Devon County Council

Ladysmith Federation

Whistleblowing Policy
(For Local Authority Maintained Schools only)

Policy Date: January 2016

Version Date: January 2016

For further advice and guidance in relation to this policy, please contact HR ONE at hrdirect@devon.gov.uk or on 01392 385555.

This policy was adopted by the Governing Body of

…… School/College

On……..

Note: This policy should be made easily accessible to all staff. Ensure all staff are aware of where this policy is available. It is recommended that a copy is placed on the school's website.

This policy is subject to copyright.

CONTENTS

POLICY AND PRINCIPLES	
1.0 Introduction	3
2.0 Aims and Scope of this Policy	3
3.0 Safeguards	4
3.1 Harassment and Victimisation	4
3.2 Confidentiality	4
3.3 Anonymous Allegations	4
3.4 Untrue Allegations	5
PROCEDURE	
4.0 How to Raise a Concern	5
5.0 How the School/College will respond	6
6.0 The Monitoring Officer - only applicable to employees in maintained schools	7
7.0 Detriment	7
8.0 How the matter can be taken further	8
GENERAL INFORMATION	
9.0 Consultation	8
10.0 Costs	8
POLICY HISTORY	9

1.0 Introduction

1.1 The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the work place. The policy set out in this document applies those statutory provisions to the ***Ladysmith Federation***

1.2 Employees are often the first to realise that something wrong may be happening within the school. However, they may feel unable to express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the school or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

1.3 ***Ladysmith Federation*** is committed to doing things right with the highest possible standards of openness and accountability as is shown in the school's Code of Conduct which is available at ***Ladysmith Federation***. In line with that commitment it encourages employees and others with serious concerns about any aspect of the school's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that employees can do so without fear of reprisal and is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or publicly disclosing the matter.

1.4 This policy has been discussed with the relevant trade unions and professional organisations and has their support. Seeking advice from, and being represented by, your trade union may be the best course of action to raise any issue under this policy. The school recognises and endorses the role which trade unions and their officers play in this process.

2.0 Aims and Scope of this Policy

2.1 This policy aims to:

- provide avenues for employees ('you') to raise concerns
- provide mechanisms for you to receive updates and feedback on any action taken
- provide a mechanism for you to receive a written response detailing the outcome of the process.

2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the school. Nor is it an alternative to well-established disciplinary or grievance procedures. It may, however, overlap with other polices for dealing with complaints.

Concerns raised under the Whistleblowing Policy should be about something that is in the public interest and is or may be:

- unlawful or a criminal offence;
- a breach of legal obligation (but not a personal contractual breach unless such breach involves a matter of public interest);
- a miscarriage of justice;
- mistreatment or abuse of a pupil/student or a member of the public for whom the school has a responsibility;
- in disregard of legislation governing health and safety at work;
- seeking undue favour over a contractual matter or a job application; or against the a School's Financial Regulations;
- has led to or could lead to a damage to the environment;
- deliberately covers up information tending to show any of the above.

3.0 Safeguards

3.1 Harassment or Victimisation

Ladysmith Federation 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 take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you. If allegations of malpractice arise during a disciplinary those allegations will be investigated at the same time as the disciplinary procedure.

3.2 Confidentiality

All concerns will be treated in confidence and the school will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

3.3 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the school against the following criteria;

- the seriousness of the issues raised
- the likelihood of confirming the allegation from attributable sources
- the schools' best interests
- the protection of the school's assets.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concerns anonymously, this may best be done through your trade union.

3.4 Untrue Allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

PROCEDURE

4.0 How to Raise a Concern

4.1 Initially, you should raise your concerns by discussing the matter with the Headteacher. If you are a member of a Trade Union or Professional Association you may consider it useful to contact them for advice at the earliest opportunity.

If the concerns involve the Headteacher or it is not appropriate due to the nature of your concerns you should initially raise the concerns with the Chair of Governors or Vice Chair of Governors.

If you are employed within a voluntary controlled or community school and the concern relates to the Governing Body you can raise this with the Local Authority either via the Head of Education and Learning or the County Solicitor (who is the Monitoring Officer – detail on the role of the Monitoring Officer can be found at 6.0).

The individual receiving the concern will be referred to as the 'lead officer' throughout the remainder of the policy.

The lead offer will then liaise accordingly to ensure that the concern is properly investigated. If the allegations arise from a disciplinary matter, they will be investigated as part of the disciplinary investigation.

