

# Employee Whistle Blowing Policy

## For Locally Managed Schools

This policy has been developed in consultation with recognised trade unions and professional organisations, to implement the provisions of the Public Interest Disclosure Act 1998. The Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrong-doing.

## **1. Introduction**

**The Whistle-blowing Policy is designed to enable employees in South Gloucestershire schools to confidentially express any serious concerns they have about aspects of work or activities within a school or within a council department.**

**The policy is available for use by:**

- **all workers within a school, including headteachers, temporary and agency staff**
- **members of school governing bodies**
- **volunteers**
- **consultants, contractors and suppliers.**

South Gloucestershire Council is committed to the highest possible standards of service, honesty and accountability and believes that its employees can help it maintain these standards.

Whilst the Council and its schools are subject to a wide range of external inspections and audits from various statutory and regulatory bodies, it recognises that wrong-doing, whilst rare, can occur.

The Council expects employees who have serious concerns about any aspect of the Council's work or practices (see section 2) to come forward and voice those concerns. The Council's view is that its employees have an important part to play in reporting any such situations, since they can be the first to realise that some wrong doing is happening within a school or council department.

The Council recognises that employees may sometimes be reluctant to express their concerns because they feel that this would be disloyal to the school, to colleagues, or to employees and others elsewhere in the Council. They may also fear harassment or victimisation. These factors could lead employees to ignore the problem rather than report it, particularly if it is just a suspicion.

The procedure described in this document therefore seeks to:

- Reinforce the expectation that employees should raise concerns
- Provide school employees with a procedure for raising concerns internally
- Provide employees with an entitlement to feedback on any concerns raised
- Reassure employees that they will be protected from victimisation or harassment if they raise any concerns
- Enable employees to take matters further if they are not satisfied with the response of the Governing Body or Council

The Council recognises that in the case of school based employees many decision-making responsibilities are delegated to the Governing Body and that in Voluntary Aided and Foundation schools the Governing Body, not the Council, is the employer. This procedure, therefore, relies upon the Governing Body's commitment to support the Council's principles as set out below. This will involve taking the necessary action to investigate concerns within their school and apply relevant sanctions, including any action necessary to support individual employees who have identified concerns. Where the concerns relate to a Council Officer or other persons outside of the school's employment, the appropriate Council procedures will be applied.

## **2. Aims of the whistle blowing policy**

The Whistle Blowing Policy is intended to cover situations where employees become concerned about wrong doing at work by other school employees, governors, council officers, councillors, suppliers, contractors or others acting on behalf of the Council. The concerns could be about acts or omissions which have led, or could lead, to wrong doing within the school or in other Council activities. These include:

- Conduct which is against the law, is a miscarriage of justice, or fails to meet a legal obligation
- Financial irregularities including fraud, corruption or unauthorised use of public funds
- Failure to observe health and safety regulations, or action which involves risks to the public or other employees
- Action causing major harm to the environment
- The claiming of benefits by employees, which they are not entitled to
- Sexual, racial, physical, or other abuse of pupils or colleagues
- Other cases of malpractice and negligent, unprofessional or unethical behaviour
- Concealment of any of the above

The Council believes that the procedures described in this document will provide employees with the means to raise issues internally but it also recognises that there may be exceptional occasions where external disclosure is appropriate.

The Whistle Blowing Policy should not be used for employees to raise issues or make complaints about their own employment. These should be dealt with through the Grievance or other appropriate HR procedures.

This policy is a modified version of that which applies to Council staff not employed in locally managed schools; it is intended to promote consistent rights and expectations for all employee groups.

### **3. Safeguards for Employees**

The Council recognises that employees may sometimes be reluctant to raise concerns, and therefore stresses the following safeguards:

#### **Protecting the Whistle Blower**

The Governing Body and/or Council will protect employees who raise a concern from harassment/victimisation (including informal pressures). It will investigate any claims of harassment/victimisation and depending on the outcome, may take disciplinary action.

Employees should only make allegations in good faith and where there is a reasonable suspicion that wrong-doing has occurred, is occurring or will occur. If it is established that an employee has made allegations maliciously or for personal advantage disciplinary action may be taken against that employee.

#### **Confidentiality**

All reported wrong doings will be treated in confidence, with every effort made by the Governing Body and/or Council not to reveal an employee's identity if they so wish. At the appropriate time, however, an employee may need to appear as a witness, particularly if it has not been possible to substantiate the allegations by other means; in these circumstances appropriate support and/or protection arrangements will be discussed with the whistle-blower.

Employees raising concerns under this policy, and any person to whom allegations are disclosed, must ensure that they maintain confidentiality towards service users, i.e. pupils, parents and the wider school community.

#### **Anonymous Allegations**

Employees should put their name to an allegation whenever possible. All allegations will be investigated, although employees need to be aware that anonymous allegations are much less powerful and are more difficult to act upon. In considering an anonymous allegation, the following factors will be taken into account:

- The seriousness of the matter raised
- The credibility of the allegation
- The likelihood of obtaining information from other sources which can confirm the allegation

#### **4. Who to contact to raise a concern**

Employees should make it clear if they are raising an issue through the Whistle Blowing Policy. They should also, where possible, provide details of the allegation(s) in writing.

In most situations an employee should raise concerns about serious wrong-doing with their Headteacher or an appropriate senior colleague.

If the response is unsatisfactory, or the employee believes that the Headteacher or senior colleague is involved in the wrong doing, or has condoned or taken no action to stop it, the employee should raise the issue with the Chair of the Governing Body.

