



**MELLERS PRIMARY SCHOOL  
CODE OF CONDUCT  
SEPTEMBER 2019**

Adopted by the Governing Body of Mellers Primary School:

on

To be reviewed on

**Basic principles:**

All staff

- Are role models for children and as such aspire to model high standards of behaviour, in and outside school
- Are committed to actively safeguarding the interests of children and promoting their wellbeing
- Work proactively to uphold principles of equality and diversity
- Demonstrate high levels of personal integrity, honesty and confidentiality in their professional relationships.

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**1. INTRODUCTION**

- 1.1 The governing body of Mellers Primary School has set out this Code of Conduct for all school employees. Responsibility for day to day implementation will fall to the headteacher. It has been consulted on and agreed with the trade unions recognised in Nottingham City schools.
- 1.2 In addition to this policy, all staff members have an obligation to adhere to all relevant statutory legislation and the national and local terms and conditions for both teaching and support staff. Staff members are expected to observe

their school/academy's equality policy and ensure that they treat everyone with respect, oppose any forms of discrimination and bullying and are sensitive to others people's needs, attitudes and lifestyles.

- 1.3 Employees should be aware that a failure to comply with the following Code of Conduct may result in disciplinary action, which could lead to dismissal.

## **2. PURPOSE, SCOPE AND PRINCIPLES**

- 2.1 A Code of Conduct is designed to give clear guidance on the standards of behaviour all school staff members are expected to observe, and the school should notify staff members (including supply staff) of this code and the expectations therein. School staff members are role models and are in a unique position of influence and must adhere to behaviour that sets a good example to all the pupils within the school. As a member of a school community, each employee has an individual responsibility to maintain their reputation and the reputation of the school, whether inside or outside working hours.
- 2.2 This Code of Conduct applies to:
  - All staff members who are employed by the school, including the headteacher and any supply staff.
  - All staff members in units or bases that are attached to the school.
- 2.3 The same expectations will be shared with, and apply to, regular visitors to the school such as peripatetic staff members and regular volunteers; though it is acknowledged that external staff members are covered by the relevant Code of Conduct of their employing body.
- 2.4 Where employees have complied with the Code of Conduct, the school (and City Council where in a maintained school, or academy trust), will protect employees against unjustified allegations of wrong doing.
- 2.5 This Code of Conduct cannot cover every eventuality and further guidance should be sought from the headteacher or, in the case of headteachers, from the Chair of Governors and/or the school's HR advisor, if they are unsure of the standards expected of them.

## **3. SETTING AN EXAMPLE**

- 3.1 All staff members who work in schools will set good examples of behaviour and conduct which can be copied by pupils. Therefore they must demonstrate high standards of conduct in order to encourage our pupils to do the same, for example, staff members must not use offensive language.

- 3.2 All staff members must also avoid putting themselves at risk of allegations of abusive or unprofessional conduct.

#### **4. SAFEGUARDING PUPILS, STAFF MEMBERS AND VISITORS**

- 4.1 Everyone who comes into contact with children and their families has a role to play in safeguarding children. School staff members are particularly important as they are in a position to identify concerns early on and provide help for children, to prevent situations from escalating, by working with other agencies to protect them from harm.
- 4.2 Staff members have a duty to safeguard pupils from:
- physical abuse
  - sexual abuse
  - emotional abuse, including verbal assaults
  - neglect
  - unequal treatment or discrimination
- 4.3 The duty to safeguard pupils includes the duty to report concerns about a pupil to the school's Designated Safeguarding Lead (DSL) for child protection. The headteacher must ensure that all staff members are familiar with, and have received appropriate training annually on, the school's Safeguarding Policy, and understand the provisions of the Whistleblowing Procedure. In addition, all staff members should read the Department for Education's (DfE) statutory document *Keeping children safe in education: Information for all school and college staff members* (July 2018, or subsequent edition), which is available on the DfE's website and from the headteacher.
- 4.4 Staff members must not demean or undermine pupils, their parents or carers, colleagues or visitors to the school.
- 4.5 Staff members should ensure they comply with the school's IT and social media policies, particularly with regard to the use of personal equipment. For example, the use of personal mobile phones or devices to record or photograph children is prohibited and staff members should only use school equipment for this purpose. Staff members are expected to keep mobile phones switched off during staff meetings and for the periods of the working day when they are in contact with children. Similarly, staff are expected to ensure that any smart watches with web connectivity are disabled for the duration of contact time so that notifications are not disruptive or distracting to others. In exceptional circumstances (such as critical illness of a family member) the headteacher should be notified if a phone needs to be used. Where staff members are in any doubt about the school's expectations regarding their behaviour, they should seek guidance immediately from a member of the senior leadership team.

