



# Oveston CEVC Primary Whistle Blowing Policy

Status: Statutory

Date Reviewed: May 2010

## **Purpose:**

Oveston CEVC Primary School recognises its responsibility to ensure that all employees, volunteers and suppliers have the opportunity to express concerns about wrong-doing at work by e.g. other employees, managers, councillors, suppliers, contractors or others acting on behalf of the Local Authority (LA), other schools for this reason the school has adopted the South Gloucestershire Council Whistle Blowing Policy outlined below.

## **Consultation process:**

- Governors and Staff

## **Relationship to other policies:**

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

- Pay Policy
- Concerns and Complaints Policy
- Safeguarding Policy
- Staff Discipline, Conduct and Grievance Policy
- Child Protection Policy
- Staff Handbook

## **Introduction:**

- 1.1 The School and 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 The School and Local Authority expects employees who have serious concerns about any aspect of the School or Local Authority's work or practices to come forward and voice those concerns.
- 1.3 Whilst the School and Local Authority 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.
- 1.4 The School and Local Authority's views are 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 School and Local Authority.
- 1.5 The School and Local Authority recognise 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 School or 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.
- 1.6 The procedure described in this document therefore seeks to:-
  - Reinforce the School and Local Authority's expectations that employees should raise concerns.
  - Provide employees with internal procedures for raising concerns.
  - 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 School or Local Authority's response.

1.7 The Local Authority recognises that in the case of school based employees many decision making responsibilities are delegated to the Governing Body. This procedure, therefore, relies upon the Governing Body's commitment to support the Local Authority's principles as set out below. This will involve taking the necessary action to investigate concerns and apply relevant sanctions, including any action necessary to support individual employees who have identified concerns. Where the concerns relate to Local Authority Officers or other persons outside of the school's employment, the appropriate Local Authority procedures will be applied.

## **2. AIMS OF THE WHISTLE BLOWING PROCEDURE**

2.1 The Whistle Blowing Procedure is intended to cover situations where employees become concerned about wrong-doing at work by other school employees, governors, local Authority officers, local councillors, suppliers, contractors or others acting on behalf of the Local Authority. The concerns could be about acts or omissions, which have led, or could lead to future wrong-doing within the school or in other Local Authority activities. 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 students or colleagues
- Other cases of malpractice, negligent, unprofessional or unethical behaviour
- Concealment of any of the above

2.2 The School and 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 The Whistle Blowing Procedure should not be used for employees to raise issues or make complaints about their own employment. These should be dealt with through the Staff Discipline, Conduct and Grievance Policy or other appropriate personnel procedures.

2.4 This procedure is a modified version of that which applies to Local Authority staff who are not employed to work in locally managed schools and is intended to promote consistent rights and expectations for all employee groups.

## **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:

Protecting the Whistle Blower

3.2 The Governing Body and/or Local Authority 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.

3.3 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**

- 3.4 All reported wrong-doings will be treated in confidence, with every effort made by the Governing Body and/or Local Authority not to reveal an employee's identity if they so wish. At the appropriate time, however, an employee may need to come forward as a witness.
- 3.5 Employees raising concerns under this procedure, and any person to whom allegations are disclosed, must ensure that they maintain the necessary confidentiality towards service users, i.e. students, parents and the wider school community.

### **Anonymous Allegations**

- 3.6 This procedure encourages employees to put their name to the 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 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 Procedure. Details should also, where possible, be provided in writing.
- 4.2 In most situations an employee should raise concerns about wrong-doing with their Headteacher or an appropriate senior colleague.
- 4.3 If the response is unsatisfactory, or the employee believes that the person is involved in, or has condoned or taken no action on the wrong-doing, the employee should raise the issue with the Chair of the Governing Body.
- 4.4 If an employee, for any good reason, feels it necessary to take the matter up outside of the school the following Senior Education Service Officers can be contacted as part of the Whistle Blowing Procedure.
- Director of Department for Children and Young People ext: 01454 863253
  - Deputy Director of Department for Children and Young People (Achievement and Inclusion) ext: 01454 863255
  - Head of Resources and Performance Management ext: 01454 863264
  - Head of Schools' Personnel ext: 01454 863212
- 4.5 In exceptional circumstances the employee may wish to discuss their concern directly with a senior officer from another Local Authority Department. Appropriate contacts may include:-
- Head of Performance Management & Review ext: 01454 865425
  - Monitoring Officer and Head of Legal & Democratic Services ext: 01454 865980
  - Director of Corporate Resources ext: 01454 865001
  - Chief Executive ext: 01454 863850
- 4.6 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.

## **5. HOW THE GOVERNING BODY AND/OR LOCAL AUTHORITY WILL RESPOND**

- 5.1 Depending upon the nature of the alleged wrong-doing, the Governing Body and/or Local Authority will arrange for the matter to be:-
- Investigated internally by school management or governor representatives, internal audit, or an appropriate senior officer of the Local Authority
  - Referred to District Audit or be investigated as part of an independent inquiry and/or

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- Referred to the police, other external enforcement agency (e.g. Health and Safety Executive, Environment Agency) or the appropriate Government Department
- 5.2 Any cases raised under this procedure, which are notified to the Department for Children and Young People or other Local Authority Officers will be registered with the Responsible Officer (Head of Personnel Services), who will monitor the situation and ensure that the matter is progressed.
  - 5.3 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.
  - 5.4 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.
  - 5.5 The Governing Body and/or Local Authority will ensure that employees raising concerns receive feedback within 30 working days on the action that will be taken. Subject to any legal constraints, the employee will be informed of the outcome, or the reason for delay in any investigation.
  - 5.6 The Governing Body and/or Local Authority 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.
  - 5.7 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 they originally contacted or anyone from the list in paragraph 4.4.
  - 5.8 If the employee is dissatisfied with the outcome of the internal procedure followed they may:-
    - Notify the Director of Department for Children and Young People, if the matter has not previously been referred to the Department for Children and Young People Service.or
    - Notify the Leader of the Local Authority.

## **6. WHAT SHOULD EMPLOYEES DO IF THEY ARE NOT SATISFIED WITH THE SCHOOL OR LOCAL AUTHORITY'S RESPONSE**

- 6.1 The School and Local Authority considers that the Whistle Blowing Procedure provides effective mechanisms for employees to raise concerns internally. It establishes a range of contact persons, both our own school and within the Education Service and other Local Authority 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 Local Authority has relevant powers to act.
- 6.2 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. Employees need to be careful and take advice before making an external disclosure and they should normally have used the internal procedure first.
- 6.3 The Governing Body and/or 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 school or Local Authority and is not protected under the terms of the Act.

## **7. THE RESPONSIBLE OFFICER**

- 7.1 The Governing Body has overall responsibility for the maintenance and operation

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of the School's Whistle Blowing procedures and will ensure that it is kept under review. The Head of Personnel Services has overall responsibility for the maintenance and operation of the Local Authority's Whistle Blowing procedures and will ensure that it is kept under review.

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**Monitoring and review:**

The school will review this policy every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school.

**Dates:**

**Ratification**

Signature of Headteacher..... Date.....

Signature of Chair of Governors..... Date.....

Date the policy is to be reviewed...May 2012.....