If an employee, for any good reason, feels it necessary to take the matter up outside of the school, the following senior officers in the Department for Children, Adults and Health can be contacted:

- Director of Children, Adults and Health on extension 3253
- Head of Financial Management and Business on extension 2548
- Principal HR Manager (Schools) on extension 4428

In exceptional circumstances the employee may wish to discuss their concern directly with a senior officer from another Council Department. Appropriate contacts may include:

- Head of HR (extension 6348)
- Monitoring Officer and Head of Legal and Democratic Services (extension 5980)
- Director of Corporate Resources (extension 5001)
- Chief Executive (extension 3850)

In some situations an employee may wish to take advice from and/or involve a colleague or RTPA/Trade Union representative. They may also be present during any subsequent meetings or interviews.

You may wish to contact the charity Public Concern at Work who may be able to help and advise you. They can be contacted on 020 7404 6609, alternatively you can email them [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk).

#### **5. How the governing body and/or council will respond**

Depending upon the nature of the alleged wrong-doing, the Governing Body and/or Council will arrange for the matter to be:

- Investigated internally by school management or governor representatives, internal audit, or an appropriate senior officer of the Council and/or
- Referred to the Audit Commission or be investigated as part of an independent inquiry and/or
- Referred to the police, other external enforcement agency (e.g. Health and Safety Executive, the Environment Agency) or the appropriate Government Department.

Any cases raised under this procedure, which are notified to the Department for Children, Adults and Health or other Council Officers will be registered with the Responsible Officer (Head of HR), who will monitor the situation and ensure that the matter is progressed.

In some situations the problem may be resolved without the need for a major investigation. If urgent action is required, this will be taken immediately.

The employee raising the concern will be written to, within 10 working days of the concern being raised, by the person contacted by the employee. The letter will acknowledge receipt of the concern and indicate how it is proposed to deal with the matter.

The Governing Body and/or Council will ensure that employees raising concerns receive feedback within 30 working days on the action taken. Subject to any legal constraints, the employee will be informed of the outcome, or the reason for delay in any investigation. The Governing Body/Council will also ensure that any recommended action is implemented and the whistle-blower kept appropriately informed.

The Governing Body and/or Council will provide support to the employee raising the concern in any subsequent developments. For instance, if they are required to give evidence in criminal or disciplinary proceedings arrangements will be made to provide advice about procedures.

If the employee subsequently feels victimised or harassed, as a result of raising a concern in accordance with this policy, they should advise the person they originally contacted or anyone from the list above.

If the employee is dissatisfied with the outcome of the internal procedure followed they may:

- Notify the Director of Department for Children, Adults and Health, if the matter has not previously been referred to the Department for Children, Adults and Health.
- or
- Notify the Leader of the Council.

## 6. What should employees do if they are not satisfied with the council's response.

The Council considers that the Whistle Blowing Policy provides effective mechanisms for employees to raise concerns internally. It establishes a range of contact persons, both in the employee's own school and within the Department for Children, Adults and Health and other Council Departments. There is also a Responsible Officer to oversee the application of the procedure in cases which are referred beyond the school and where the Council has relevant powers to act.

The Public Interest Disclosure Act 1998 provides some employment protection rights to individuals who "blow the whistle" outside their organisation. However, the types of information, and the situations in which concerns are disclosed externally, are tightly defined in the legislation. The Act only protects those making disclosures which are considered to be in the public interest and therefore not all issues listed above would be covered. Employees need to be careful and take advice before making an external disclosure and they should normally have used the internal procedure first.

The Governing Body and/or Council must, however, reserve the right to take disciplinary action against an employee where an external disclosure is made which is damaging to the school or Council and is not protected under the terms of the Act.

If the employee is dissatisfied with the Governing Body's/Council's response through its internal procedures, they can consider contacting an external organisation. However, the Council would not expect employees to make disclosures to the press. If the employee feels it is necessary to raise the issue externally, they should contact the appropriate external organisation:

- **Environment Agency** (National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY Tel No: 03708 506506)
- **The National Audit Office** (Email: [enquiries@nao.gsi.gov.uk](mailto:enquiries@nao.gsi.gov.uk). Tel No: 020 77987999)
- **Health and Safety Executive** (Tel No: 0300 003 1647)
- **The Police** (South Gloucestershire Police District, Kingswood One Stop Shop, Civic Centre, High Street, Kingswood BS15 9TR Tel No: 101)
- **Ofsted** (Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk) Tel No: 0300 123 1231)

## 7. The responsible officer

The Head of HR has overall responsibility for the maintenance and operation of the Council's Whistle Blowing policy and will ensure through liaison with the Principal HR Manager (Schools) that the Whistle Blowing Policy is kept under review. The procedure will be subject to a formal review on a two-yearly basis.

Any employee who is dissatisfied with the application of this modified policy for school employees should initially contact the Principal HR Manager (Schools) on extension 4428.

This policy should be available to all employees within the school and to volunteers, suppliers and contractors. Should volunteer staff wish to raise a concern the procedures in this document should be followed, as for paid staff. Members of the Governing Body, suppliers and contractors should raise any issue with the Headteacher or, if not appropriate, with the Principal HR Manager (Schools).

## **Appendix 1**

### **Template for Report of Investigation into a Whistle Blowing Allegation**

The investigating officer (normally the Chair of a Panel of Governors) will prepare a report at the conclusion of the investigation which states the findings and the recommended action to be taken.

The report will be presented to the Director of Children, Adults and Health.

The report should include the following information:

- What led to the investigation
- Details of the allegations that were made
- Which employees were investigated and the nature of their jobs
- How the investigation was carried out
- What facts were established and what evidence supported these (enclose prime documents or certified copies)
- Notes of all interviews, signed and dated
- Information about any financial implications, including losses and recovery arrangements
- A summary of the findings and conclusions
- Recommended action

N.B. Where the whistle-blower has indicated that he/she has provided information in confidence, nothing in the report should identify the whistle-blower.