Avenue
CENTRE FOR EDUCATION

WHISTLEBLOWING POLICY

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Whistleblowing Policy for Community, Foundation and VA Schools

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1. Introduction

1.1 The school is committed to the highest possible standards of openness, probity and accountability. This policy provides a means for anyone associated with the school who has serious concerns about any aspects of practice to come forward and voice those concerns, irrespective of seniority or status without fear of reprisal. Furthermore, it enables those who wish to raise serious concerns to be able to do so in a way that will not be seen as being disloyal to their colleagues or to the school.

1.2 This policy makes it clear that 'whistle-blowers'' can raise concerns in the public interest without fear of victimisation, or subsequent discrimination or disadvantage. The aim is to encourage and enable employees to raise serious concerns within the school rather than overlooking the problem or reporting the matter externally. This policy ensures that the school complies with its duty under the Public Interest Disclosure Act 1998.

2. Aims and scope of this policy

2.1 The Whistleblowing Policy should be used to raise serious concerns that fall outside the scope of other procedures, or where employees may lack the confidence or be too fearful to use these procedures.

2.2 This policy should not be used for conduct which can be dealt with through the school's normal procedures, for example employee grievances or complaints. Wherever possible, issues such as these should be resolved through the usual management channels by discussion and open dialogue.

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2.3 This policy is in addition to the school's complaints procedures and other specifically laid down statutory reporting procedures such as referrals to the Disclosure and Barring Service or Teacher Regulation Agency.

2.4 For the purpose of this policy, the term 'employee' will include all employees of the school. It also applies to volunteers, supply or agency staff and contractors working for the school or on the premises.

2.5 This policy aims to:

- encourage employees to feel confident in coming forward with serious allegations
- provide a means for employees to make serious allegations and receive feedback on any action taken;
- ensure confidentiality if required
- ensure employees that they will be protected from possible reprisals or victimisation
- reassure employees that they will suffer no detriment or disadvantage from making allegations as long as they do so in the public interest, genuinely believing their allegations to be valid

2.6 Examples of serious concerns that may be reported under the Whistleblowing policy may include:

- fraudulent or improper use of the school's money or assets
- breach of health and safety policy or practice including dangerous practices at work
- breach of child protection policy/legislation
- Sexual harassment
- criminal activity
- alleged miscarriage of justice
- unethical conduct
- abuse of authority
- failure to comply with legal obligations
- maladministration, misconduct or malpractice
- damage to the environment
- concealment of any of the above

These are examples; the list is not exhaustive.

2.7 Should an employee be unsure whether the conduct they are concerned about constitutes illegal or improper conduct, or is unsure how to proceed, advice can be sought from their trade union representative or their immediate line manager. If they expect their immediate line manager may be involved, then they should approach the headteacher or chair of governors.

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2.8 Should employees wish to seek other independent advice in relation to whistleblowing, the whistleblowing charity 'Protect' (https://protect-advice.org.uk/) provides further advice and information.

3. Safeguards

3.1 The school recognises that the decision to raise a serious concern can be a difficult one to make. However, employees who raise serious concerns that are in the public interest will have nothing to fear because they are doing their duty to the employer and those for whom they are providing a service.

3.2 The school will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect an employee who raises a concern in good faith.

3.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any employment procedures (e.g. disciplinary) that may already affect the employee, if they are an employee.

4. Confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, if the matter is subsequently dealt with through the school procedures, e.g. the disciplinary procedure, the employee may need to come forward as a witness if the matter is to be dealt with effectively.

5. Anonymous Allegations

5.1 This procedure encourages people to put their name to an allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council's Monitoring Officer.

5.3 In exercising this discretion the factors to be taken into account include:

- the seriousness of the issues raised
- the credibility of the allegation
- the likelihood of confirming the allegation from attributable sources and information

6. How to raise a concern

6.1 As a first step, an employee should raise a serious concern with their line manager, headteacher or chair of governors. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that the leadership team is involved it would be

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inappropriate to raise the matter directly with the headteacher. For these reasons, a range of alternative reporting methods have been put in place to enable the employee to raise the matter through the source with which they feel most comfortable.

6.2 The range of alternative contacts include:

- trade union or professional association representative
- chair of governors
- direct to the Council's Monitoring Officer (Tel. No. 01582-546291), e-mail whistle@luton.gov.uk.

