

Whistleblowing Code of Practice



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Whistleblowing

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1. INTRODUCTION

- 1.1 It is in the interest of all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This includes the interests of the Council, its employees, the Governing Body of the school and any persons that are the subject of such disclosures, as well as the whistleblower themselves.
- 1.2 Whistleblowing is the disclosure or communication of information about malpractice by individuals or organisations to a person or body having potential to rectify it. The term has equal validity to breaches of civil and criminal law. The concept of whistleblowing is also associated with principles of accountability.
- 1.3 The Authority's Officers, at all levels of management throughout the Council, the Governing Body and Headteacher will ensure that every employee receives the necessary and appropriate support when reporting unacceptable practice.

2. STATUS OF THE CODE OF PRACTICE

- 2.1 The Code of Practice is complementary to the Code of Conduct and the Code of Probity and Propriety applying to Councillors

3. WHO THE CODE OF PRACTICE IS AIMED AT

- 3.1 This Code is provided primarily for use by employees in community and community special schools, but may also be used by others (e.g. Governors and contractors) as appropriate. References to 'employees' or 'staff' should be deemed to include others as appropriate. However, separate procedures apply to complaints by councillors against the actions of councillors and to complaints by members of the public.

4. PURPOSE AND SCOPE OF THE CODE

- 4.1 The whistleblowing policy requires all governors and staff to act responsibly to uphold the reputation of the organisation and maintain public confidence.
- 4.2 The Code of Conduct states "Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. It is the duty of each employee to report to the appropriate senior member of staff any impropriety or breach of procedure".
- 4.3 An employee's concerns may in the context of malpractice include concerns about possible corruption, dangerous procedures risking health and safety, abuse of clients, evasion of statutory responsibilities, damage to the

environment, fraud, unlawful acts, maladministration, non-compliance with Council or Governing Body policy, discrimination, failure to act on a situation which could potentially damage the Council or school financially, other unethical conduct, negligence or unprofessional behaviour. The concerns may be in respect of the actions or inaction's of employees, Governors or elected members. The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

5. PROCEDURE

5.1 Where an employee has concerns about possible abuse or malpractice which are not appropriate for raising through other procedures, e.g. grievance, they should be raised with:-

- (a) the Headteacher; or
- (b) where (a) is inappropriate, with a senior manager designated for the purpose by the Council; or
- (c) where both (a) and (b) are inappropriate, with an independent person or organisation designated for the purpose by the Council.

CODE OF PRACTICE ON WHISTLEBLOWING – CONFIDENTIAL REPORTING POLICY

1. PREAMBLE

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council or school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, Governors or to the Council. 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.
- 1.2 The Council and Governing Body are committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council and Governing Body expect employees and others with serious concerns about any aspect of the Authority's or school's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff should do so without fear of reprisals. This confidential Reporting policy is intended to encourage and enable staff to raise serious concerns **within** the Council rather than overlooking a problem or blowing the whistle outside.
- 1.3 This policy has been discussed with the relevant trade unions.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- * provide avenues for employees to raise concerns and receive feedback on any action taken;
 - * allow employees to take the matter further if they are dissatisfied with the Council's or school's response to the concerns expressed;
 - * reassure employees that they will be protected from possible reprisals or victimisation.
- 2.2 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This confidential reporting policy is intended to cover concerns that fall outside the scope of other procedures. **Thus any serious concern that an employee has about any aspect of service provision or the conduct of officers, Governors or members of the Council or others acting on behalf of the Council can and should be reported under this policy.**

This concern may be about something (an action or inaction by an employee, Governor or elected member) that is for example:

- * unlawful or
- * against the Council's Standing Orders and policies; or
- * against the Governing Body's policies; or
- * against established standards of practice; or
- * improper conduct.

For a fuller list of possible types of concerns see paragraph 4.3 of the Whistleblowing Code of Practice.

3. SAFEGUARDS

Harassment or Victimisation

- 3.1 The Governing Body and Council recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those who may be guilty of malpractice or from the Council or Governing Body as a whole. Neither the Governing Body nor Council will tolerate any harassment or victimisation (including informal pressures) and appropriate action will be taken in order to protect a person who raises a concern in good faith.

Anonymity

- 3.2 The Governing Body and Council will protect the identity of any member of staff who raises a concern and does not want his/her name to be disclosed. However, it must be appreciated that following any investigation a statement by the person reporting the concern may be required to enable appropriate action to be taken. If this is unacceptable to the employee raising the concern, in some cases it may not be possible to progress the issue further.

Concerns expressed anonymously will be considered. If, however, insufficient information is available the following factors will be taken into account in determining whether or not to progress the matter further:

- * the seriousness of the issues raised;
- * the credibility of the concern; and
- * the likelihood of obtaining the necessary information.

Anonymity should not be used to facilitate false or malicious allegations.

