



“SPEAKING UP ABOUT WRONGDOING”

WHISTLEBLOWING

POLICY

AND

PROCEDURE:

STAFF WORKING IN SCHOOLS

See All, Hear All, Say Something

This policy and the procedure it refers to are agreed with the professional associations and trade unions representing staff working in schools – ASCL, ATL, GMB, NASUWT, NUT, T&GWU and UNISON.

April 2011

Speaking up about Wrongdoing

1. Introduction

- 1.1 The Public Interest Disclosure Act 1999 provided employees with protection when raising genuine concerns about malpractice in the workplace. It encourages disclosures to be made internally in the first instance but also allows for certain protected disclosures to be made to specific external bodies.
- 1.2 Shropshire Council is committed to open and honest communication and the highest possible standards of integrity. Part of meeting that commitment is to encourage employees and others who have serious concerns about wrongdoing to speak up. This may need to be on a confidential basis and the Council wishes to emphasise that if someone does “speak up” they can do so without fear of reprisals. Such policies are termed “blowing the whistle” and this phrase is used through this statement but should be viewed as a positive action of speaking up.
- 1.3 This policy applies to principles and practices operating within the Council for staff working in schools. Like the Council’s policy, it also warns against complaints made maliciously.
- 1.4 For staff working in schools, this policy provides a line of reporting to the Corporate Director - People.
- 1.5 Disclosures made under this procedure are monitored for statistical purposes are required under the Public Interest Disclosure Act. Details of any disclosure remain confidential.
- 1.6 It is recommended that the policy and procedure is reviewed in the light of any further relevant legislation

Remember

IF YOU HAVE SERIOUS CONCERNS IT IS YOUR DUTY TO TELL US AND OUR DUTY TO PROTECT AND SUPPORT YOU, IF YOU DO.

2. Aims and Scope of this Policy

2.1 This policy aims to:

- provide avenues for staff to raise concerns and receive feed back on any action taken;
- allow staff to take the matter further if they are dissatisfied with the response and;
- reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith

2.2 Employees may be the first to see that something is seriously wrong within the school. Such wrongdoings may relate to:

- fraud and corruption;
- discrimination (i.e. a witnessing discrimination as a third party);
- abuse of vulnerable people
- damage to the environment.
- Health & safety
- Failure to comply with legal proceedings

2.4 It is the duty of employees to speak up when they have serious concerns and it is the duty of the school and Shropshire Council to act on those concerns and protect and support employees when they do. A failure to report serious concerns could be construed as collusion. Difficult as it may be to speak up, employees should be aware of their special position and of their duty to make their concerns known.

2.5 This Policy is issued to employees to advise specifically on blowing the whistle on wrongdoing. It should not be confused with the complaints procedure (where the public can complain about the school or Council's services), the grievance procedure (where you complain about your own treatment as an employee) or the Child Protection procedure (specifically relating to working around children and young people).

2.6 This Policy is also available as a Shropshire Council leaflet to provide to business partners, contractors, voluntary agencies, partnerships, and any others who the school has dealings with for distribution for their employees. Copies of the leaflet are available free of charge. Please contact 01743 252808 to request supplies.

3. Serious Concerns

3.1 Serious concern may be related to something that:

- is unlawful;
- is against the school's or Shropshire Council's Constitution, financial rules, contract rules or other policies;
- does not meet established standards or working practices;
- amounts to improper conduct.

3.2 Theft, bribery and corruption, the abuse of children or vulnerable adults, service users or staff and environmental misuse are all the type of things which would fall into these categories.

3.3 Concerns in schools may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:

- deliberately ignoring the best interests of the child or young person;
- teasing, harassing or touching a child or young person inappropriately;
- threatening a child, young person or a parent or distressing them in some way;
- neglecting a child by not giving them the support they need, including medical attention or care;
- hitting or restraining a child inappropriately;
- using a child or young person's money or possessions in an inappropriate way.

3.4 Procedures for dealing with allegations or concerns about child abuse already exist and each school has a named member of staff to whom such issues can be referred. There are also specific procedures for dealing with allegations of child abuse against school staff which are contained in the Human Resources Handbook for schools. This policy supplements these arrangements.

3.5 For school based staff, there are existing procedures to enable you to lodge a grievance relating to your own employment.

4. Safeguards

4.1 Harassment or Victimisation

The school and Shropshire Council recognise that deciding to report a concern can be difficult, not least because of the fear or reprisal from those responsible for the malpractice.

4.2 The school will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, if you are already the subject of disciplinary or redundancy procedures, those procedures will not be halted as a result of your whistleblowing.

4.3 Confidentiality

The school and Shropshire Council will do their best to protect your identity when you raise a concern and do not want your name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

4.4 Anonymous Allegations

As a rule we do encourage 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 headteacher, in conjunction with the Governing Body of the School and the Corporate Director - People. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the validity of the concern;
- the likelihood of confirming the allegation from other sources.

Allegations which do not appear to be motivated by personal animosity and which if true, would have serious implications for the school, are more likely to be considered, even though made anonymously.

It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

4.5 Untrue Allegations

If you make allegations in good faith, but it is not confirmed by the investigation, no action will be taken against you. In such circumstances employees will be supported. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you, but the matter would be referred to an appropriate school governor/committee before any action is taken.

4.6 **Support to You**

Throughout and after this difficult process you will be given full support from senior management, your concerns will be taken seriously and the school and Shropshire Council will do all it can to help you. If necessary, and if you are happy to do so, you may be transferred to another job to ensure you are fully protected.

