



Coatham Church of England School WHISTLEBLOWING Policy

Written

Review March 2013, March 2016 March 2017 March 2018

Chair of Governors.....

Date.....

Head Teacher.....

Date.....

“Learn not for school, but for life”

Our school is tolerant and caring; it is a place where everyone is accepted.

We believe in working together as a real school community, and using our different abilities to support each other and to succeed. Friendship, respect, and fairness are the values that lead us.

Through the learning experiences and opportunities which we offer, we want our children to believe in themselves, deal with set-backs and have clear aspirations for their futures. We want them to realise their potential in all areas of their lives.

We want our children to understand both what their community has to offer them as they grow up, and, what they have to offer it.

We hope that all of our children learn that, whatever they do, they should work at it with all of their heart.

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1. INTRODUCTION

Coatham Church of England school is committed to the highest possible standards of openness, probity and accountability. The School supports the legislation afforded by the Public Interest Disclosure Act 1998 and therefore encourages all employees, contractors and others that it deals with, to come forward and voice any serious concerns they may have about any aspect of the School's work.

Whilst the school has established rules, regulations and procedures to promote the highest standards of conduct and commitment to service delivery, irregularities, wrong-doing or serious failures in standards may sometimes occur. The School wants to identify and remove any malpractice in the performance and delivery of its services and an effective deterrent to such malpractice is the probability that it will be identified, reported and investigated and that appropriate remedial action will be taken where necessary.

The School recognises the need for cases to be treated confidentially. This policy makes it clear that employees can voice a concern without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable members, employees and others to raise serious concerns within the School rather than overlooking a problem or 'blowing the whistle' outside.

The School also has procedures in relation to possible fraud or corruption and will not tolerate fraud, bribery and corruption in the administration of its responsibilities, whether from inside or outside the authority. The School will deal firmly with those who seek to defraud the authority, or who are found to be corrupt, in accordance with this policy. The Council has a separate Anti Fraud and Corruption Policy and Fraud Response Plan which demonstrates its firm, clear and unambiguous commitment to preventing fraud, bribery and corruption. If fraud, bribery or corruption is discovered, the School will deal swiftly with the perpetrators in accordance with that Policy.

2. AIMS AND SCOPE

This Policy is intended as a clear statement that any malpractice by members, employees or third parties (including contractors) reported to the School will be swiftly and thoroughly investigated. It intends to provide all employees, agency workers, contractors with:

- The confidence to raise concerns and to question.
- Avenues for employees to raise those concerns and receive feedback on any action taken
- Ensure that employees receive a response to concerns raised and are aware of how to pursue them if they are not satisfied
- Reassurances that all efforts will be made to protect anyone reporting a concern in good faith from reprisals or victimization.
- Training on whistleblowing

The term 'whistleblowing' is meant to cover concerns that fall outside the scope of other types of issues relating to employment (e.g. grievances, allegations of harassment and/or bullying). Such complaints or grievances should be dealt with according to the **Employee Concerns Policy**. Set out below is a list which is intended to illustrate the sorts of issues which may be considered as malpractice or wrongdoing and which could legitimately be raised under this Whistleblowing Policy:

- Corruption or fraud including obtaining money (e.g. grants) without entitlement
- Misuse of assets (stores, equipment, vehicles, IT)
- Breach of or failure to comply with a statutory or legal obligation
- Breach of any statutory code of practice
- Miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Failure of an individual to comply with their professional institute's standards of conduct
- Damage to the environment or School property
- Abuse of power
- Deliberate concealing of information relating to any of the above.

These examples are not exhaustive and the overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

So, employees can follow this policy to report concerns which:

- Make them feel uncomfortable in terms of known standards, their experience or the standards they believe the School subscribes to, or
- Are against the School's Standing Orders and policies, or
- Fall below established standards of practice, or
- Amount to improper conduct.

This Policy is intended to supplement, rather than to replace, the existing procedures as laid down in the Employee Concerns Policy whereby employees of the School may already raise complaints or matters of genuine concern. It is therefore designed to provide an avenue for those instances where the person reporting the matter feels that they cannot make use of the procedures as laid down in that Policy.

