



WHISTLE-BLOWING POLICY

February 2016 (Updated)

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WHISTLE-BLOWING POLICY

1.0 INTRODUCTION

- 1.1 Employees 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 organisation. 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 a suspicion of malpractice.
- 1.2 Whistle-blowing is the term used when someone who works within or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.
- 1.3 The school is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, elected members and contractors who have serious concerns about any aspect to come forward and voice those concerns.
- 1.4 This policy sets out the ways in which individuals may raise concerns that they have and explains how those concerns will be dealt with. It also gives protection to the person raising concerns.
- 1.5 The policy applies to all employees and those contractors working for the school on school premises, for example, agency staff, builders, drivers.
- 1.6 This policy has been developed taking into account:
 - The Public Interest Disclosure Act 1998, which protects whistle-blowers who report concerns, from subsequent harassment, victimisation and other unfair treatment arising out of the disclosure. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over, or raise concern about, health and safety at work.
 - The sections of the Enterprise and Regulatory Reform Act 2013 relating to protected disclosures.
- 1.7 This policy has been discussed with the relevant trade unions and has their support.

2.0 AIMS OF THIS POLICY

2.1 This policy aims to:

- encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about practice and procedures;

- 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 are aware of how to pursue them if not satisfied;
- reassure individuals that they will be protected from possible reprisals or victimisation from those working within or for the school if they have a reasonable belief that they have made any disclosure in good faith.

2.2 The Policy of Conduct for Local Government Employees states that

"Employees will be expected through agreed procedures and without fear of recrimination to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure."

2.3 This policy supports that statement.

3.0 SCOPE OF THIS POLICY

3.1 It is important to know the difference between a 'Whistle-blow' and a 'grievance.' A Whistle-blow has a public interest aspect to it, as it puts at risk others. A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the Grievance Policy, not this policy.

3.2 This policy is not a substitute for and does not replace other relevant policies within the school. Where the concerns raised relate to a breach of one of those policies they will be investigated under that policy. This policy is not intended to be used where other more appropriate procedures are available, for example:

- Disciplinary Procedure
- Child and Adult Safeguarding Policies and Procedures
- Grievance Procedure
- Single Equalities Scheme

3.3 This policy supports the Council's Anti-Fraud and Anti-Corruption Strategy and the Fraud Response Plan. It is intended to help anyone working within or for the Council, if they have major concerns over any wrong-doing within the organisation, to raise concerns internally rather than overlooking the problem or blowing the whistle externally unless the whistle blower feels that is the most appropriate way. However, the Council will support you in raising a matter externally if you feel this is the best course of action.

3.4 Specific examples of concerns that could be raised under this policy, if a reasonable belief that one or more of them may have occurred, could include:

- Concerns relating to matters covered by internal school policies and procedures, such as;

- Actions or behaviour that make you feel uncomfortable in terms of falling below established standards of practice or which amount to improper conduct
- Damage to the environment;
- Dangerous procedures or practices risking health and safety, including risks to the public, service users and to other employees;
- Other unethical conduct;

Concerns relating to matters that may, following investigation, need to be dealt with under policies and procedures external to the school, such as;

- Conduct which is a criminal offence or a breach of the law;
- Disclosures related to miscarriages of justice;
- The unauthorised use of public funds;
- Fraud and corruption;
- Sexual or physical abuse of service users;
- Other unethical conduct;

- 3.5 These are known as qualifying disclosures under the Public Interest Disclosure Act 1998
- 3.6 This list is not meant to be exhaustive but gives examples of potential malpractice. The overriding concern should be that it is in the public interest for the potential malpractice to be corrected and sanctions taken if need be
- 3.7 This policy will be referenced where relevant and made available for inspection and use as part of the awarding of any Council contracts.

4. 0 SAFEGUARDS AND PROTECTION

- 4.1 The school recognises that the decision to report a concern can be a difficult one to make. The school will not tolerate any harassment, victimisation (including informal pressures), disadvantage, detrimental action or deliberate failure to act. The school will take appropriate action to protect you when you raise a concern which you have a reasonable belief to be in the public interest and has disciplinary policies, including those on Harassment & Bullying at Work, which are designed to protect Whistle-blowers from all forms of harassment in the workplace.
- 4.2 Any investigation into allegations of potential malpractice will normally not be interrupted by any employment procedures that may already be underway. It is not the school's intention to delay action taken under the disciplinary or other policies, pending the completion of investigations taken in accordance with this policy, unless the school considers that the merits of a particular case warrant this, or unless the matter becomes a police matter which prevent further internal processes.

