



## Toll Bar Primary School

# **“WHISTLEBLOWING” POLICY AND PROCEDURE**

## **1. INTRODUCTION**

- 1.1 Employees are often the first to realise that there may be something seriously wrong with their school and/or LA. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or to the LA. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrongdoing at work.
- 1.2 The LA and school governing body are committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees and others with genuine concerns about any of the Council's or governing body's work to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear or reprisals. The whistleblowing policy is intended to encourage and enable employees to raise such concerns **within** their school or where appropriate the LA rather than overlooking the problem or blowing the whistle outside.
- 1.3 This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act 1998.
- 1.4 The procedure allows school-based employees to raise concerns about the management of the school with the governing body and to raise concerns about the governance of the school with named LA officers. The procedure also allows school-based employees who have concerns about the LA to raise these concerns with named LA officers.

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

- 2.1 This policy aims to:
  - Provide avenues for you to raise genuine concerns and receive feedback on any action taken;
  - Allow you to take the matter further if you are dissatisfied with the governing body or LA response;
  - Reassure you that steps will be taken to protect you from reprisals or victimisation for whistleblowing in good faith.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover genuine concerns that fall outside the scope of other procedures.

That concern may be about something that:

- Is unlawful;
- Is against the Governing Body's Standing Orders or policies;
- Is against the Council's Standing Order or policies;
- Falls below established standards of practice;
- Amounts to improper conduct;
- Is a Health and Safety risk, including risks to the public as well as pupils or other colleagues;
- Is damaging the environment;
- Contradicts the Council's or Governing Body's Codes of Conduct.

Further examples are provided at Appendix 1.

- 2.3 The procedure will be communicated to all school employees as well as agency workers and supply teachers working in schools on a temporary basis.

<b>3.</b>	<b>SAFEGUARDS</b>
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### 3.1 Harassment or Victimisation

The governing body and/or LA recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The governing body and/or LA will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly as a result of raising a concern, you should refer to the School's Harassment and Bullying Policy and Code of Practice.

This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

### 3.2 Confidentiality

The governing body and/or LA will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

### 3.3 Anonymous Allegations

You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of the governing body and/or LA.

In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

- The seriousness of the issues raised;
- The credibility of the allegation; and
- The likelihood of confirming the allegation from attributable sources.

### 3.4 Malicious or Vexatious Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a malicious or vexatious allegation, disciplinary action may be taken against you in accordance with the School's Disciplinary Procedure.

<b>4.</b>	<b>HOW TO RAISE A CONCERN</b>
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- 4.1 As a first step, you should normally raise concerns with your immediate line manager or Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the malpractice. For example, if you believe that your line manager is involved, you should approach your Head. If you feel the Head may be involved, your Chair of Governors should be approached and/or one of the Authority Officers named in Appendix 2.
- 4.2 If the concern is about the governing body or the LA, the matter should be raised with a named LA officer (Appendix 2).
- 4.3 Advice and guidance on how matters of concern may be pursued can be obtained from:
  - Your line manager;
  - Headteacher;
  - Chair of Governors;
  - Education Human Resources;
  - Internal Audit;
  - The Monitoring Officer (see 4.6 below).
- 4.4 Concerns are better raised in writing. You are advised to set out background and history of your concerns, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or arrange to meet an appropriate officer who will agree a written statement with you. If you are a member of a trade union you may find it helpful to take advice from them about putting your concerns in writing.
- 4.5 You may ask your trade union representative to raise the matter on your behalf.
- 4.6 The earlier you express your concern, the easier it is for the governing body or LA to take action.
- 4.7 For concerns other than fraud, theft or corruption, you may choose to telephone the relevant LA officer in Appendix 2. You can also report your concern to the Monitoring Officer. The Monitoring Officer is the Director of Policy, Performance & Governance.
- 4.8 Any LA officer or Chair of Governors receiving any concern will also report it to the Monitoring Officer. This is because the Monitoring Officer has a statutory duty to consider any issue that has, or may, result in the Council being in contravention of the law or a code of practice.

- 4.9 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

<b>5. HOW THE GOVERNING BODY OR LA WILL RESPOND</b>
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- 5.1 The action taken by the governing body or LA will depend on the nature of the concern. The matters raised may:
- Be investigated internally;
  - Be referred to the Police;
  - Be referred to an external Auditor;
  - Form the subject of an independent enquiry.
- 5.2 In order to protect individuals, the governing body and the LA, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for an investigation.
- 5.4 Within ten working days of a concern being received, the governing body or the LA will write to you:
- Acknowledging that the concern has been received;
  - Indicating how it proposes to deal with the matters;
  - Giving an estimate of how long it will take to deal with the matter;
  - Telling you whether any initial enquiries have been made; and
  - Telling you whether further investigations will take place, and if not, why not.
- 5.5 The amount of contact between the governors and/or LA 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 further information will be sought from you.
- 5.6 When any meeting is arranged to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative or a work colleague who is not involved in the area of work to which the concern relates and who also who could not be called as witness.
- 5.7 The governing body or LA 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 governing body or LA will advise you about the procedure.
- 5.8 The governing body and the LA accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations.
- 5.9 Any person who is subject of an allegation should, at the appropriate times be given details of the allegation in order to respond. They will have the right to trade union representation.

