

WHISTLEBLOWING POLICY – DELAGATED SCHOOLS

1. PREAMBLE

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the school/Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or the Authority. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.
- 1.2 The Governing Body and the Authority are committed to the highest possible standards of openness; probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the school or the Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 The policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing policy is intended to encourage and enable employees to raise serious concerns within the school or the Authority rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all employees and applies equally to those designated as casual, temporary, agency, authorised volunteers or work experience, Governors and those contractors working for the school or the Authority on School or the Authority's premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Authority in their own premises.
- 1.5 These procedures are in addition to the Schools/Authority's complaints procedures and other statutory reporting procedures. Service Users should be made aware of the existence of these procedures.
- 1.6 This policy has been discussed with the recognised Teacher Associations, Trade Unions and the Diocesan/Church Authorities 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 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 you to lodge a grievance etc relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:-

- conduct which is an offence or breach of the law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public/students as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption – see Note below;
- sexual or physical abuse of students where referral under Child Protection procedures is not appropriate;
- other unethical conduct.

- 2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of schools staff, governors, officers or members of the Authority or others acting on behalf of the school and the Authority can be reported under the Whistleblowing Policy. This may be about something that; makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the governors and the Authority subscribe to; or

- Is against the Council's Standing orders and policies; or
- falls below established standards or practice; or
- amounts to improper conduct.

- 2.4 This policy does not replace the school's or the corporate complaints procedures.

NOTE: There is a requirement under the Scheme for Financing Schools in Lancashire for the Governing Body to notify the County Treasurer immediately of all (suspected) financial or accounting irregularities. This requirement is not superseded by this whistleblowing Policy and your Governors will need to act accordingly if a financial issue is raised.

3. SAFEGUARDS

- 3.1 Harassment or Victimisation

- 3.2 The Governing Body and the Authority are committed to good practice and high standards and want to be supportive of employees.

- 3.3 It is recognised that 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.

3.4 The Governing Body/Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

4.1 all concerns will be treated in confidence and every effort will be made 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

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered in the context of the following factors:-

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. Disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN

7.1 As a first step, you should normally raise concerns with a designated senior member of staff (where appropriate)/Headteacher/Chair of Governors. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that senior management of the school is involved you should approach a senior officer of the Authority. If you believe officers of the Authority generally are involved, you should approach the Chief Executive or in the case of a financial issue, the Director of Resource/Internal Audit.

7.2 Concerns may be raised verbally or in writing. Staff 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.

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 Obtain advice/guidance on how to pursue matters of concern from;

The Confidential Helpline – 01772 533480 which has digital options for either Internal Audit for Financial Matters or the Chief Executive for other matters.

Principal Human Resources Managers:

Anne Sutton 01772 534928
(Burnley, Pendle Rossendale (Districts 12, 13 & 14)

If ultimately you feel you have to take the matter externally, possible contacts are listed at Section 10 of this policy.

7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.7 You may invite your Trade Union, Teacher Association, representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE GOVERNING BODY/LEA WILL RESPOND

8.1 The Governing Body/the Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. If you confirm your wish to raise your concerns formally under the policy, a responsible person will be designated by the school management, where appropriate, or by the management of the Authority, to co-ordinate the response to the concerns you have raised. The responsible person will respond to you in accordance with paragraph 8.5 below and where the responsible person is outside the management of the school he/she will notify the Chief Executive for registration, monitoring and annual reporting purposes.

8.2 Where appropriate, the matters raised may:-

be investigated by school/Authority management, internal audit, or through the disciplinary process;

be referred to the external auditor;

referral to the police;

form the subject of an independent enquiry.

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 which school management/the Authority will have in mind is the public interest. 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.

- 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 of a concern being raised, the responsible person will write to you:-
- acknowledging that the concern has been received;
 - indicating how it is proposed to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - telling you whether any initial enquiries have been made;
 - supplying you with information on staff support mechanisms (where appropriate), and telling you whether further investigations will take place and if not, why not.
- 8.6 the amount of contact between those 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.
- 8.7. Where any meeting is arranged, away from school premises if you so wish, you can be accompanied by a Trade Union or Teacher Association representative or a friend.
- 8.8 the Governing Body/Authority 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 arrangements will be made for you to receive advice about procedure.
- 8.9 it is accepted that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

- 9.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally outside the management of the school. That officer maintains a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the Council. In respect of concerns raised internally within the school the headteacher will maintain a record of concerns raised and the outcome and will report as necessary to the Governing Body.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide you with an avenue within the Authority to raise concerns. The Governors/Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the LEA, the following are possible contact points:-

Public Concern at Work (Tel: 0171 4046609), a registered charity whose services are free and strictly confidential;

the external auditor;

your Trade Union/Teacher Association;

your local Citizens Advice Bureau;

relevant professional bodies or regulatory organisations;

a relevant voluntary organisation;

the police.

10.2 If you take the matter outside the school/Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

Revised April 2015

This policy should be read in conjunction with the following policies:

- Child Protection Policy
- Safeguarding Policy
- Finance Policy
- Bullying and Harassment (staff) Policy
- Intimate Care Policy
- Anti-Bullying Policy

This policy is updated and reviewed on a regular basis.