4.2 Alternatively, if you feel you cannot express your concerns as detailed above, you can raise your concern(s) externally to one of the bodies listed on the 'List of prescribed persons and bodies'.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf

4.3 Where the concern relates to a child protection matter and you do not wish to raise it via the school, you should inform the Local Authority Designated Officer for Safeguarding (via email at ladosecure-mailbox@devon.gsx.gov.uk or on 01392 384964). If the concern requires Police or other agency/authority involvement, the whistleblowing process will be halted until the relevant agencies

have completed any necessary investigations and confirmed that it is appropriate to continue with the Whistleblowing procedure.

4.4 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood.

4.5 A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative (see paragraph 4.7) to give you an opportunity to agree this as a correct record.

4.6 Although you are not expected to prove the truth of your allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.7 You may wish to seek advice from your trade union representative on how best to raise your concern. Where you wish to raise your concern anonymously this may be done through your trade union.

5.0 How the school will respond

5.1 The action taken by the school will depend on the nature of the concern. After initial enquiries to assess the seriousness, the matters raised may;

- Be investigated by the school leadership, internal audit or through the disciplinary process
- Be referred to the Police
- Be referred to external auditors
- Need to be the subject of a referral to the National College for Teaching and Leadership
- Form the subject of an independent enquiry

5.2 If urgent action is required in response to a concern this may be taken before a full investigation is conducted.

5.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person(s) under investigation being aware of the process.

5.4 In any event within five working days of a concern being received, the school will write to you at your home address to:

- acknowledge that the concern has been received
- indicate how it proposes to deal with the matter
- give an estimate of how long it will take to provide a final response
- tell you whether any initial enquiries have been made, and

- tell you whether further investigation will take place, and if not, why not
- where appropriate, name an independent Support Officer to support you during any investigation.

5.5 Following discussion with you, where it is felt appropriate to appoint a Support Officer, that person will make contact with you, deal with all confidentiality issues, agree frequency of contract and explain their role to you, which is to:

- keep you informed about the progress of the investigation
- inform the Investigating Officer of any further issues you may have
- raise any concerns you may have about the conduct of the investigation
- take appropriate steps to support you in the workplace
- support you if you are required to give evidence at any criminal or disciplinary proceedings that arise from your concern.

5.6 If you wish to retain your anonymity you will need to nominate a representative and/or a contact address where correspondence may be directed in order to keep you informed.

5.7 The amount of contact between Investigating Officers 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.

5.8 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 need not be associated with the school).

5.9 The school accepts that you need to be assured that the matter has been properly addressed. Accordingly, subject to legal and/or confidentiality constraints, the Headteacher (Chair/Vice Chair of Governors/Lead Officer) will ensure that you are provided with information about the outcome of any investigations and/or proceedings.

6.0 The Monitoring Officer – only applicable to staff employed in voluntary controlled and community schools

6.1 The Monitoring Officer is a statutory appointment under the provisions of section 5 of the Local Government and Housing Act 1989. They have overall responsibility for the maintenance and operation of this policy. The monitoring officer ensures that a central record is kept in such a way as to not jeopardise your confidentiality and it is their duty to ensure that the County Council acts lawfully.

6.2 The Monitoring Officer will ensure that;

- a record of all concerns raised under this policy is maintained
- the outcomes of any investigations are communicated to you by the Lead Officer

- the outcome is reported to the Council as necessary

At the end of the process it is important that the lead officer provides all information about the investigation to the Monitoring Officer.

7.0 Detriment

7.1 The school is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

8.0 How the matter can be taken further

8.1 This policy is intended to provide you with a way to raise concerns within the school. The school hopes you will be satisfied by its response. If you are not you may wish to raise the matter with one of the following possible contact points;

- the local authority
- a diocesan authority (for Church schools)
- relevant professional bodies or regulatory organisations
- your trade union or professional association
- your solicitor or legal adviser
- the Police
- the Local Government Ombudsman
- the Health and Safety Executive
- 'Public Concern at Work' – Registered Charity

GENERAL INFORMATION

9.0 Consultation

This policy is provided following consultation with trade unions/professional associations and will apply to all employees. This policy is also for the Governing Body to consider for adoption. Should the Governing Body wish to make changes to this Policy, the required consultation must be undertaken with the County Officers of the recognised trade unions/professional associations.

This policy supersedes all previous whistleblowing policies.

10.0 Costs

The Financial Intervention Panel for Schools (FIPS) has determined the conditions and circumstances for meeting the costs of defending tribunal claims.

POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
	New Policy Date of consultation with recognised Trade Unions – 2015	HR ONE		