3. **HOW TO RAISE A CONCERN**

The earlier that a concern is expressed, the easier it is to investigate and to take action. Concerns should be presented to the Headteacher, and are best raised in writing and should give the background and history of the concern, giving names, dates and places where possible, and the reason why there is a concern about the situation. Where there are concerns about the Headteacher this should be referred to the Chair of Governors. Where an employee feels that they cannot put the concern in writing it is possible that the concerns can be raised by telephone or by meeting with the appropriate member of staff or governing body. The member of staff or governing body notified of an individual's concern must record details of those concerns, taking a statement where appropriate.

Although whistleblowers are not expected to prove the truth of an allegation, they will need to demonstrate that there are sufficient grounds for concern.

It is envisaged that, in many cases, the first point of contact for raising a concern should be the relevant line manager/head of the school (for employees) or the Chair of Governors (for the head Teacher). It will become their responsibility to perform a prompt and initial investigation of all matters reported to them. However, it is appreciated that there may be circumstances where an individual does not feel able to report a whistleblowing matter to

their line manager, HT or Governor, for example when the whistleblower suspects that these people may be involved in the alleged malpractice. In such cases, the matter should be reported to the Council's Audit Manager who can be contacted by writing a letter in a sealed envelope marked Strictly Private and Confidential, addressed to:

Helen Fowler
Audit Manager
Tees Valley Audit & Assurance Services
Redcar & Cleveland House
Kirkleatham Street
Redcar
TS10 1YA

Alternatively, the Audit Manager can be contacted by telephone on 01642 771165, extension 1165. In addition, emails can be sent to helen.fowler@redcar-cleveland.gov.uk

Individuals wishing to raise concerns may also leave a message with **EXPOLINK at anytime by telephoning 0800 374199**. This service is confidential and provided by a company completely independent to the Council.

The Audit Manager has the following remit:

- To receive and record all complaints received by the Audit Manager/Internal Audit Service, under this Policy.
- To ensure as far as able the confidentiality of any whistleblowing complainant who requests that their complaint be treated in confidence subject to any legal requirements.
- To investigate promptly any whistleblowing complaint and to respond directly to the complainant.
- To report to the appropriate head of service where the investigation identifies a serious cause for concern within the responsibilities of that officer and to recommend the use of any relevant statutory powers or duties. Where the complaint relates to the conduct of a head of service then the Audit Manager will report to the appropriate director. Where the allegation relates to a director, the Audit manager will report to the Chief Executive (and also to the Monitoring Officer in case of complaints in relation to member conduct). Where the complaint relates to the Chief Executive, the Audit Manager should report to the Director of Corporate Resources.
- To report on a periodic basis to Audit Committee on the number and type of concerns being raised under this Policy.

Employees might wish to discuss their concerns in confidence with a colleague first, and may find it easier to raise the matter if there are two or more employees who have the same concern.

The amount of contact between the staff considering the issues and the whistleblower will depend on the nature of the matters raised and the clarity of the information provided. If necessary, further information will be requested from the whistleblower.

When a meeting is arranged between the whistleblower and the investigating officer(s) in connection with the concerns raised, then the whistleblower has the right, if they so wish, to

be accompanied by a trade union or professional association representative or a friend. Such meetings can also be held at a mutually agreeable location.

If you need further advice on how to raise a concern, contact the Audit Manager.

4. **HOW THE SCHOOL WILL RESPOND**

In order to protect both individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, in what form. The action taken and procedure to be followed will depend on the nature of the concern. Concerns or allegations that fall within the scope of specific procedures (e.g. discrimination issues, suspected housing benefit fraud) will normally be referred for consideration under these procedures. Some concerns may be resolved by agreed action without the need for detailed investigation.

The matters raised may involve:

- Internal investigation by management and / or Internal Audit
- Referral to the Police
- Referral to the external auditor
- An independent inquiry
- Referral to the Audit Committee.

