

DRUMBEAT SCHOOL AND ASD SERVICE



Drumbeat

School & ASD Service

Raising Concerns Policy (Updated July 2019)

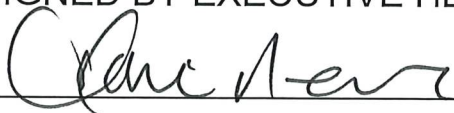
APPROVED BY GOVENORS

RESPONSIBLE PERSON – EXECUTIVE HEADTEACHER

SIGNED BY CHAIR OF GOVERNORS

DATE _____

SIGNED BY EXECUTIVE HEADTEACHER

_____

DATE 19/6/19.

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, (eg, 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 This 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 the grievance procedure; it would not be appropriate for it to 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.

1.5 Such systems are now widely regarded as "best practice" for public authorities. The Nolan Committee (a nationally established Committee under Lord Nolan which was set up in 1994 to consider various aspects of probity in public authorities) recommended in 1997, that all public authorities should adopt a procedure which could enable concerns about malpractice to be raised confidentially inside and, if necessary, outside the organisation.

2 Policy statement and scope

2.1 Drumbeat is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

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.

3 Other policies and procedures

3.1 Drumbeat has a range of policies and procedures, which deal with standards of behaviour at work; they cover Conduct, Discipline, Grievance, Harassment and Recruitment and Selection as well as Safeguarding, E-Safety, 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 committed, is being committed 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
- Information on any of the above has been, is being, or is likely to be concealed

Drumbeat will not tolerate any harassment or victimisation of a person raising a concern (including informal 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

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

5 Designated Officers

The following persons have been nominated and agreed by Drumbeat as designated officers for concerns under this procedure. They will have direct access to the Executive 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 or the Executive Headteacher directly.

Katie Denton	Deputy Head Teacher
Denise Gallagher	Deputy Head Teacher
Sean Richings	School Business Director

6 Concerns against the Executive Headteacher or Governors

6.1 If exceptionally the concern is about the Executive Headteacher at Drumbeat, this should be made to the Chair of the Governing Body, 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 Chairman of Governors then clearly the normal process of taking the concern to the Chairman of Governors cannot be followed. In such circumstances, the concern will be taken directly to the 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 Children and Young People Services for action.

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

7 Procedure

7.1 The process for considering concerns raised is outlined in Appendix A. Concerns raised with a designated officer at Drumbeat will be raised with the Executive Headteacher in the first instance unless the matter relates to the Executive Headteacher directly. The Executive Headteacher will be responsible for the commission of any further investigation.

7.2 A record of the concern raised will be kept as at Appendix B. 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 so doing would reveal their identity. The record of the concern will be agreed by both parties.

8 The investigation

8.1 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.

8.2 The designated officer will offer to keep the person raising the concern informed about the investigation and its outcome.

8.3 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.

8.4 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.

8.5 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.

8.6 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.

9 Following the investigation

The Executive Headteacher will brief the designated officer as to the outcome of the investigation. The designated officer will then arrange a meeting with the whistleblower to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned).

10 Statutory requirements

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

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

- the commission of a criminal offence
- 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.

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

10.4 If a 'whistleblower' is dismissed, s/he is entitled to unlimited compensation from an Employment Tribunal. Dismissal will be automatically unfair.

APPENDIX A

Concern raised with Designated Officer					
Designated Officer establishes whether the Employee wishes to remain anonymous					
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 Executive Headteacher or Chairman of Governors for consideration under School Disciplinary Policy	Matter is referred to Education Welfare Service for Consideration under Child Protection Issues	Matter is referred to School's Grievance Procedure	Matter is referred to under other appropriate internal procedures	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 B - RECORD OF CONCERN RAISED

DATE		
NAME OF PERSON RAISING CONCERN		
DOES PERSON WISH TO REMAIN ANOYMOUS?		YES/NO
SCHOOL CONCERNED		
DOES CONCERN INVOLVE SENIOR SCHOOL MANAGER/MEMBER (S) OF THE COUNCIL		YES/NO
IF YES NAME (NAMES)		
NATURE OF CONCERN (S)		
PERSONNEL RELATED	YES/NO	FINANCE RELATED
		YES/NO
		OTHER YES/NO RELATED
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:

