



Whistle Blowing Policy

Written by: Personal Committee

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To be reviewed: Annually

Next Review: Autumn 2018

St Margaret's CE Primary School

WHISTLEBLOWING POLICY FOR SCHOOL BASED STAFF

1. PREAMBLE

- 1.1. The Children's Services Directorate is committed to the highest possible standards of openness, probity and accountability. The Council and the Corporate Director of Children's Services want to know about unacceptable behaviour, corruption, malpractice or fraud. In line with this we expect employees, the public and the others that we deal with, who have serious concerns about any aspect of the department's work, to come forward and voice those concerns.
- 1.2. Employees are often the first to realise that there may be something seriously wrong at work. However, they may not express their concerns because they feel that speaking up would be disloyal to their concerns because they feel that speaking up would be disloyal to their colleagues or management. They may also feel vulnerable, harassed or victimised. Similarly, members of the public may feel the same way. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3. This policy document makes it clear that you can do so without fear of victimisation, 'subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees and the public to raise serious concerns internally rather than overlooking a problem or "blowing the whistle" outside.
- 1.4. The policy applies to all employees working in schools and educational establishments, and those contractors working on school premises, including, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract to the school.
- 1.5. These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. Headteachers and site managers are responsible for making service users aware of the existence of these procedures.
- 1.6. The existence of this procedure will not in any way lessen the employer's commitment to a general climate of openness and co-operation.
- 1.7. This policy has been discussed with the relevant trade unions and professional organisation 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 appropriate 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.
- Reassure you that you will be protected from possible reprisals or victimisation (if you have a reasonable belief that you have made any disclosure in good faith)

2.2. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment or for the public to make a complaint. This policy is not to be used as an avenue to re-run issues that have already gone through existing procedures. This policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Unethical or improper conduct
- Serious failure to comply with appropriate professional standards
- Abuse of power or use of Council powers and authority for any unauthorised use or personal gain
- Breach of Council legal obligations or statutory codes of practice
- Breach of agreed Local Education Authority or Governing Body Procedures
- Deliberate breach of Council policy or standing orders

- Or anything else which makes you feel uncomfortable in terms of known or expected standards, or your experience

2.3. Thus, any serious concerns that you have about any aspect of service provision or the conduct of employees, Governors or Contractors can be reported under this policy. This may be about something that:

3. SAFEGUARDS – HARASSMENT OR VICTIMISATION

3.1. The Council, and thus the Children’s Services Directorate, is committed to good practice and high standards and wants to be supportive of employees and members of the public

3.2. 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, or as a citizen.

3.3. Neither the Council nor the Childrens Services Directorate will tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith

3.4. Any investigations into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect a member of staff.

4. CONFIDENTIALITY

4.1. All concerns will be treated in confidence and every effort will be made subject to any legal constraints, 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

- This policy encourages you to put your name to your allegations whenever possible.
- Concerns made via a union or professional association representative will receive consideration.
- Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Corporate Director of Children’s Services.
- In exercising this discretion the factors to be taken into account include:
 - The seriousness of the issues 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 in good faith, 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, appropriate disciplinary or legal action may be taken against you.

7. HOW TO RAISE A CONCERN

7.1. In the first instance, individuals should raise concerns with their line manager. Your ability to do this, however, depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If you do not feel that you can approach your line manager about such an issue, your options for contact are as follows:

- Confidentially telephone the Education Officer (Personnel) during normal office hours on 02082273543
- Or contact one of your School Governors. (They will confidentially make the Education Officer (Personnel) aware of the issue so that it can be dealt with through the Department's channels).
- If you wish to make the call out of office hours, or if the issue is wide ranging and cuts across different Council Departments, contact the Councils Central Whistleblowing Office at the Civic Centre, Dagenham, telephone 02082272541 (with an out of hours answerphone which is password protected.)

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

- The background and history of the concern (giving relevant dates)
- The reason why you are particularly concerned about the situation
- The extent to which you ave personally witnessed or experience the problem (provide documented evidence where possible)

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 will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5. Employees may wish to consider discussing their concern confidentially with a colleague first and they may find it eaier to raise the matter if there are two (or more) of you who have had the same experience or concerns

7.6. You may invite your trade union or professional association representative or a work colleague to accompany you at any meetings or interviews in connection with the concerns you have raised.

7.7. Concerns about members of the Council should be referred to the National Standards Board in the first instance. Relevant contact numbers will be supplied when they are available. (Staff should use the procedure detailed in this document in the meantime).

7.8. Concerns about Governors should be raised in writing to the OCporate Director of Children's Services.

8. WHAT WILL HAPPEN IN RESPONSE

8.1. You will receive a response to youe concerns. DO not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2. Where appropriate, the matters raised may:

- be looked into by an independent investigator, internal audit, or through the disciplinary process:

- be referred to the police by the Children's Services Directorate;
 - be referred to the external auditor
 - form the subject of an independent inquiry:
 - be referred to a National Standards Board (where established)
- 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 is the public interest. Concerns or allegations that fall within the scope of specific procedures (for example child protection or discrimination issues), will normally be referred for consideration under those 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 ten working days a concern being raised. The officers considering the matter (i.e. the education Officer or an officer from the Central Whistleblowing Office) will write to you:
- Acknowledging that the concern has been received;
 - Supplying you with information of support mechanisms.
- 8.6. The amount of contact between you and officers considering the issue(s) raised will depend on the nature of the matter; the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you. Subject to any legal constraints, you will be kept informed of the progress of enquiries.
- 8.7. The council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance if you are required or give evidence in a criminal or disciplinary proceeding the council will provide you with someone who will give advice.
- 8.8. It is accepted that you may need to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, you will be informed of the outcome of any investigation.
- 8.9. Details of any issues raised (unless found to be malicious and leading to a disciplinary procedure) will be retained confidentially within the children's service directorate, but you will not be placed on an employee's personal file.

HOW THE OTHER MATTER CAN BE TAKEN FURTHER.

9.1 This is a policy that is provided you with an internal avenue within which to raise concerns. It is hoped that you will be satisfied with any action taken. If you are not, and would like to take the matter further you have the following options:

- Write to your chair of Governors, who will convene a staff Appeals Committee.
- Write to an external auditor
- Contact your trade Union
- Contact your local Citizens Advice Bureau

- Contact relevant profession bodies or regulatory organisations.
- Contact a relevant voluntary organisation
- Contact the police (if appropriate)

9.2 If you do take the matter outside the council, you **must** ensure that you do not disclose any confidential information.