False and Malicious Allegations

- 3.3 The Governing Body and Council will protect themselves and their employees from false and malicious expressions of concern by taking disciplinary action where appropriate. In addition, a concern which is genuinely believed may prove to be unfounded on investigation. The Governing Body and Council will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised. However, they acknowledge that it will not be possible to prevent all of the repercussions potentially involved.

Legal Support

- 3.4 Consideration will be given to the Council providing legal support in appropriate cases, each request for such to be considered on merit.

4. HOW TO RAISE A CONCERN

- 4.1 Concerns should normally be raised initially with the Headteacher. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an employee believes that senior management is involved in the matter of concern, an approach should be made to the Head of Education Personnel. Alternatively, depending on the nature of the issue, the approach could be made to other officers of the Council e.g:

- * the Strategic Human Resources Manager, on a human resources matter;
- * the Council's Complaints Officer;
- * the Children's Services Complaints Officer;
- * the Solicitor to the Council (the Council's Monitoring Officer), on a legal matter;
- * the Head of Financial Services or Internal Audit, on a financial matter.

The officer receiving the information or complaint should inform the Council's Complaints Officer and subsequently notify him of action taken.

- 4.2 Concerns may be raised verbally or in writing. Employees 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 the employee is particularly concerned about the situation.

- 4.3 It should be noted that often the earlier a concern is expressed, the easier it is to take appropriate action.
- 4.4 Although employees are not expected to prove beyond doubt the truth of an allegation that is made, it will be necessary to demonstrate to the person contacted that there are sufficient grounds for real concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained internally from:

- * the Council's Complaints Officer; or
- * the Education and Cultural Services Complaints Officer; or
- * the Council's Monitoring Officer.

Alternatively staff may wish to get confidential advice from:

- * a trade union or professional association;
- * the local Government Ombudsman, Mrs P A Thomas, LLB, LLM, telephone (01904) 663200.
- * relevant statutory bodies or regulatory organisations;
- * Public Concern at Work, telephone (0171) 4046609.
- * an independent person or organisation nominated for the purpose by the Council.

- 4.6 Staff may invite their trade union or professional association to raise a matter on their behalf.
- 4.7 This policy is intended to provide employees with an avenue to raise concerns within the Council. However, if an employee is dissatisfied with the Council's or Governing Body's response, she or he can raise the matter with any of the following:

- * Council members;
- * the District Auditor;
- * the local Government Ombudsman;
- * relevant professional bodies or regulatory organisations;

- * Public Concern at Work;
- * the police;
- * an independent person or organisation nominated for the purpose by the Council.

If taking their concern outside the Council, staff should ensure that, so far as possible, the matter is raised without confidential information being divulged. It should be noted that because Public Concern at Work is an accredited legal advice centre, the employee who approaches it does not breach the duty of confidence which is owed to the Council.

5. HOW THE GOVERNING BODY AND/OR COUNCIL WILL RESPOND

- 5.1 The action taken by the Governing Body and/or Council will depend on the nature of the concern. Where appropriate, the matters raised may:
- * be investigated by the appropriate management;
 - * be referred to the police;
 - * form the subject of an independent inquiry.
- 5.2 In order to protect individuals, school Governors and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. 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.
- 5.3 It should be noted that some concerns may be resolved by agreed action without the need for investigation. Equally some issues may be investigated without the need for initial enquiries. If urgent action is required, this would be taken before any investigation is conducted.
- 5.4 Within ten working days of a concern being raised, the Headteacher will write to the person raising the concern:
- * acknowledging that the concern has been received;
 - * indicating how it is proposed to deal with the matter; and
 - * giving an estimate as to how long it will take to provide a final response.

If it is impossible for initial enquiries to be completed within ten days, the situation will be explained in the letter of acknowledgement. Where a decision is made that no investigation will take place, the reasons for this will be provided. In so far as possible, a final resolution of the matter will normally be aimed for within twenty-eight days of the complaint being lodged.

- 5.5 The amount of contact between those considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.
- 5.6 Where any meeting is arranged, employees will have the right, if they so wish, to be accompanied by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates. At the request of the individual raising the concern, any meeting may be held away from the school and/or outside working hours if appropriate.
- 5.7 The Governing Body and Council will take appropriate steps to minimise any difficulties which an employee may experience as a result of raising a concern. For example, if an employee is requested to give evidence in criminal or disciplinary proceedings, the Governing Body and Council would need to consider what steps are required to protect them from detriment. Whilst the employee would have the right not to attend such proceedings, he/she should be made aware that a successful conclusion to the resolution of their concern may not be possible without their attendance.
- 5.8 The Governing Body and Council accept that employees raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible about the outcomes of any investigation.

6. RESPONSIBILITY FOR IMPLEMENTING THE POLICY

The responsibility for ensuring that the Council as a whole adheres to this policy rests with the Head of Paid Service. In school, that responsibility rests with the Headteacher.