<b>6.</b>	<b>HOW THE MATTER CAN BE TAKEN FURTHER</b>
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6.1 This policy is intended to provide you with an avenue to raise concerns with your governing body or with the LA. The governing body and the LA hopes you will be satisfied. If you are not and you feel it is right to take the matter outside the Council, the following are possible contact points:

- Your local Council member (if you live in the area of the Council);
- Ombudsman;
- External Auditor;
- Relevant professional bodies or regulatory organisations;
- Your solicitor;
- The Police;
- Other bodies prescribed under the Public Interest Disclosure Act 1998 e.g.:
  - The Audit Commission for England and Wales
  - Data Protection Registrar
  - Serious Fraud Office
  - Environment Agency
  - Health and Safety Executive

6.2 If you do take the matter outside your governing body, LA or Council you need to ensure that you do not disclose confidential or privileged information. Where confidential or privileged information is inappropriately disclosed you may be subject to disciplinary action. Employees considering such action should make themselves aware of Part IVA of the Employment Rights Act 1996 as inserted by the Public Interest Disclosure Act 1998.

<b>7.</b>	<b>THE RESPONSIBLE OFFICER</b>
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7.1 Within the council the Monitoring Officer, Director of Policy, Performance & Governance, has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer maintains a record of genuine concerns raised and the outcomes are reported as necessary to the Council, in a form that endeavours to maintain your confidentiality as far as possible (please see paragraph 3.2).

7.2 Within your school the Chair of Governors will carry out the functions carried out by the Monitoring Officer. The Chair will report as necessary to the Governing Body rather than the council, in a form that endeavours to maintain your confidentiality as far as possible.

<b>8. REVIEW AND MONITORING</b>
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- 8.1 This policy will be reviewed and monitored on an annual basis. The Governing Bodies should have particular regard to the identification of the number of racist incidents and racial harassment.

Date of last Review: November 2013

Date of next Review: November 2014

Signed

Date

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## EXAMPLES OF CONCERNS

This list illustrates the kind of issues the Council would consider as malpractice or wrongdoing that could be raised under this whistleblowing policy. Reference should also be made to the Disciplinary Rules for Schools. However, neither list is exhaustive.

- Poor or unprofessional practice by a member of staff, governor or an agency which results in the service user not getting the same quality of service which is available to others;
- Improper/unacceptable behaviour towards a service user which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain;
- Any unlawful activities, whether criminal or in breach of civil law;
- Fraud, theft or corruption;
- Concerns regarding possible breaches of Health and Safety Regulations;
- Harassment, discrimination, victimisation or bullying of employees and/or service users;
- Leaking confidential information in respect of Governing Body or Council activities and/or records;
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time;
- Inappropriate contact with members of the public within council or school facilities, or whilst carrying out governing body duties and/or Council duties or outside working time;
- Taking gifts or inducements;
- Inappropriate use of external funding or school budget;
- Maladministration as defined by the Local Government Ombudsman;
- Breach of any Statutory Code of Practice;
- Breach or failure to implement or comply with any Governing Body policy;
- Misuse of Council/school assets, including computer hardware and software, buildings, stores, vehicles.

## APPENDIX 2

**LIST OF LOCAL AUTHORITY OFFICERS WITH WHOM CONCERNS MAY BE RAISED**

<b>Officers Name</b>	<b>Job Title</b>	<b>Telephone</b>
Chris Pratt	Director of Children and Young People's Service	737810
Jo Moxon	Assistant Director, Children and Young People's Service	737102
Colin Earl	Head of Internal Audit	862939
Peter Jackson	Internal Audit Manager	862938
Paul Williams	Acting Group Finance Manager	736074
Roger Harvey	Assistant Director Legal and Democratic Services and Monitoring Officer	734646

Date of Review: November 2012

Date of Next Review: November 2014

Signed:

Date:

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updated May 2010 (Officer Names)

Please complete and return the slip to the School Office asap

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I have read and received a copy of the latest Whistleblowing Policy

Name \_\_\_\_\_ Signed \_\_\_\_\_ Date \_\_\_\_\_