5. **How to raise a concern**

5.1 As a first step you should normally raise concerns with your immediate line manager or headteacher. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing. If your line manager, the headteacher or other school management is involved, you should approach where appropriate:

- the Corporate Director - People (see list at the end of this document) - if the wrongdoing is about standards of behaviour or about the abuse of children or vulnerable adults;
- the Monitoring Officer: Corporate Head of Legal and Democratic Services - Tel 01743 252763 - if the wrongdoing is thought to be illegal;
- the Corporate Head of Finance - Tel 01743 252007 - if the wrongdoing is about improper payments;
- the Service Manager - Audit - Tel 10743 252027 - if the wrongdoing is a fraud;
- Group Manager - Environment - Tel 01743 252565 - if the wrongdoing is an environmental issue.

5.2 Shropshire Council operates a Standards Hotline where confidential disclosures can be made. The contact number is 01743 252627.

5.3 Alternatively, you can invite your trade union or professional association to raise the matter on your behalf.

5.4 The earlier you express your concern the better and the easier it will be to take action. Concerns are better raised in writing and you should try to set out:

- the background and history to your concern;
- dates and places where possible;
- the reasons for your concern.

5.5 In order to ensure the confidentiality of your expression of concern it is suggested that you send your letter/written note in a sealed envelope addressed to the appropriate person and clearly mark it "Strictly Private and Confidential - To be opened by the addressee only". You need not sign or give your name although addressee may exercise her/his discretion not to investigate an anonymous complaint.

5.6 It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching the Corporate Director - People or to impede any investigation which he/she or anyone on her/his behalf may make.

5.7 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to those appointed to investigate the matter, that there are sufficient

grounds for your concern. You may invite your trade union or professional association or a third party to raise a matter on your behalf.

5.8 Further advice and guidance on what to do can be found in the:

- guidance on how to deal with fraud and corruption;
- guidance note on the abuse of children or vulnerable adults;
- guidance note on environmental issues;
- Harassment – Policy and Procedure for staff employed in schools.

All of the above can be found on the Shropshire Council website or Shropshire Learning Gateway.

6. How the school and/or Shropshire Council will respond

6.1 The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by the school;
- be investigated internally within the Council but independently of those directly involved;
- be referred to the Police;
- be referred to the external Auditor;
- form the subject of an independent inquiry.

6.2 In order to protect individuals, the school and Shropshire Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. These will be made confidentially and every attempt made to protect the employee. Concerns or allegations which fall within the scope of specific procedures (for example, child protection issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

6.3 Within ten working days of a concern being received, the school and/or Shropshire Council 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 final response;
- telling you whether any initial enquiries have been made;
- telling you whether further investigations will take place and, if not, why not.

6.4 The amount of contact between those officers considering the issues and yourself 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.

6.5 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 is not involved in the area of work to which the concern relates.

6.6 If you should become involved in further investigations or procedures (eg disciplinary proceedings or a criminal trial) as a result of using this procedure, you will be given every proper support and assistance. The school and Shropshire Council are

concerned with ensuring that no-one using this procedure is disadvantaged or unfairly treated.

- 6.7 The school and Shropshire Council accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

7. How the matter can be taken further

- 7.1 This policy is intended to provide you with avenues to raise concerns within the school or Shropshire Council. The Council hopes you will find the procedure a satisfactory way of dealing with concerns. If not, and you feel it is right to take the matter outside the school or Shropshire Council, the following are possible contact points:

- the external auditor;
- relevant professional bodies who regulate organisations (including the Ombudsman);
- your solicitor;
- the police;
- Public Concern at Work.

- 7.2 The disclosure of confidential information would normally constitute a grave disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if you do take the matter outside the school or Shropshire Council you need to ensure that either no confidential information is disclosed or that there are wholly exceptional circumstances which the school or Shropshire Council would consider justified a disclosure.

8. Standards of Conduct

- 8.1 All staff working within school's are bound by Codes of Conduct. These could be the schools own standards or standards of Shropshire Council. Professional bodies such as the General Teaching Council also have Professional Standards of Conduct which their members must adhere to. Staff should also be aware of the Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.

All staff should ensure they make themselves aware of any such standards of conduct and follow them at all times.

9. Follow Proper Procedures

- 9.1 One of the best ways of guarding against corruption is to ensure that proper procedures are followed - in the way decisions are taken, in the way contracts are awarded and in the way employees conduct themselves.

- 9.2 The most important of these procedures are described in the following procedural documents:

1. Constitution which includes:
 - Financial Rules

- Contract Rules
2. Code of Conduct
 - Members
 - Officers
 3. Computer Code of Practice
 4. Delegations (of decision-making powers)
 5. Recruitment and Selection Code of Practice
 6. Gifts and Hospitality
 7. Harassment and Bullying Procedure
 8. Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.
- 9.3 Actions which breach these procedures are not only unauthorised but will lead to loss of public confidence and even to corruption.
- 9.4 As with any other concerns on standards, you should report breaches of these procedures.

**Remember -
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OUR DUTY TO PROTECT AND SUPPORT YOU, IF YOU DO.**

Chief Executive and Director Contacts

Chief Executive - Kim Ryley 01743 252701

Corporate Director - Health & Care - Val Beint 01743 253701

Corporate Director - People – David Taylor 01743 254301

Corporate Director – Places - Tom McCabe 01743 252302

Corporate Head of Finance – Peter Timmins 01743 252007

Corporate Head of Legal and Democratic Services - Claire Porter 01743 252763