

EAST RIDING OF YORKSHIRE COUNCIL

“WHISTLE-BLOWING POLICY FOR SCHOOLS WITH DELEGATED BUDGETS

1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the school (or Council). However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school 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 just be suspicion of malpractice.
- 1.2 The Governing Body, in line with the Council, is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Governing Body would wish to encourage employees and others with serious concerns about any aspect of the school or Council’s work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This Whistle-Blowing Policy is intended to **encourage** and **enable** employees to raise serious concerns within the school or the Council rather than overlooking a problem or blowing the whistle outside.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to :

- provide avenues for employees to raise concerns and receive feedback on any action taken;
- allow employees to take the matter further if they are dissatisfied with the response from the Headteacher, Governing Body or the Council; and
- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing in good faith.

2.2 There are existing procedures in place within the school to enable employees to lodge a grievance relating to their own employment. This whistle-blowing policy is intended to cover concerns that fall outside the scope of other procedures.

That concern may be about something that –

- is unlawful; or
- is against the Council’s Standing Orders, or policies and procedures adopted by the governing body; or
- falls below established standards or practice; or
- amounts to improper conduct.

2.3 Examples of malpractice in this context may include concerns about possible corruption, financial irregularities, dangerous procedures risking health and safety, abuse of pupils, evasion of statutory responsibilities, safeguarding issues. The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

3 SAFEGUARDS

Harassment or Victimisation

- 3.1 The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the malpractice. The Governing Body will not tolerate harassment or victimisation and will take action to protect employees when they raise a concern in good faith.
- 3.2 This does not mean that if employees are already subject to disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistle-blowing.

Confidentiality

- 3.3 The Governing Body will do its best to protect an employees identity when he/she raises a concern and does not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence.

Anonymous Allegations

- 3.4 This policy encourages an employee to put their name to an allegation. Concerns expressed anonymously are much less capable of being actioned effectively, but they will be considered at the discretion of the Governing Body.
- 3.5 In exercising the discretion, the factors to be taken into account would include :-
- the seriousness of the issue raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

Untrue Allegation

- 3.6 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against him/her.
- 3.7 If an employee makes malicious or vexatious allegations, disciplinary action will be taken against him/her.

4. HOW TO RAISE A CONCERN

- 4.1 This will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

4.2 Concerns should be raised with one of the following :-

- (a) the Executive Headteacher;
- (b) the Chair of Governors;
- (c) the Director of Education, Leisure and Libraries;
- (d) Principal Auditor, Internal Audit Section;
- (e) Public Concerns at Work (Tel: 0171 404 6609), an independent charity which provides free advice for employees who wish to express concerns about fraud and other serious malpractice;
- (f) if the concern is about the Executive Headteacher then members of staff should approach the Chair of Governors.

4.3 Concerns are better raised in writing. Employees are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If employees do not feel able to put their concerns in writing, they can telephone the Principal Auditor, Internal Audit Section, or leave a recorded message on the 24 hour Internal Audit answerphone (Tel: 01482 883666). This service is strictly confidential and employees will not be asked to give their names if they do not wish to do so.

4.4 The earlier a concern is expressed, the easier it is to take positive action to resolve those issues.

4.5 Although employees are not expected to prove the truth of the allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their concern.

4.6 Advice and guidance on how matters of concern may be pursued can be obtained from :-

- the Headteacher or Chair of Governors;
- the Internal Audit Section;
- Trade Union or Professional Association.

4.7 Employees may invite their trade union or professional association representative to raise the matter on their behalf.

5. HOW THE GOVERNING BODY WILL RESPOND

5.1 The action taken by the governing body will depend on the nature of the concern. The matters raised may :-

- be investigated internally;
- be referred to the Director of Children, Family and Adult Services;
- be referred to the external Auditor; or
- form the subject of an independent inquiry.

5.2 In order to protect individuals and the Governing Body, 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 discrimination issues) 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 Within ten working days of a concern being received, the Headteacher or Chair of Governors will write to the employee raising the concern :-
- 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 the employee whether any initial enquiries have been made; and
 - telling the employee whether further investigations will take place and, if not, why not.
- 5.5 The amount of contact between those considering the issues and the employees raising the concerns 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.
- 5.6 When any meeting is arranged, the employee will have the right, if they so wish, to be accompanied by a representative of their trade union or professional association, or a friend who is not involved in the area of work to which the concern relates.
- 5.7 The Governing Body will take steps to minimise any difficulties which the employee may experience as a result of raising the concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedures.
- 5.8 The Governing Body accepts that employees will need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the employee will receive information about the outcomes of any investigations.

6. HOW THE MATTER CAN BE TAKEN FURTHER

- 6.1 This policy is intended to provide employees with an avenue to raise concerns with the Council. The Council hopes they will be satisfied. If they are not, and feel it is right to take the matter outside the Council, the following are possible contact points :-
- your local Council Member (if you live in the area of the Council);
 - the external Auditor;
 - relevant professional bodies or regulatory organisations;
 - your solicitor;
 - the Police;
 - Public Concern at Work; or
 - Trade Union or Professional Association.
- 6.2 If employees do take the matter outside the Council, they need to ensure that they do not disclose confidential information, or that disclosure would be privileged.