- 4.3 In all cases, the provisions of The Public Interest Disclosure Act (PIDA) will be adhered to. However, the Enterprise & Regulatory Reform Act (ERRA) introduces a Public Interest test requirement on Whistle-blowers. In order to receive the protection of PIDA, whistle-blowers will be required to show that they reasonably believed that the disclosure they are making is in the Public Interest. This should be done through the evidence they present when raising their concern. The procedure for making allegations is set out in Section 7 of this policy. Further information on the ERRA can be found at www.legislation.gov.uk
- 4.4 If you make an allegation that you reasonably believe to be in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If it is found, however, during the investigation that an allegation has been made vexatiously, maliciously or for personal gain, disciplinary action may be taken against you.
- 4.5 As a whistle blower you are also given legal protection by the Public Interest Disclosure Act 1998. If you make what is known as a "qualifying disclosure" under the 1998 Act to your employer or certain other persons/bodies, and you act reasonably and in the public interest, it will be unlawful to subject you to any detriment.
- 4.6 If your case progresses to an Employment Tribunal, compensation may be awarded to you if the Council breaches the 1998 Act, following a successful claim for 'detrimental treatment'. Compensation may be reduced however if the allegation was not made in good faith.

5.0 CONFIDENTIALITY

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish (subject to any legal requirements or decisions). This cannot be guaranteed however if you need to come forward as a witness. For example, if a hearing is needed, either by law, or under a school procedure, the employee disclosing the concern may be required to give evidence.
- 5.2 The employee disclosing a concern should ensure that they only inform the person(s) identified in part 7 below.
- 5.3 If the nature of the whistle blow requires disclosure to other people to conduct an investigation, then the employee who originally disclosed this will be informed.

6.0 ANONYMOUS ALLEGATIONS

- 6.1 This policy encourages you to put your name to your allegation and receive the protection of PIDA whenever possible. Concerns expressed anonymously are much less powerful but will be considered where there is enough detail to justify further investigation.

- 6.2 Any anonymous concerns or allegations received under this policy will be referred to the Head of Internal Audit and will be logged and investigated as far as possible under the process outlined in section 8 of this policy.

7.0 HOW TO RAISE A CONCERN

- i. As a first step, you should normally raise concerns with your immediate manager or their superior.
- ii. Concerns may be raised orally or in writing.
- iii. The earlier you express the concern the easier it is to take action.
- iv. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- v. Advice/guidance on how to pursue matters of concern may be obtained from:
 - Headteacher
 - Deputy Headteacher
- vi. You may invite your trade union, professional association representative or a friend to be present.

8.0 HOW THE COUNCIL WILL RESPOND

- i. The school will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- ii. Where appropriate, the matters raised may be:
 - Investigated by management
 - Investigated by Chair of Governors, investigated by a panel of Governors
 - Progressed through the disciplinary process
 - Referred to the Police
 - Referred to the LA
 - The subject of an independent enquiry
 - Dealt with via any other appropriate procedure.
- iii. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- iv. If someone is suspended, the person reporting under this policy will be informed.
- v. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- vi. Within five working days of a concern being raised, the Headteacher will write to you.
 - acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a full response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and if not, why not.
- vii. The amount of contact between you and the officers considering the issues will depend on the

- nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school will seek further information from you.
- viii. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- ix. 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 Council will arrange for you to receive advice about the procedure.
- x. The Council accepts that you need to be assured that the matter has been properly addressed.
- Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9.0 THE RESPONSIBLE OFFICER

The Governing Body has overall responsibility for the maintenance and operation of this policy.

10.0 HOW THE MATTER CAN BE TAKEN FURTHER

- i. This policy 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 and if you feel it is right to take the matter outside the school. Ways forward are identified in the LA's Whistle Blowing Policy obtainable from Headteacher.
- ii. If you do take the matter outside the School, you should ensure that you do not disclose confidential information. Check with the contact point about that.

11.0 REVIEW OF THE POLICY

- 11.1 The Council's Corporate and Organisational Policy Team, located within the Policy and Resources directorate will keep the policy under review and will make changes to the policy as deemed appropriate following necessary consultation with interested parties.

Signed: _____ **(Headteacher/Chair of Governors)**

Date: October 2016

Date for Review: October 2018

Appendix 1

Halton Borough Council Whistle Blowing Policy

Flow Chart

