WHISTLE BLOWING POLICY

Issue 4

October 2015

Approved by:

[Signature]
Head Teacher
Bailey’s Court Primary School

Date: October 2015

Authorised by:

[Signature]
Chair of Full Governing Body
Bailey’s Court Primary School

Date: October 2015

Review Date: October 2017
Whistle Blowing Policy

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CHANGE RECORDS SHEET

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<td>Original policy document: copied directly from the FMSiS Standard document.</td>
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<td>2</td>
<td>June 2010</td>
<td>Document reviewed; no changes required.</td>
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<td>3</td>
<td>July 2012</td>
<td>Document reviewed; no changes required.</td>
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<td>4</td>
<td>October 2015</td>
<td>Document reviewed; no changes required.</td>
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SUMMARY

This policy should be read in conjunction with all other school policies. If you require further details of this policy then please refer to the Head Teacher or Deputy Head Teacher.

This policy will be reviewed every three years.

REFERENCE DOCUMENTS

None.

MAIN DOCUMENT

1 INTRODUCTION

1.1 The Local Authority:

  • Is committed to the highest possible standards of service, honesty and accountability.
  • Believes that its employees can help it maintain these standards.
1.2 Whilst the Local Authority is 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.

1.3 The Code of Conduct for Employees makes clear that the Local Authority expects employees who have serious concerns about aspects of its work or practices which affect the integrity of the organisation or the safety of its employees or the general public (see Paragraph 2.1 below for more detail) to come forward and voice those concerns. The Local Authority’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 the Local Authority.

1.4 The Local Authority recognises that employees may sometimes be reluctant to express their concerns because they feel that this would be disloyal to managers, employees and others in the Local Authority. 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.

1.5 This document therefore seeks to:

- Reinforce the Local Authority’s expectations that employees should raise serious concerns about wrong-doing at work.
- Provide employees with guidance on how to raise concerns.
- Provide employees with feedback on concerns raised.
- Reassure employees they will be supported and protected from victimisation or harassment.
- Inform employees how they can take matters further if they are not satisfied with the Local Authority’s response.

1.6 The Whistle-Blowing policy is not a substitute for the Local Authority’s other policies and procedures on such matters as personal grievances, bullying and harassment or health and safety. It should also not be used to raise matters relating to an employee’s own terms and conditions of service.

2 SCOPE OF WHISTLE-BLOWING POLICY

2.1 The Whistle-Blowing Policy is intended to provide for a protected disclosure of information in situations where employees have a reasonable belief that there is serious wrong-doing at work by other employees, managers, counsellors, suppliers, contractors or others acting on behalf of the Local Authority. Concerns, which should be raised, could be about acts or omissions, which have led, or could lead to, future wrong-doing within the Local Authority. These include:

- Conduct which is against the law, 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.
- Employees claiming benefits to which they are not entitled.
- Sexual, racial, physical, or other abuse of service users.
- Other cases of malpractice, negligent, unprofessional or unethical behaviour.
- Concealment of any of the above.

2.2 The Local Authority 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.
2.3 Where the Whistle-Blower raises an issue about another employee's conduct then, following an initial investigation of the matter under the Whistle-Blowing policy, the matter may, if considered appropriate, be dealt with by management, as part of an appropriate personnel procedure, e.g. the Disciplinary or Bullying and Harassment procedure.

2.4 This document does not cover school-based employees, for whom separate procedures apply.

3 SAFEGUARDS FOR EMPLOYEES

3.1 The Local Authority recognises that employees may sometimes be reluctant to raise concerns, and therefore stresses the following safeguards.

3.2 The Local Authority will support and protect employees who raise a concern about harassment/victimisation (including informal pressures). It will investigate any claims of harassment/victimisation and, depending on the outcome, may take disciplinary action against the perpetrator.

3.3 Employees should only make allegations in good faith and where there is a reasonable suspicion that serious wrong-doing has occurred, is occurring or will occur. If the Local Authority finds that an employee has made allegations maliciously or for personal advantage, it will take disciplinary action against the employee.

3.4 All reported wrong-doings will be treated in absolute confidence, with every effort made by the Local Authority not to reveal an employee's identity if they so wish. At the appropriate time, however, an employee may need to become an identified witness, particularly if it has not been possible to substantiate the allegations by other means. The implications of this and the setting up of appropriate support or protection arrangements will be carefully and sensitively discussed with the Whistle-Blower by management. However, once the Local Authority is aware of an allegation of serious wrong-doing, it will need to take appropriate action to investigate.

3.5 Employees raising concerns under the Whistle-Blowing Policy, and managers to whom allegations are disclosed, must ensure that they maximise confidentiality in all areas, including amongst service users and other employees.

3.6 Anonymous Allegations

3.6.1 Anonymous allegations are those which are unsigned and unidentifiable. All allegations will be investigated, although employees need to be aware that anonymous allegations are much less powerful and are more difficult for the Local Authority to act upon. The Whistle-Blowing Policy encourages employees to put their name to the allegation.

3.6.2 In considering anonymous allegations, the Local Authority will take the following factors into account:
   - The seriousness of the matter raised.
   - The credibility of the allegation made.
   - The likelihood of obtaining information from other sources which can confirm the allegation.

