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**Whistleblowing Policy**

Autumn 2016

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## **MODEL WHISTLEBLOWING POLICY FOR SCHOOL BASED STAFF**

**Adopted by *Fieldhead Carr* Governing Body on 23<sup>rd</sup> September  
2014**

**To be reviewed by Governors when notified by the LEA of any  
additional changes**

**September 2014**

**N.B. references to `employer` assume the following:**

- Aided schools – employer = the Governing Body**
- Maintained schools – employer = the Governing Body/Leeds City Council**

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## **1. Policy Summary and Guiding Principles**

### Introduction

- 1.1 As an employee of a school, you may be the first to realise that there may be something seriously wrong within the organisation. However, you may not express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.
- 1.2 The Governors of the school are committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees, who have serious concerns about any aspect of the school's work, to come forward and voice those concerns.
- 1.3 It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff of the school, to raise serious concerns within the school rather than overlooking a problem or discussing it externally.
- 1.4 In addition, the policy provides a means for you to raise a concern under the Public Interest Disclosure Act 1998, which provides you with a certain level of legal protection if you wish to raise legitimate concerns.

### Aims and Scope of the Policy

- 1.5 Aims
  - provide avenues for you to raise concerns and receive feedback on any action taken
  - allows you to take the matter further if you are dissatisfied with the school's response and
  - reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.
- 1.6 There are existing procedures in place to enable you to lodge a grievance relating to your own employment with the school. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures, although the school reserves the right to determine which procedure is appropriate.
- 1.7 Concerns to be reported under this policy may relate to something that:
  - is unlawful;
  - is against the school's Contract Procedure Rules, Financial Procedure Rules or other policies;

- falls below established standards or practice; or
- amounts to improper conduct

### **Safeguards**

#### Harassment or Victimisation

- 1.8 The school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The school will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. This does not necessarily mean that if you are already the subject of procedures such as disciplinary, improving performance, grievance or managing attendance, that those procedures will be halted as a result of your whistleblowing.
- 1.9 Where feasible, you will be contacted when your concern has been investigated to ascertain whether you have suffered any detriment as a result of your whistleblowing. If at any time, either during or after the investigation, you feel that you have suffered any detriment as a result of your whistleblowing you should contact your union, the Head Teacher or the Chair of the Governing Body.

#### Confidentiality

- 1.10 The school treats the details of all whistleblowers in confidence and will do its best not to divulge your identity. However, it must be appreciated that the investigation process may reveal the source of the information without us revealing your identity directly, and a statement by you may be required as part of the evidence.

#### Anonymous Allegations

- 1.11 Allegations can be made anonymously. However, this policy encourages you to put your name to your allegation, as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the details you have already given us.
- 1.12 Anonymous allegations will be considered wherever possible at the discretion of the school. The factors to be taken into account when determining whether an investigation in such a case can proceed would include:
- the seriousness of the issues raised
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from other, attributable sources

#### Untrue Allegations

- 1.13 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, appropriate action may be taken against you.

## **2. Main legislative and National Guidance and other relevant documents**

Public Interest Disclosure Act 1998  
Data Protection Act (1998)  
Freedom of Information Act (2000)  
Employment legislation  
Employment policies

## **3. Procedures**

### How to Raise a Concern

- 3.1 The earlier you express the concern, the easier it is to take action.
- 3.2 As a first step, you should normally raise concerns with your immediate manager or other appropriate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should contact the Head Teacher, the Governing Body or Leeds City Council.
- 3.3 The HR Schools Team at Leeds City Council can give advice and guidance on how matters of concern can be pursued.
- 3.4 You may invite your trade union or professional association to raise a matter on your behalf.
- 3.5 Concerns can be raised by the following methods. All referrals made will be treated in the strictest of confidence.
- Your manager
  - Head Teacher
  - Chair of Governing Body
  - Leeds City Council HR Schools Team
- 3.6 Although you are not expected to prove an allegation, you will need to demonstrate that there are sufficient grounds for your concern.

