



Policy Document Whistleblowing

June 2013

Purpose

The County Council and the Governing Body are committed to the highest standards of openness, probity and accountability. In line with this commitment the School encourages employees with serious concerns about the School's work to come forward and voice those concerns. This also applies to concerns about the activities of staff and governors and external organisations in their dealings with the School.

This policy: provides the basis on which employees can raise any such concerns they may have, and receive feedback on action taken, allows employees to take the matter further if they are dissatisfied with the School's response, and gives protection from reprisals or victimisation for 'whistleblowing' in good faith.

What is the Policy?

There are existing procedures in place to enable employees to raise grievances about their own employment. This policy is intended to cover concerns that fall outside the scope of individual grievances.

The concern may be about something that:

- Is unlawful;
- Is against the Council's Standing Orders or School Policies.
- Amounts to improper conduct;
- Seems likely to harm a member of the public or the environment; or
- Represents a cover-up of these sorts of issues

What safeguards are there?

Harassment or victimisation. The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the malpractice. The School will not tolerate harassment or victimisation and will take all possible measures to protect employees who raise concerns in good faith.

The School has adopted the Lawrence inquiry definition of a racist incident for reporting and recording racial incidents, and as a starting point for investigating cases of racial harassment and discrimination in employment and service delivery.

Confidentiality

The School and Council will protect the identity of employees who raise concerns and do not want their name to be disclosed. It must be appreciated, however, that the investigation may reveal the source of the information, and statements made by the employees who raised the issue may be required as part of the evidence.

The Council and School encourages employees to put their name to allegations made.

Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the School and Council. In exercising this discretion, the factors to be taken account of will include:

- the seriousness of the issue raised,
- the credibility of the concern, and
- the likelihood of confirming the allegation from attributable sources.
- untrue allegations

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the employee. However, if employees make allegations that are malicious or vexatious, disciplinary action against them may be likely.

How do I raise a concern?

The earlier employees express their concern the easier it is to take action. As a first step, employees should normally raise concerns with their Headteacher. This will depend on the nature of their concern. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. Employees who feel that they cannot approach management in their own school should approach either:

Chair of Governors

Education Personnel Officer

**Trade Union or Professional Association (for advice)*

Concerns are better raised in writing. This should set out the background and history of the concern, giving names, dates and places where possible, and the reason why the employee is concerned about the situation. Employees who do not feel able to put their concerns in writing can telephone or meet the appropriate officer. Employees may invite their trade union or professional association to raise the matter in conjunction with them.

How will the School/Council respond?

The action taken by the School and/or Council will depend on the nature of the concern. The matters raised may for example:

- be investigated internally,
- be referred to the Police,
- be referred to the External Auditor, or
- form the subject of an independent inquiry

In order to protect individuals, School 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 unlawful discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. Within two weeks of a concern being received, Chair of Governor or appropriate School or Council Officer will write to the employee who raised the issue:

- acknowledging that the concern has been raised,
- indicating how it is proposed to deal with the matter,
- where possible, giving an estimate of how long it will take to provide a final response, and
- telling the employee whether further investigations will take place, and if not, why not.

The amount of contact between the officers considering the issue and the employee who has raised the issue 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 the employee.

When any meeting is arranged with the employee, he or she will be given the right to be accompanied by a Union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

The Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal or contractual constraints, employees will receive information about the outcomes of any investigations.

What happens if I am not satisfied with the action?

The policy is intended to provide employees with an avenue to raise relevant concerns within the School or Council. It is hoped that employees will be satisfied with the action taken as a result. If employees are not satisfied, and feel it is right to take the matter outside the Council, the following are possible contact points, some or all of which may be appropriate:

- The local Council Member (for employees who live in the area of the Council)
- The External Auditor KPMG (telephone number 0121 232 3000)
- The Internal Auditor on 01604 236842
- Relevant professional bodies or regulatory organisations
- The Police
- The charity Public Concern at Work (telephone 020 7404 6609)

If employees do take the matter outside of the School or Council, they need to ensure that they do not disclose otherwise confidential information.

Responsible Officer

The Chair of Governors has overall responsibility for the maintenance and operation of this policy. That person maintains a record of concerns raised and the outcomes and will report as necessary to the Governing Body and/or County Council.

Review of Procedure

This policy was approved by the School Governing Body and will be reviewed in line with our agreed school cycle.