

# Bryn Offa

## Whistleblowing Policy and Procedure : Staff Working in Schools

### 1. Introduction

- 1.1 The County Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work, to come forward and voice those concerns. Employees are often the first to realise that there may be something seriously wrong at work. However, they may not feel able to express their concerns because they believe that speaking up would be disloyal to their colleagues 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 be a justifiable suspicion of malpractice.
- 1.2 Although in the large majority of cases staff with concerns should share those concerns with their immediate manager, it is recognised that in certain cases this may not be appropriate and investigation may need to proceed on a confidential basis outside this route. This policy document makes it clear that staff can raise such concerns without fear of reprisals. This policy is intended to encourage and enable all staff to raise serious concerns **within** the Council rather than overlooking a problem or blowing the whistle outside.
- 1.3 This policy applies to principles and practices operating within the Council for staff working in schools. Like the Council's policy, it also warns against complaints made maliciously.
- 1.4 Within the County Council, the Chief Executive has overall responsibility for the maintenance and operation of this policy. He/she maintains a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and will report as necessary to the Council.
- 1.5 For staff working in schools, this policy provides a line of reporting to the Corporate Director - Education Services.

### 2. Aims and Scope of this Policy

- 2.1 This policy aims to:
  - provide avenues for staff to raise concerns and receive feedback on any action taken;
  - allows staff to take the matter further if they are dissatisfied with the response and;
  - reassures staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.
- 2.2 Concerns may arise about something that:
  - is unlawful;
  - is against the Council's Standing Orders or financial regulations;
  - falls below established standards;
  - amounts to impropriety, for example where a decision is proposed to be taken on the basis of personal friendship rather than on merit;

- places the health or safety of any person at risk.
- 2.3 Concerns in schools may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:
- deliberately ignoring the best interests of the child or young person;
  - teasing, harassing or touching a child or young person inappropriately;
  - threatening a child, young person or a parent or distressing them in some way;
  - neglecting a child by not giving them the support they need, including medical attention or care;
  - hitting or restraining a child inappropriately;
  - using a child or young person's money or possessions in an inappropriate way.
- 2.4 Procedures for dealing with allegations or concerns about child abuse already exist and each school has a named member of staff to whom such issues can be referred. There are also specific procedures for dealing with allegations of child abuse against school staff which are contained in the Personnel Handbook. The Whistleblowing Procedure supplements these arrangements.
- 2.5 Staff working in schools are reminded that the standards of conduct and behaviour expected of them are set out in the Professional Code of Conduct for Staff Working in Schools.
- 2.6 For school based staff, there are existing procedures to enable you to lodge a grievance relating to your own employment.

### 3. Safeguards

- 3.1 **Harassment or Victimisation**  
The Council recognises that the decision to report a concern can be a difficult one not least because of the fear of reprisal from those responsible for the alleged malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.
- 3.2 This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.
- 3.3 **Confidentiality**  
The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It should be appreciated that if an investigation is conducted as a result of whistleblowing, the investigation may reveal the source of the information and a statement by you may be required as part of the evidence.
- 3.4 **Anonymous Allegations**  
The Council encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Corporate Director - Education Services. In exercising discretion, the factors to be taken into account will include:
- the seriousness of the issues raised;
  - the credibility of the concern;
  - the likelihood of confirming the allegation from attributable sources.
- Allegations which do not appear to be motivated by personal animosity and which, if true, would have serious implications for the Council, are more likely to be considered, even though made anonymously.
- 3.5 **Untrue Allegations**

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 malicious or vexatious allegations, disciplinary action may be taken against you.

### 3.6 **Support to You**

Your concerns will be taken seriously and the Council will do all it can to help you throughout any investigation. If necessary, consideration may be given to the possibility of transfer to another job to ensure you are fully protected.

## 4. How to Raise a Concern

4.1 As a first step, you should normally raise concerns with your immediate manager or the head who should take action to deal with the issue. This depends, however, on the seriousness and sensitivity of the issue involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should approach the Corporate Director - Education Services. The Corporate Director - Education Services may, at her/his discretion, decide to receive a complaint made by telephone or in person at a meeting.

- If the concern is expressed in writing you should set out the background and history of the concern, giving names, dates and places (if known) when it would be helpful to do so to establish the truth of the complaint, and the reason why you are particularly concerned about the situation.

- In order to ensure the confidentiality of your expression of concern it is suggested that you send your letter/written note in a sealed envelope addressed to the Corporate Director - Education Services and clearly mark it "Strictly Private and Confidential - To be opened by the addressee only". You need not sign or give your name although, as advised in paragraph 3.4, if you do not the Corporate Director - Education Services may exercise her/his discretion not to investigate an anonymous complaint.

- It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching the Corporate Director - Education Services or to impede any investigation which he/she or anyone on her/his behalf may make.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the Corporate Director - Education Services or the officers appointed to investigate the matter, that there are sufficient grounds for your concern.

4.5 You may invite your trade union or professional association or a third party to raise a matter on your behalf.

## 5. How the Council will Respond

5.1 The action taken by the Corporate Director - Education Services will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the police;

- be referred to the external auditor;
  - form the subject of an independent enquiry.
- 5.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The Corporate Director - Education Services may designate a relevant senior officer to make the initial enquiries and to conduct any subsequent investigation. Concerns or allegations which fall within the scope of the specific procedures will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.4 The Corporate Director - Education Services or the person designated to investigate the complaint will write to you, wherever reasonably practicable, or within 10 working days of the concern being received:
- acknowledging that the concern has been received;
  - advising whether or not the matter is to be investigated further and if so what the nature of investigation will be;
  - giving an estimate of how long the LEA will take to provide a final response;
  - telling you whether any initial enquiries have been made;
  - telling you whether further investigations will take place, and if not, why not.
- 5.5 The amount of contact between the officers considering the issues and yourself 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.
- 5.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 5.7 If you should become involved in further investigations or procedures (eg disciplinary proceedings or a criminal trial) as a result of using the whistleblowing procedure, the LEA will give you every proper support and assistance. The Council is concerned to ensure that no-one using the whistleblowing procedure is disadvantaged or unfairly treated.
- 5.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.
- 5.9 If, for any good reason, you do not feel able to write to the Corporate Director - Education Services, you may raise the issue with contacts within the Chief Executives Department, including the Standards Hotline. Contact points are as follows:
- General Concerns and Fraud Graham Tart (01743) 252008
  - Illegal Activities (01743) 252002
  - Improper Payments (01743) 252008

Any concerns may also be referred to the Standards Hotline (01743) 252000.

## **6. How the Matter can be Taken Further**

6.1 This policy is intended to provide you with an avenue to raise concerns **within** the Council. The Council hopes you will be satisfied with the whistleblowing procedure as a satisfactory way of dealing with concerns. If you are not, and you feel it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor;
- relevant professional bodies who regulate organisations (including the Ombudsman);
- your solicitor;
- the police;
- Public Concern at Work.

The disclosure of confidential information would normally constitute a grave disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if you do take the matter outside the Council you need to ensure that either no confidential information is disclosed or that there are wholly exceptional circumstances which the Council would consider justified a disclosure.