- 4.6 Staff members must ensure the highest standards of safety and welfare are taken in respect of pupils under their supervision and other colleagues and visitors to the school.
- 4.7 Staff members have a duty to inform the headteacher (or suitable senior person in their absence) if they believe that a colleague or visitor is behaving in a way that compromises the safety or wellbeing of any child, group of children or a member of staff. Where staff members have concerns about the headteacher, this should be referred to the chair of governors or chair of the management committee.
- 4.8 Staff members can report their concerns about child protection directly to the appropriate external agency if they consider the circumstances warrant this; however they are encouraged to raise this with the school's DSL and/or headteacher initially.
- 4.9 If staff members have concerns about safeguarding or child protection practice in the school, they should raise this with the headteacher or chair of governors wherever possible. Staff members can also use the school's Whistleblowing Policy, where they consider this to be more appropriate. Further advice and support can be obtained from other agencies including trade unions, professional bodies or the independent whistleblowing charity Public Concern at Work ([www.pcaaw.org.uk](http://www.pcaaw.org.uk)).
- 4.10 All staff members must be mindful of pupil safety at all times. In this respect, hot drinks must be carried in a cup with a secure lid at all times to avoid spillages and burns. Hot drinks in lidded cups can only be carried before and after school, and during breaktimes, and there should be no hot drinks consumed during lesson time.
- 4.11 All staff members must sign in with the Inentry electronic sign in system, and then sign out whenever they leave the premises. This is for health and safety, fire and safeguarding reasons.

## **5. ALLEGATIONS, CRIMINAL CHARGES AND CHANGES TO STATUS**

- 5.1 Staff members facing allegations, criminal charges and changes to status must disclose this, without delay, to their headteacher. They must do this in all circumstances, whether they personally feel the matter is relevant or not. If in doubt, staff members should seek advice from the headteacher.
- 5.2 Examples of changes could include revisions to registration status, receiving a conviction, warning, reprimand, caution or awaiting sentence or whilst any criminal allegations made against the employee are being investigated. Such offences include motoring convictions. In all cases these must be declared as soon as practically possible to allow the school/academy to assess the potential risks to their employment. Staff members may be suspended if this

is felt appropriate in the circumstances, for example, if their clearance status changes or is under review.

- 5.3 Staff members are expected to disclose immediately any incidents or allegations of wrongdoing arising from alternative employment, voluntary work, incidents outside of work, or from previous employment which may or may not be covered by pre-employment checks that could affect their suitability to work with children, such as allegations of sexual misconduct or violence. Failure to do this may result disciplinary action which could lead to dismissal.
- 5.4 Staff members in posts covered by the disqualification requirement under the Childcare Act 2006, must ensure that they comply with the requirement to disclose offences relevant to themselves and to those who live or work at their home, and keep this information up to date throughout the year. The headteacher and the school's HR advisor can provide further guidance in relation to this and, where in any doubt, all working at the school should seek further advice. Employees are also requested to inform their manager of any close associations that they may have with people who are facing serious allegations or criminal charges which others could consider as having a bearing on their role and on the Council's reputation. If in any doubt, employees should speak in confidence to an appropriate manager.
- 5.5 The DBS policy provides more detail on the school and council's (or Academy Trust's) position and approach to safeguarding vulnerable groups.
- 5.6 The implications of any disclosures will need to be considered and could result in disciplinary action, possibly leading to dismissal if employees are no longer able to fulfil their role in the school.
- 5.7 Failure to disclose information may result in disciplinary action which could lead to dismissal.

## **6. PUPIL DEVELOPMENT**

- 6.1 Staff members must comply with all school policies and procedures, paying particular attention to those that support the well-being and development of pupils.
- 6.2 Staff members must co-operate and collaborate with colleagues and with external agencies where necessary to support the development of pupils.
- 6.3 Staff members must follow reasonable instructions that support the development of pupils.