4 WHO TO CONTACT TO RAISE A CONCERN

4.1 Employees should, when raising an issue, make it clear that it is as part of the Whistle-Blowing Policy. Details should also, where possible, be provided in writing.

4.2 An employee raising an issue about serious wrong-doing under this policy should contact the Director of their department.

4.3 If:
   1. The employee considers the response of the Director is unsatisfactory or
   2. Believes that the Director is involved in or has condoned, or taken no actions on, the wrong-doing, or
3. Believes it necessary, for any good reason, to take the matter up outside their department, they should contact one of the following senior managers:
   - Head of HR and Organisational Development
   - Director of Corporate Resources
   - Monitoring Officer and Head of Legal & Democratic Services
   - Chief Executive

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

5 HOW THE LOCAL AUTHORITY WILL RESPOND

5.1 Depending upon the nature of the alleged serious wrong-doing, the Local Authority will arrange for the matter to be:
   - Investigated internally by departmental management, Internal Audit, or a senior manager from another department and/or
   - Referred to the Audit Commission or be investigated as part of an independent inquiry and/or
   - Referred to the appropriate external enforcement agency (e.g. Health and Safety Executive, Environmental Agency) or the appropriate Government Department.

5.2 Investigations will be properly planned and controlled to ensure a thorough and speedy conclusion.

5.3 In some situations the problem may be resolved without the need for a major investigation. If urgent action is required, for example to secure relevant evidence or to protect the safety of individuals, this will be taken immediately.

5.4 All cases raised under this Policy, (whether addressed to the Director (paragraph 4.2) or outside the Department (paragraph 4.3)) will be registered immediately by the manager with the Head of HR and Organisational Development, who will write to the complainant within 10 working days of the concern being raised. The letter will acknowledge receipt of the concern and indicate how the Local Authority proposes to deal with the matter.

5.5 The Head of HR and Organisational Development will monitor the situation and ensure the matter is progressed.

5.6 The Investigating Officer will provide the employee raising the concerns with initial feedback on the actions being taken, and the likely timescale, within 20 working days of the complaint being made. Thereafter, feedback will be provided on an agreed regular basis. Subject to any legal constraints, the Local Authority will inform the Whistle-Blower of the outcome of the investigation.

5.7 The Local Authority will identify an individual to provide support and advice to the employee raising the concern throughout the investigation and in any subsequent developments.

5.8 A contact/liaison officer will also be provided to any employee under investigation as part of a Whistle-Blowing complaint.

5.9 If the employee subsequently feels victimised or harassed as a result of raising a concern in accordance with this procedure, they should advise the person identified in paragraph 5.7 or anyone from the list in Paragraph 4.3.

5.10 If the employee, when informed of the management response to the complaint is dissatisfied, they may contact the Leader of the Local Authority.

6 WHAT SHOULD EMPLOYEES DO IF THEY ARE NOT SATISFIED WITH THE LOCAL AUTHORITY’S RESPONSE
Whistle Blowing Policy

6.1 The Local Authority considers that the Whistle-Blowing Policy provides effective mechanisms for employees to raise concerns internally. It establishes a range of contact managers, both in the employee’s own department and within other Local Authority departments. There is also a Responsible Officer to oversee the application of the Whistle-Blowing Policy (see paragraph 7).

6.2 If an employee is dissatisfied with the Local Authority’s response through its internal procedures, they can consider contacting an external organisation. However, the Local Authority 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** (PO Box 544, Rotherham, S60 1BY Tel No: 08708 506506).
- **Audit Commission** (Complaints and PIPA Manager, Westward House, Lime Kiln Close, Stoke Gifford, Bristol, BS34 8SR Tel No: 0845 052 2646).
- **Health and Safety Executive** (The Pithay, Bristol, BS1 2ND, Tel No: 0117 9886000).
- **CSCI** (300 Aztec West, Almondsbury, South Gloucestershire, BS32 4RG Tel No: 01454 454010)
- **Ofsted** (Freshford House, Redcliffe Way, Bristol, BS1 6NL, Tel: 08456 404040)

6.3 Employees need to be careful and take advice before making an external disclosure and they should normally have used the internal procedure first.

6.4 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 in paragraph 2.1 would be covered.

6.5 The Local Authority must, however, reserve the right to take disciplinary action against an employee where an external disclosure is made which is damaging to the Local Authority and is not protected under the terms of the Act.

7 THE RESPONSIBLE OFFICER

7.1 The Head of HR and Organisational Development is responsible for the operation of the Whistle-Blowing Policy and will ensure that it is kept under review and updated. The Policy will be subject to a formal review on a two-yearly basis.

7.2 Any employee who is dissatisfied with the application of this policy should contact the Head of HR and Organisational Development.

8 OTHER WORKERS AND SUPPLIERS

8.1 The Whistle-Blowing Policy applies to Local Authority employees and other workers, including freelance staff, temporary and agency staff, trainers, volunteers, consultants and contractors. The policy will be published to all such groups. Should such staff wish to raise a concern the procedures in this document should be followed.

8.2 The policy is also available to suppliers. They should raise any issue with the Client Officer or if not appropriate the Head of HR and Organisational Development.