs and/or financial mismanagement allegations).

8.3 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process;
- be referred to the Council;
- be referred to the police;
- be referred to the external auditor, or
- form the subject of an independent inquiry

8.4 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 will be kept 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.

8.5 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.

8.6 The appropriate person will write to the individual within 10 working days of a concern being raised:

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling the individual whether any initial enquiries have been made;

- supplying information on staff support mechanisms, and
  - stating whether any further investigation will take place, and if not, why not.
- 8.7 The person with whom the concern has been raised will notify the school's HR Provider that a whistleblowing allegation has been made.
- 8.8 The amount of contact between those responsible for 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. If necessary, the Governing Body or the Council will seek further information from the individual.
- 8.9 Where any meeting is arranged, off-site if preferred, the individual can be accompanied by a trade union / professional association representative or a work colleague.
- 8.10 Steps will be taken to minimise any difficulties the individual may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the Governing Body or Council will arrange for them to receive advice about the procedure.
- 8.11 It is accepted that the individual who raised the concern needs to be assured that the matter has been properly addressed. Therefore, subject to legal and confidentiality constraints, they will be informed of the outcomes of any investigation.

## **9. Monitoring Officer**

- 9.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of the Council's Confidential Reporting Policy. The Governing Body's policy is to be seen within the overall Bedford Borough Council policy. The Monitoring Officer maintains a record of concerns raised to them and their outcomes (but in a way that keeps the matter and any individuals involved confidential) and will report as necessary to the Council.

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

10.1 This policy is intended to show individuals how they can raise concerns about a school within the Governing Body and the Council and it is hoped that any action taken will be found satisfactory. If an individual is unsatisfied, and feel it is right to take the matter outside those who have been considering the matter, the following are possible contact points:

- the external auditor;
- the designated independent person or organisation;
- the relevant external auditor;
- trade union / professional association;
- local Citizen's Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation; or
- the police.

10.2 Before an individual takes matters outside the Governing Body they may wish to take independent advice and the charity 'Protect' offers such facilities. They can be contacted via telephone at 020 3117 2520 or via their website at <https://protect-advice.org.uk> .

10.3 If the matter is taken outside the Governing Body or the Council, it should be ensured that confidential information not relevant to the concern is not disclosed.

## **11. Confidential reporting in Academies and Free Schools**

11.1 Although the Council does not maintain academies and free schools within Bedford Borough and although these institutions need to adopt their own procedures, the Council will acknowledge any concerns disclosed to it by employees of these organisations. If those concerns relate to the functions of the Council, they will be dealt with under the Council's Confidential Reporting Policy.

11.2 The Council has no legal powers to investigate a disclosure made in respect of academies or free school(s) (except for disclosures made in respect of safeguarding issues and Special Educational Needs), and upon receipt of such concerns, the Council will contact the person reporting the concern to discuss whether or not to refer the disclosure to the Education Funding Agency, (the Government Agency that has oversight of academies and free schools, and to whom concerns in respect of academies free schools should be made. However, the Council may disclose information about the disclosure, without disclosing the identity of the person who raised it, without their consent, where the allegations raised are sufficiently serious to warrant it.

- 11.3 In respect of disclosures of serious wrongdoing relating to safeguarding children or vulnerable adults, and/or Special Educational Needs the Council has a legal obligation to investigate, and will do so, irrespective of the status of the school.
- 11.4 The Council will work with the Education Funding Agency and the Department for Education to review the outcome of any complaint referred to them.
- 11.5 It is recommended that where an academy or free school receives a protected disclosure by an employee, they seek advice from their appropriate professional advisor(s). If they are unable to obtain such advice, they can approach the Charity 'Protect' telephone at 020 3117 2520 or via their website at <https://protect-advice.org.uk>

## **12. Statutory Protection**

- 12.1 If an employee raises a concern of a serious nature in the reasonable belief that it is substantially true and they make it in the public interest within the terms of Part IVA of the Employment Rights Act 1996, they will have a statutory protection against victimisation.
- 12.2 This means that employees who are victimised can bring a claim to an Employment Tribunal for compensation:
- For victimisation short of dismissal, awards will be uncapped and based on losses.
  - Dismissals in breach of the Part IVA of the 1996 Act are automatically unfair. An employee can seek interim relief to continue their employment until the full hearing.
  - Any claim to the Employment Tribunal should be brought within 3 months and compensation under the Act is unlimited.

## **13. Review**

- 13.1 This policy will be kept under review in line with Bedford Borough Council's Confidential Reporting Policy.

## **14. Bedford Borough Council Contact information**

- 14.1 Director of Children's Services

Harmesh Bhogal

Email: Harmesh.Bhogal@bedford.gov.uk

- 14.2 Bedford Borough Council Monitoring Officer

Chief Officer for Legal, Performance & Democratic Services (Monitoring Officer)

Lee Phanco

Email: Lee.Phanco@bedford.gov.uk

Date	Description of change
March 2020	Updated details of the Council's Monitoring Officer
November 2021	<p>Updated details of the Council's Director of Children's Services</p> <p>Updated details of the Council's Monitoring Officer</p>
October 2024	<p>Updated details of the Council's Director of Children's Services</p> <p>Updated details of the Council's Monitoring Officer</p> <p>Various further updates throughout to ensure this policy reflects Bedford Borough Council's current Confidential Reporting Policy. These include changing the details of the Charity providing independent advice to that of 'Protect' and adding in an additional section on Statutory Protection.</p>