## **7. HONESTY AND INTEGRITY**

- 7.1 Staff members must maintain high standards of honesty and integrity in their work. This includes the handling and claiming of money and the use of school property and facilities. All staff members should therefore familiarise themselves with the relevant school policies, including those in relation to financial procedures.
- 7.2 All staff members must comply with the Bribery Act 2010. A person may be guilty of an offence of bribery under this act if they offer, promise or give financial advantage or other advantage to someone; or if they request, agree or accept, or receive a bribe from another person. If you believe that a person has acted in a corrupt way, you should refer to the school's Whistleblowing Procedure. (Further details of the Bribery Act 2010 can be found at: <http://www.legislation.gov.uk/ukpga/2010/23/contents>)
- 7.3 Gifts from suppliers or associates of the school must be declared to the headteacher and recorded. This does not include "one off" token gifts from pupils or parents (e.g. at the end of the term or year). However, it could include offers of hospitality and invitations to events. Individual gifts from members of staff to individual pupils should not be given as they are inappropriate and could be misinterpreted.
- 7.4 Any personal interests, financial or otherwise, which could be seen to conflict with a member of staff's role at the school must be registered with the headteacher. This could include where a close personal relationship exists with a potential supplier tendering for a contract with the school. Staff members are expected to complete a form declaring any pecuniary interests on an annual basis.
- 7.5 Staff members must declare any membership of any organisation classed as a secret society. This should be made in writing and sent to the headteacher, who will record it.
- 7.6 The advice of the headteacher should be sought wherever doubt exists about the status of gifts, offers of hospitality or a potential situation of conflict of interest.

## **8. PROFESSIONAL ATTIRE**

- 8.1 Whilst it is acknowledged that appearance is a matter of personal taste, it is expected that staff members will present themselves in a professional manner which sets a good example to students and exhibits the importance of the job they undertake.

In this respect for all staff members:

- Blue jeans and blue denim clothing are not acceptable
- Trainers and sportswear are only acceptable if worn to teach PE in school

- Flip-flops are not acceptable footwear, however more robust styles e.g. Birkenstocks or Fit-flops are permitted

For female staff members:

- Skirts should be worn at a reasonable length, (to the knee)
- Shorter dresses or skirts should be worn with leggings
- Tops should not expose underwear or bra straps, they should cover the shoulders and not expose the chest. Strappy vest tops are not acceptable

For male staff members:

- Smart casual attire is required
- Polo shirts and short sleeved shirts with a collar are permitted
- Ties are optional

Clothes should be practical for the tasks required e.g. sportswear when teaching P.E.

- 8.2 Staff members should be mindful of the health and safety implications, for example, when wearing jewellery, ensuring appropriate footwear, etc. In this respect, any nails (including false nails) must be no longer than 3mm above the fingertip, and should not be too sharp. This will prevent accidentally injuring children.
- 8.3 Staff members are expected to dress with regard to the audience, particularly when representing the school or academy at external events.
- 8.4 Staff members should not dress in a manner which could cause offence or embarrassment to others.
- 8.5 No dress code can cover all contingencies so staff members must exert a certain amount of judgement in their choice of clothing and if in doubt this should be discussed with their line manager.

## **9. CONDUCT AND PROFESSIONAL RELATIONSHIPS WITHIN WORK**

- 9.1 All members of staff should arrive and sign in at reception by using the Inventory system, at a time which enables them to begin their contracted hours promptly, and should wherever possible attend the staff briefing meetings on Monday, Wednesday and Friday at 8.15am. If in doubt, staff members should clarify this with their line manager.
- 9.2 Staff members are expected to take professional responsibility for fulfilling their role in school and, whatever that role, it is essential to the overall success of the school. This includes the professional courtesy of meeting deadlines that have been set and having a proactive dialogue with colleagues/line managers at the earliest opportunity if there are issues which prevent a task being completed on time. Therefore staff members will be



positive in their thinking and approach, seeking constructive solutions to problems and by de-personalising issues.

- 9.3 Staff members will communicate effectively and fairly with all stakeholders and operate under the Nolan principles for those in public life (see Appendix). They will treat all colleagues and visitors with professional respect and courtesy, showing appreciation for the contributions of others.
- 9.4 There are occasions (including supporting children with SEND) when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate for their professional role.

Staff supervision of children during changing should be appropriate to the needs and age of the children concerned and sensitive to the potential for embarrassment.

