



## BLYTON CUM LAUGHTON CE PRIMARY SCHOOL

### WHISTLEBLOWING POLICY

Whistleblowing Champion:  
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Monitoring responsibility	K Duke (Headteacher)
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Head teacher's signature	
Chair of Governor's signature	
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## **CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY**

### **PREAMBLE**

The Public Interest Disclosure Act ("the Act") came into force on 2 July 1999. The Act encourages people to raise concerns about malpractice in the workplace by protecting whistleblowers from dismissal or victimisation where they raise genuine concerns about crime, civil offences, miscarriages of justice, dangers to health and safety or the environment or to cover up any of these.

Someone blows the whistle when they tell their employer, a regulator, customers, the police or the media about a dangerous or illegal activity that they are aware of through their work.

Whistleblowing can inform those who need to know about health and safety risks, potential environmental problems, fraud, corruption, deficiencies in the care of vulnerable people, cover-ups and many other problems.

Whistleblowing reports can be made in verbal, written or anonymous form. Often it is only through whistleblowing that this information comes to light and can be addressed before real damage is done.

This policy covers any disclosure of concerns which would be qualifying disclosures under the Act, namely:-

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged or
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

### **INTRODUCTION**

1. Employees, members and those working for or closely with the school, are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school itself. They may also fear harassment or victimisation. In these circumstances they may feel that it might be easier to ignore the concern rather than to report what may just be a suspicion of malpractice.
2. The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, members and others with whom we deal, who have

concerns about any aspect of the school's work to come forward and voice those concerns. Most cases will proceed on a confidential basis.

3. This Confidential Reporting (Whistleblowing) Policy makes it clear that employees, members and others can state their concerns without fear of victimisation, subsequent discrimination or disadvantage. It's aim is to encourage and enable employees, members and others to raise concerns within the school, rather than to overlook a problem or take it outside.

## **APPLICATION**

4. The Policy applies to all employees and members and those contractors working for the Governing Body on school premises, for example, agency staff. It also covers suppliers and those providing services under a contract with the school in their own premises and volunteers.

## **AIMS OF THE POLICY**

5. The policy aims to:

- Encourage individuals to feel confident in raising concerns and to question and act upon concerns.
- Provide avenues for individuals to raise those concerns and receive feedback on any action taken.
- Ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
- Reassure employees, members and others to whom the policy applies that they will be protected from possible reprisals or victimisation if they have a reasonable suspicion that malpractice is occurring, has occurred or is likely to occur and make a disclosure about it in good faith.

## **ROLE OF MONITORING OFFICER**

6. Section 5 of the Local Government and Housing act 1989, defines the duties of the Monitoring Officer, who, in the case of the school would be the Chair of Governors.

"It shall be the duty of a relevant authority's monitoring officer, if it at any time appears to him that any proposal, decision or omission, by the school, by any committee, sub-committee or officer of the school or by any such joint committee on which the school are represented constitutes, has given rise to or is likely to or would give rise to:-

- A contravention by the authority, by any committee, sub-committee or officer of the authority or by any such joint committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment: or
- Any such maladministration or injustice as is mentioned in Part 111 of the Local Government Act 1974 (Local Commissioners)...

To prepare a report to the Local Authority / Governing Body with respect to that proposal, decision or omission.”

### **RESPONSIBILITY OF GOVERNORS**

7. Governing Bodies are responsible for ensuring that managers in their service areas, who are involved in drawing up contracts, liaising with suppliers and other providers of services and dealing with service provision (see paragraph 4, above) make those groups aware of the existence of this Policy and the accompanying procedure.

### **OTHER REPORTING PROCEDURES**

8. This policy and the supporting procedure, are in addition to the procedures adopted by the Standards Board for England, the Council’s Standards Committee and other statutory reporting procedures applying to some service areas.

### **TRADE UNION AGREEMENT**

9. This policy has been discussed with the relevant trade unions and has their support.

### **THE RESPONSIBLE OFFICER**

10. The Chair of Governors, who is also Monitoring Officer for the school (see paragraph 6 of the policy), has an overall responsibility for the maintenance and operation of this policy. The Headteacher or when appropriate the LA will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality).

## **CONFIDENTIAL REPORTING (WHISTLEBLOWERS) PROCEDURE**

### **HOW TO RAISE A CONCERN**

1. You may raise a concern verbally or in writing by contacting the Headteacher or Chair of Governors. If the issue concerns management then the concern can be raised with:
  - Lincolnshire County Council, PO Box 640, Lincoln LN1 1WF. Mail delivered through this route will only be opened by the person responsible for taking action under the scheme. This is the Council's Head of Internal Audit who will ensure all matters are dealt with independently or confidentially.
  - Send an email to Concern Hot [Line@Lincolnshire.gov.uk](mailto:Line@Lincolnshire.gov.uk)
  - Telephone 0800-0853716 (staffed Mon-Fri 8.30-5.00 or answer phone out of hours)
2. When reporting your concern you should describe:
  - The background and history of the concern giving relevant dates, and
  - The reason why you are particularly concerned about the situation.

### **INITIAL ENQUIRIES**

3. In order to protect individuals and those accused of wrongdoing or possible malpractice, initial and, wherever possible, discreet enquiries will be made, by the receiving officer (the officer receiving the report). He / She will then liaise, through the relevant manager, who, if the issue is within his / her service area, will decide whether an investigation is appropriate and if so, what form it will take. If the issue falls within the jurisdiction of another service area, the Head of Service will liaise with the appropriate Head of Service, who will decide on the action required.