If you are concerned about reporting an issue within school or Leeds City Council you may wish to seek advice from Leeds City Council's Internal Audit Division of the Resources Directorate. They can be contacted on (0113) 247 4645 [this number relates to the dedicated whistleblowing hotline which will be answered by a member of the Internal Audit team or an answer phone] alternatively email [concerns@leeds.gov.uk](mailto:concerns@leeds.gov.uk)

3.7 There are special rules surrounding the gathering of evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may adversely affect the outcome of the case as evidence has to be collected in accordance with current legislation. This is of particular importance in regard to surveillance. If you are at all unsure about the gathering of evidence, advice is available from the HR Schools Team, Health and Safety Team, Finance Team and/or the Child Protection Team at Leeds City Council.

3.8 Concerns are best raised in writing. The sort of information required to investigate an allegation are details of the background and history to the case, names, dates, places and, where possible, the reason why you are particularly concerned.

#### How the School Will Respond

3.9 The action taken by the school will depend on the nature of the concern. The matters raised may:

- be investigated internally, (this is the most likely option)
- be referred to the Police
- be referred to the external auditor
- form the subject of an independent inquiry
- or any combination of the above

3.10 In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

3.11 Some concerns may be resolved by agreed action without the need for investigation.

3.12 Within ten working days of a concern being received, where appropriate, the school will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter (including potential timescales)
- telling you whether any initial enquiries have been made; and

- telling you whether further investigations will take place and, if not, why not.
- 3.13 The amount of contact between the person(s) 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.
- 3.14 When any meeting is arranged, you have the right, if you wish, to be accompanied by a Union or professional association representative or a colleague who is not involved in the area of work to which the concern relates.
- 3.15 The school will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the school will advise you about the procedure.
- 3.16 The school acknowledges the need to provide you with assurance that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the extent and outcomes of any investigations.

#### How the Matter can be Taken Further

- 3.17 This policy is intended to provide you with an avenue to raise concerns within the organisation. The school hopes you will be satisfied. If you are not, and if you feel it is right to take the matter further, the following are possible contact points.
- Relevant professional bodies or regulatory organisations
  - Your union
  - The Health and Safety Executive (HSE)
  - The Information Commissioner
  - Leeds City Council
  - Your solicitor
  - The Police
  - Public Concern at Work 020 7404 6609 [www.pcaw.org.uk](http://www.pcaw.org.uk)  
(independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice)
  - The Department for Business, Enterprise and Regulatory Reform  
([www.berr.gov.uk](http://www.berr.gov.uk))
- 3.18 If you do take the matter outside the school, you will need to ensure that you do not disclose confidential information or that disclosure would be privileged. If you have any queries as to what constitutes confidential information, please check with the LCC HR Schools Team about this.



### Support for whistleblowers

- 3.19 Everything possible will be done to manage employment relationships following a genuine and reasonable concern being raised.

## **4. Roles and Responsibilities**

### The school Governing Body/Leeds City Council

The school Governing Body has overall responsibility for:

- maintaining and operating the policy
- annual review of the policy
- annual report on the effectiveness of the policy
- approving amendments to the policy
- promoting the policy periodically
- maintaining a record of concerns raised and the outcomes (but in a form that does not endanger your confidentiality) and will report as necessary to the Leeds City Council HR Schools Team.

### Leeds City Council

To provide advice and support for whistleblowing matters.

### Managers/Leaders

To undertake investigations without undue delay.

To maintain confidentiality.

### Employees

To raise issues of concern responsibly.

### Others

As an employee of a contractor of the school or a partner organisation, it is recognised that in some cases, you may have concerns which you may want to bring to our attention. The school is committed to encouraging all individuals, including non-school employees to raise serious concerns with the organisation. Whilst we would seek always to protect the anonymity of individuals raising concerns in good faith, the Whistleblowing Policy does not protect employees of external organisations in the same way as school employees.

## **5. Equality Impact Assessment**

The equality impact assessment of this policy is wholly positive as the policy supports the opportunity to address equality and diversity issues.

## **6. Further guidance and information**

Further guidance and information to support the implementation of this policy is available in a separate document published by the LCC HR Schools Team.