If a distressed pupil needs comfort and reassurance, then age-appropriate physical contact may be provided by staff but this contact must not be threatening, intrusive or subject to misinterpretation.

Staff must adhere to the school's safety policy, First Aid Policy and Administration of Medicines Policy.

All children have a right to safety, privacy and dignity when contact of an intimate nature is required (e.g. assistance with toileting). Children who require intimate care on a regular basis should have a Care Plan drawn up and agreed with parents.

Wherever possible and practicable it is advisable that transport is undertaken with at least one additional adult to the driver. Staff should ensure that their behaviour is safe and that the vehicle is roadworthy and appropriately insured.

- 9.5 Where an employee's role involves the potential oversight of their own child or children, or wider family (e.g. nieces/nephews), the member of staff should not routinely be directly responsible for their care, or involved in incidents of conflict resolution, unless otherwise expressly directed. Every effort should be made by the employee to ensure clear boundaries are agreed and maintained. This is likely to apply to supervision of pupils at midday or pre/post school provision. The exception to this expectation is that all staff should respond to any emergency situation where a child was at significant risk of harm, irrespective of their relationship to that child at the time.

## **10 CONDUCT OUTSIDE WORK**

- 10.1 Staff members should not engage in conduct outside work which could seriously damage the reputation and standing of the school. This includes via a variety of methods of communication, e.g. social media, word of mouth, written, phone, text, etc.
- 10.2 Staff members must notify the headteacher of any criminal charges brought against them, regardless of whether they consider these to be relevant to their working life (see also section 5 above). In some circumstances, criminal offences may need to be referred to the relevant disciplinary body by the headteacher, and staff members need to be aware that this could result in removal of QTS. Offences that involve violence, possession or use of illegal drugs, or sexual misconduct are regarded as unacceptable and will usually result in loss of QTS. Disciplinary action within a school context could also lead to referral to other agencies.
- 10.3 Staff members must exercise caution when using information technology and be aware of the risks to themselves and others. Staff members must not engage in inappropriate use of social networking sites which may bring themselves, the school, school community, or employer into disrepute. With regard to social networking sites on the internet, members of staff will not add pupils or parents to their own networks, whether that is on Facebook, Twitter or any other, similar social networking website. Any slanderous comments relating to a member of staff's position, or relating to the school will be subject to immediate disciplinary action. Staff members must not access illegal, adult or other inappropriate sites using school computers, nor should they use IT equipment for activities that are not related to work, during their paid working hours (e.g. internet shopping).
- 10.4 If staff members are intending to undertake additional work outside of their school day, it is expected that they will discuss this with their headteacher, who will review the Working Time Regulations, health and safety implications and the potential effects on their work performance, and carry out a risk assessment, as necessary.
- 10.5 The school will not unreasonably preclude any of its employees from undertaking additional employment, taking into consideration the personal circumstances of the employee in question, but any such employment must not, in the headteacher's and governing body's view, conflict with or react detrimentally to the school's interests or endanger the health and safety of themselves or others.
- 10.6 No personal business activity or outside work of any sort may be undertaken by employees during their normal working hours for the school. Similarly, no

school equipment, accommodation or resources may be used in connection with these activities.

- 10.7 On occasions, staff may undertake babysitting and home tutoring outside of school time. These are separate arrangements and are undertaken by staff in their private capacity and not as representatives of the school and, therefore, no liability will rest with the school as a result. It is the responsibility of staff to inform the school that they are doing such babysitting or tutoring duties so that the amount of hours being worked per week can be monitored to ensure compliance with the Working Time Regulations. Members of staff will be responsible for accounting to HMRC for any income received from such work.

10.8

## **11 CONFIDENTIALITY**

- 11.1 Staff members must treat all information that they have access to within the school as confidential.

- 11.2 Where staff members have access to confidential information about pupils or their parents or carers, staff members must not reveal such information except to those colleagues who have a professional role in relation to the pupil. Staff members are advised to familiarise themselves with the expectations of the Data Protection Policy.

- 11.2 All staff members are likely at some point to witness actions which need to be confidential and handled sensitively and according to correct procedures. These must only be discussed in the appropriate forum and with the relevant individuals (whether school staff members or third parties). Where in doubt, staff members must seek the advice of the Designated Safeguarding Lead (DSL).

- 11.3 However, staff members have an obligation to share with their manager or the school's DSL any information which gives rise to concern about the safety or welfare of a pupil or colleague. Staff members must never promise a pupil that they will not act on information that they are told by the pupil.