6.3 Serious allegations may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information is provided. This includes:

- the name of the employee making the allegation and a contact point. As referred to above it will be more difficult for the school or council to pursue issues if concerns have been expressed anonymously

- the background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation)

- The particular reason for the allegation and concern

7. How the school or Council's Monitoring Officer will respond

7.1 The school or Council will respond to all allegations made under this procedure.

7.2 Where a concern is raised with the school, the person with whom the concern is first raised (e.g. line manager, headteacher, chair of governors) is the 'receiving officer'. The receiving officer will discuss the concern with the complainant (employee raising the concern). If, following discussion, the complainant wants to proceed with the allegation, the receiving officer will take the following steps.

7.3 The receiving officer will notify the Monitoring Officer by telephone or e-mail that the allegation has been made, and give details to the Monitoring Officer. This is so that the allegation can be registered in the Register of Whistleblowing Complaints. The Register is confidential.

7.4 The Monitoring officer will discuss with the receiving officer the best way of investigating the allegation. If the allegation relates to fraud, potential fraud or other financial irregularity, the Monitoring Officer will also discuss this with the Council's Head of Finance.

7.5 The Monitoring Officer and the receiving officer will agree on the method of investigation. If the Monitoring Officer and the receiving officer cannot agree on the method of investigation, the Monitoring Officer's decision will prevail. In the case of fraud, potential fraud or financial irregularity, the method of investigation will be

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determined by the Head of Finance after discussions with the receiving officer and the Monitoring Officer.

7.6 Where the complaint is made direct to the Monitoring Officer, then the Monitoring Officer, after liaison with any other appropriate officer(s)[i] [1]will decide if, and how, the matter should be investigated and will follow the steps below.

7.7 If the allegation discloses evidence of a criminal offence, the Monitoring Officer or the Head of Finance may decide to inform the police.

7.8 Some of the allegations may be resolved by internal action, without the need for investigation.

7.9 Within ten working days of an allegation being made, the Monitoring Officer will write to the employee who raised the concern (unless they have requested not to be contacted or to be contacted in a different way, other than by email/ letter):

- acknowledging the allegation has been received
- indicating how the Council proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- indicating whether any initial enquiries have been made
- supplying information or employee support mechanisms
- indicating whether further investigations will take place and, if not, why not

7.10 Where the allegation has been made internally and anonymously, the school/Council will be unable to communicate what action has been taken.

7.11 If subsequently any disciplinary action is required, the person that conducted the investigation will seek support from the Luton HR Traded Services team who will support with the instigation of any disciplinary process.

7.12 The amount of contact necessary between the individual investigating the allegation and the employee raising the concern will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

7.13 Where any meetings are arranged with the employee, the employee has the right to be accompanied by a trade union representative or work colleague.

7.14 The aim of the policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases, it should not be

[1]An officer may be another employee of the school or council, in an appropriate position to investigate the matter and take action.

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necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator.

7.15 The school will take steps to minimise any difficulties which the employee may experience as a result of raising a concern, for example if the employee is required to provide evidence in a criminal or disciplinary proceeding, the school will arrange for support to be given about such proceedings.

7.16 The school/Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, those making allegations will be informed of the outcome of any investigation as appropriate.

7.18 Should an employee not be satisfied with any action taken as a result of raising a concern, they may wish to seek other independent advice in relation to whistleblowing, this can be sought from:

- the whistleblowing charity 'Public Concern at Work' www.pcaw.org.uk

8. Confidentiality

8.1 The school/Council will keep the identity of the complainant confidential at all times, unless the complainant requests otherwise.

8.2 A receiving officer will disclose the complainant's identity to the Monitoring Officer, but wherever possible not to any other employee. A receiving officer and the Monitoring Officer will not reveal any facts, which could lead to the disclosure of the complainant's identity. These may, depending on the circumstances, include the complainant's gender or position in the school.

9. Register of Allegations

9.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of the procedure. The Monitoring Officer will maintain a Register of Allegations made under this procedure, and the outcomes, and will report as necessary to the Council's Standards Committee. The recording and reporting procedure will be in a form, which ensures confidentiality.

10. Untrue and vexatious allegations

10.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation maliciously, frivolously or for personal gain, disciplinary action may be taken.

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