### **HOW THE SCHOOL WILL RESPOND**

4. You should be aware that further enquiries may be made, possibly leading to a formal investigation, but this does not indicate that your concern has been either accepted or rejected. The school will take an objective and fair view throughout the process.

Within a maximum of five working days of a concern being raised, the receiving officer will write to you:

- Acknowledge that the concern has been received
- Indicating how the school proposes to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any initial enquiries have been made
- Supplying you with information on available support, where appropriate, and

- Telling you whether further investigation will take place and if not, why not.

Following this, the amount of contact between the officers 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, the officers considering the matter will seek further information from you.

5. Where appropriate, following initial enquiries, the matters raised may:

- Be investigated further by management (including through the disciplinary process) and/or internal audit.
- Be investigated further by the Monitoring Officer
- Be referred to the police
- Be referred to the district auditor
- Be referred to an independent outside agency, specially appointed to carry out investigations. Arrangements will be made as required, depending upon the nature and circumstances of the case
- Form the subject of an independent inquiry by an appropriate body, depending upon the nature and circumstances of the case
- Be referred to the relevant Standards Board,

## **REPRESENTATION AND ADVICE AT MEETINGS**

6. During any meetings/interviews which you attend in connection with the concerns you have raised, you have the right to be accompanied by a trade union representative or work colleague, if you so wish. The attendance of any representative or witness who is an employee of the school will require the prior approval of his/her supervisor for absence during his/her normal working hours.
7. The school will take steps to minimise any difficulties which 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 arrange for you to receive advice about the procedure.

## **OTHER OFFICERS TO BE INFORMED**

8. The receiving officer will be responsible for informing other officers within a maximum of 5 working days or sooner, if stated below, as follows:
  - The Chair of Governors immediately
  - In the case of financial concerns, the Chief of Financial Officer
  - In the case of concerns raised in relation to children, the Director of Children and Young People's Services should be informed as it may be necessary to inform the Department for Children, Schools and Families, depending on the circumstances and the nature of the alleged malpractice.

Some concerns may, with the consent of the Chair of Governors, be resolved by agreed action without the need for a detailed investigation.

9. If urgent action is required, this will, wherever possible, be taken with the agreement of the Chair of Governors by the Head teacher before any formal investigation is conducted

## **NOTIFICATION OF THE OUTCOME**

10. The school accepts that you need to be assured that the matter has been properly addressed. You will, therefore, be informed of the outcome of any investigation by the Headteacher / Chair of Governors receiving officer.

## **HOW THE MATTER CAN BE TAKEN FURTHER**

11. This procedure is intended to provide you with an avenue within the school to raise concerns. The school hopes you will be satisfied with any action taken. If you are not, or if you feel it is right to take the matter outside the school, the following are possible contact points:

- Citizens Advice Bureau
- The District Auditor
- The Audit Commission's hotline
- Public Concern at Work
- Your Trade Union
- Relevant Professional bodies, of which you may be a member, such as the Institute of Personnel and Development
- Relevant regulatory organisations, such as the Health and Safety Executive, where, for example, the issue involves a health and safety matter

12. If you report the matter outside the school, you should ensure that you are not disclosing confidential information or breaking the Data Protection Act. You should check with the Chief Legal Officer or those named above prior to making your report, if you are in any doubt.

## **CONFIDENTIAL REPORTING (WHISTLEBLOWING) PROCEDURE**

### **PLEASE READ THE FOLLOWING IN CONJUNCTION WITH THE WHISTLEBLOWING PROCEDURE**

#### **PERSON MAKING THE REPORT**

1. Contact the Headteacher / Chair of Governors or one of the Council's receiving Officers stating:
  - The background and history of the concern giving relevant dates and

- The reason why you are particularly concerned about the situation
2. The school will respond to your concerns and the matter may, following initial enquiries, need further investigation, or it may need referring to other agencies, depending on the circumstances. If any urgent action is required, this will, wherever possible, with the agreement of the Chair of Governors be taken by the Headteacher before any investigation is undertaken.
  3. You may be asked to attend meetings with school representatives, aimed at seeking further information and clarification. During any meetings, you have the right to be accompanied by a trade union representative or work colleague.
  4. The procedure gives a list of people from whom you may obtain advice and guidance.
  5. Employees may also wish to contact the Occupational Health Unit if welfare and counselling support is required
  6. You will be informed of the outcome of any investigations, as soon as possible by the Chair of Governors.

## **CONFIDENTIAL REPORTING (WHISTLEBLOWERS) PROCEEDURE ACTION BY HEADTEACHER / CHAIR OF GOVERNORS**

### **WHISTLEBLOWER'S REPORT RECEIVED**

Is it Verbal, Written or Anonymous?

#### **VERBAL**

Ask whistleblower to  
Give details of the  
Concern and reasons  
Why they are  
particularly concerned

#### **WRITTEN**

Acknowledge  
receipt in writing  
within 5 working  
days

#### **ANONYMOUS**

Record details of  
concerns

#### **Inform Relevant Officers – as follows:**

- \*Relevant Head of Service
- \*The Chief Financial Officer (in case of financial concerns)
- \*The Director of Adult Social Services (in case of concerns related to statutory duties e.g. abuse of vulnerable adults)
- \*The Director of Children and Young People's Services (in case of concerns relating to children and young people)
- \*The Monitoring Officer



**Make Initial Enquiries**

\*Liaise with relevant Head of Services to determine appropriate course of action.

**Investigate Further**

\*Where appropriate and consider referral to others e.g. internal audit, police, etc.

**Inform Whistleblower of Outcome (in writing)**

Send copy of all paperwork to Scrutiny Co-ordinator for monitoring purposes.