- 11.5 Staff who undertake more than one role in the school and, therefore, potentially report to an additional employer, should not share information gained in their capacity as a school employee without approval of the Head Teacher/Line Manager.

## **12 DISCIPLINARY ACTION**

- 12.1 Failure to meet these standards of behaviour and conduct may result in disciplinary action, which could lead to dismissal.



## **Appendix 1**

### **Nolan Seven Principles of Public Life**

Whilst not applicable to all aspects of school life, the general principles apply.

*(Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).*

#### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Holders of public office should promote and support these principles by leadership and example.





**CONFIDENTIAL REPORTING POLICY  
'WHISTLEBLOWING PROCEDURE'**

Mellers Primary School

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## **INTRODUCTION**

The governing body of this school acknowledges that employees are often the first to realise that there may be something seriously wrong within a school or within the local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or the local authority. 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. This policy is designed to encourage employees to report any concerns they may have by giving them confidence that their concern will be thoroughly investigated.

This is a policy of the local education authority, approved by representatives of the recognised trade union representatives and has been agreed by the governing body of this school. The policy aims to encourage employees to raise such concerns using the internal mechanisms set out below. This policy makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns **within** the local authority rather than overlooking a problem or 'blowing the whistle' outside.

### **Public Interest Disclosure Act 1998**

This act protects workers who 'blow the whistle' about wrongdoing. It makes provision about the kinds of disclosures, which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected. The provisions introduced by the act protect most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities, which the employer would otherwise have offered. Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

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

The policy applies to all employees and those contractors working for the Council on local authority premises.

These procedures are in addition to the local authority and school complaints procedures and other statutory reporting procedures.

The governing body will ensure that all are made aware of this policy.

The Employment Rights Act 1996 already provides protection for employees who, in certain circumstances, raise concerns about health and safety matters. For example, the act

already provides that it would be unfair to dismiss an employee who acts to protect him/herself or others from serious and imminent danger.

## **2. AIMS AND SCOPE OF THIS POLICY**

This policy aims to:

- a) encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- b) provide avenues for employees to raise those concerns and receive feedback on any action taken;
- c) ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied; and
- d) reassure employees that they will be protected from possible reprisals provided the worker makes the disclosure in good faith, reasonably believes that the information and any allegation it contains are substantially true and does not act for personal gain.

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- a) conduct which is an offence or a breach of law;
- b) disclosures related to miscarriages of justice;
- c) health and safety risks, including risks to the public as well as other employees;
- d) damage to the environment;
- e) the unauthorised use of public funds;
- f) possible fraud and corruption;
- g) sexual or physical abuse;
- h) other unethical conduct;
- i) racism; or
- j) action to conceal any of the above.

This list is wider than those disclosures covered by the Public Interest Disclosure Act 1998.

Any serious concerns that staff have about any aspect of service provision or the conduct of officers or members of the local authority or others acting on behalf of the local authority can be reported under the Confidential Reporting Policy. This may be about something that:

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- a) Makes staff feel uncomfortable in terms of known standards, their experience or the standards believed the local authority subscribes to;
- b) is against the local authority's and school policies;
- c) falls below established standards of practice; or
- d) amounts to improper conduct.

This policy does **not** replace the school's complaints procedure.

### **3. SAFEGUARDS**

The LA and school are committed to good practice and high standards and want to be supportive of employees.

The LA recognises the difficulty of deciding whether to report a concern. Employees should have nothing to fear if they genuinely believe that what they are saying is true because it is a duty to the employer and those for whom they are providing a service.

The LA and school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when a concern has been raised in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect an employee.

### **4. CONFIDENTIALITY**

All concerns will be treated in confidence and every effort will be made not to reveal the employees identity if they do not so wish. At the appropriate time, however, staff may be required to come forward as a witness.

### **5. ANONYMOUS DISCLOSURES**

This policy encourages employees to put their name to a disclosure, whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Corporate Director of Education (or representative).

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

- a) the seriousness of the issues raised;
- b) the credibility of the concern; and
- c) the likelihood of confirming the allegation from attributable sources.

### **6. UNTRUE DISCLOSURES**

If a disclosure is made in good faith but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If, however, an employee makes a disclosure frivolously, maliciously or for personal gain, disciplinary action may be taken.