Within 10 working days of a concern being received (unless, in the circumstances, this is inappropriate or impractical), the person designated to perform the investigation will write/email the whistleblower to:

- Acknowledge that the concern has been received
- Indicate how the school intends to deal with the matter
- Give an estimate of how long it will take to provide a final response
- State whether any initial enquiries have been made
- Tell the employee whether further investigations will take place and if not, why not.
- Provide information on staff support mechanisms if appropriate

Employees may be asked to supply more information or to clarify, if necessary. When any meeting is arranged, the employee has the right, if they so wish, to be accompanied by trade union representative or work colleague who is not involved in the area of work to which the concern relates.

The school understands that the whistleblower needs to be assured that their concerns have been investigated and addressed. Subject to legal constraints, information about the outcomes of any investigations will be provided to the whistleblower.

The school's commitment to the highest possible standards of probity means that it will ensure that the necessary resources are put into investigating any concerns received under this Policy. As a consequence of this, the school will view very seriously any false or malicious allegations which it receives, and will regard the making of any deliberately malicious or vexatious allegations by any employee or member as a potential disciplinary

matter. If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the individual making the allegation.

5. **THE RESPONSIBLE OFFICER**

The Director of Corporate Resources has overall responsibility for whistleblowing concerns in the authority, and, on his behalf, the Audit Manager will maintain a confidential record of concerns raised and the results of any investigations made. Anonymised summaries of the results of investigations raised under this Policy will be reported on a periodic basis to the Audit Committee.

The Head Teacher and Chair of the governing Body has overall responsibility for whistleblowing concerns in school.

6. **WHISTLEBLOWER SAFEGUARDS**

The school will not tolerate any attempt on the part of any employee or member to take reprisals against any person who has reported a serious and genuine concern in good faith. The school will treat any such recriminations, victimization or harassment by any employee or member of the school as a serious matter which may, in the case of an employee, amount to a disciplinary matter and, in the case of a staff member, to a matter, depending on the circumstances, that may amount to a breach of the school's Code of Conduct. If a whistleblower who has raised a valid concern under this Policy feels that they have then been victimized as a result of raising such concerns, they can raise the matter directly with the Head Teacher/ chair of Governors.

The school will respect (so far as it can legally) the confidentiality of any whistleblowing complaint received, where the complainant requests that confidentiality. However, it cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the whistleblower. It should be appreciated that it will be easier to investigate allegations if the complainant is prepared to provide his/her name. Unsupported and anonymous complaints are less powerful and have to be treated with caution. There will be circumstances where information must be disclosed for legal reasons e.g. an obligation under the Freedom of Information Act or if the circumstances of an allegation amount to a serious crime there may be a requirement to pass information to senior officers or to the Police or external auditors.

The school will take steps to minimize any difficulties which the whistleblower may experience as a result of raising a concern. For instance, if a whistleblower is required to provide evidence in criminal or disciplinary proceedings, the school will provide advice about the procedure.

7. **TAKING MATTERS FURTHER**

This policy is intended to help employees raise concerns within the school and hopes that employees will be satisfied with any action taken. If employees are not satisfied that the outcome of the investigation has adequately addressed the concerns raised then they should advise the responsible person.

If employees feel it is right to raise a matter outside the school, the following are possible contact points:

- The External Auditor.
- Local Council member (if you live in the area of the Council).
- Chair or any member of the Audit Committee.
- Relevant professional bodies or regulatory organizations, for example, the Information Commissioner's Office.
- The Police.
- Local Citizens Advice Bureau
- Appropriate trade union/professional association
- Your solicitor
- Public Concern at Work

The Audit Commission provides a confidential public interest disclosure line for employees of councils and NHS bodies where a person feels unable to report a matter internally. The hotline is manned during normal office hours and a dedicated answering machine is available to callers outside of office hours. The hotline number is 0845 0522 646.

Public Concern at Work is a registered charity set up to give free independent advice to employees who contact them with concerns. The Public Concern at Work telephone number for general enquiries and helpline is 020 7404 6609.

Any member of the public may make a complaint against the Council by contacting;

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH

More detail on how to make a complaint to the LGO can be found at www.lgo.org.uk/making-a-complaint

If employees do consider reporting a matter outside of the Council, they should note that the relevant legislation anticipates that matters should generally be considered internally by organisations. Individuals making disclosures to outside bodies will only receive statutory protection under that legislation in certain circumstances. In particular, employees must honestly and reasonably believe that the information and allegations are true.