## **7. HOW TO RAISE A CONCERN**

The earlier concerns are expressed the easier it is to take action. Staff may wish to speak to their trade union representative or colleague before making a disclosure. Staff may also find it easier to raise the matter if there are two (or more) staff who have had the same experience or concerns.

Employees need to be aware that their colleagues are bound by the same obligations, as they are themselves, relating to confidential information. If employees share confidential information with union representatives, professional associations or others with a view to using this procedure they will need to ensure that the confidential information is not used inappropriately. The Public Interest Disclosure Act provides protection where information is disclosed in the course of obtaining legal advice. Therefore, when seeking such advice, employees should ensure that in seeking the advice confidential information is not passed on to third parties.

The first stage requires concerns to be raised with the employee's immediate supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that the head teacher is involved, the Chair of Governors or the Head of Human Resources, or the Corporate Director of Education, should be contacted in the first instance.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

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

Although staff are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

Employees may wish to obtain advice or guidance from Education Human Resources on how to pursue matters of concern.

A trade union or professional association representative, work colleague or a friend may be present during any meetings or interviews in connection with the concerns raised.

## **8. HOW THE LOCAL AUTHORITY WILL RESPOND**

The local authority (the governing body and LEA) will respond to concerns. Testing out concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- a) be investigated by the governing body, internal audit, or through the schools disciplinary procedures;
- b) be referred to the police;
- c) be referred to the external auditor; and/or
- d) form the subject of 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. The overriding principle that the local authority 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 procedures.

Some concerns may be resolved by agreed action without the need for investigation. On occasions, urgent action may be required to be taken before any investigation is conducted.

Within ten working days of a concern being raised, the responsible person (the head teacher or chair of governors or Corporate Director of Education, in the case of a concern relating to the head teacher) will write to the employee:

- a) acknowledging that the concern has been received;
- b) indicating how it is proposed to deal with the matter;
- c) giving an estimate of how long it will take to provide a final response;
- d) telling the employee whether any initial enquiries have been made;
- e) supplying the employee with information on support mechanisms; and
- f) telling the employee whether further investigations will take place and if not, why not.

The amount of contact between the officers considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the local authority will seek further information from the employee.

An employee can be accompanied by a union or professional association representative or a work colleague at any meeting. If preferred, the meeting should take place away from the workplace.

The LA will take steps to minimise any difficulties that may be experienced as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings the local authority will arrange for this person to receive advice about the procedure.

The LA accepts that employees need to be assured that the matter has been properly addressed and, subject to legal constraints, an employee will be informed of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

The Corporate Director of Education has overall responsibility for the maintenance and operation of this policy and will inform governing bodies of any changes agreed.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

This policy is intended to provide employees with an avenue within the local authority to raise concerns and hopes employees will be satisfied with any action taken. If staff are not, and they feel it is right to take the matter outside the local authority, the following are possible contact points:

- a) the designated independent person or organisation (The District Auditor);
- b) the local Citizens Advice Bureau;
- c) relevant professional associations/trade unions or regulatory organisations;
- d) a relevant voluntary organisation; and
- e) the police.

The local authority recognises the lawful right of employees to make disclosures to prescribed persons under the terms of the Public Interest Disclosure Act.

If an employee does take the matter outside the Council, s/he should ensure that confidential information is not disclosed. Staff should check with the contact point about matters of confidentiality. This procedure has been written taking into account the terms of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern where those disclosures are made in accordance with the act's provisions.

The scope of the procedure is wider than the obligations contained in the 1998 Act, which covers:

- a) criminal offences;
- b) failures to comply with legal obligations;
- c) miscarriages of justice;
- d) endangerment of health and safety; and
- e) concealment.

If an employee makes a protected disclosure, the act protects him/her against dismissal for making the disclosure. A disclosure covered by the procedure but not also covered by the act is offered no such protection.

Workers protected by the provisions (including employees) can complain that they have been subjected to detriment by their employer for making a protected disclosure. An employee can make a claim for unfair dismissal because s/he made a protected disclosure

and has been subjected to detriment. A complaint to an employment tribunal should normally be made within three months of the dismissal or detriment.

## **11. FURTHER INFORMATION**

Department of Trade and Industry – [www.dti.gov.uk](http://www.dti.gov.uk)

Approved by Joint Committee

February 2013