



## **LANCASHIRE COUNTY COUNCIL**

### **WHISTLEBLOWING POLICY FOR ALL STAFF IN DELEGATED SCHOOLS**

#### **1. Introduction**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the school/Local Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or to the LA. 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 The Governing Body and the LA are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the school or the LA's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 The policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing policy is intended to encourage and enable employees to raise serious concerns within the school or the LA rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all employees and applies equally to those designated as casual, temporary, agency, authorised volunteers or work experience, governors and those contractors working for the school or LA on the school or the LA's premises for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the LA in their own premises.
- 1.5 These procedures are in addition to the schools/LA's complaints procedures and other statutory reporting procedures. Service users should be made aware of the existence of these procedures.
- 1.6 This policy has been discussed with the recognised Teachers Associations, Trade Unions and the Diocesan/Church Authorities and has their support.

#### **2. Aims and scope of this policy**

- 2.1 This policy aims to:
  - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - provide avenues for you to raise those concerns and receive feedback on any action taken;

- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure which is in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance or complaint relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public/pupils as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption – see Note below;
- sexual or physical abuse of pupils where referral under Child Protection Procedures is not appropriate;
- other unethical conduct.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of school staff, governors, officers or members of the LA or others acting on behalf of the school and the LA can be reported under the Whistleblowing Policy. This may be about something that

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the governors and the LA subscribe to; or
- is against the Council's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This policy does **not** replace corporate complaints procedures.

Note: There is a requirement under the Scheme for Financing Schools in Lancashire for the Governing Body to notify the Director of Finance immediately of all (suspected) financial or accounting irregularities. This requirement is not superseded by this Whistleblowing Policy and your Governors will need to act accordingly if a financial issue is raised.

### **3. Safeguards**

#### **3.1 Harassment or victimisation**

3.2 The Governing Body and the LA are committed to good practise and high standards and want to be supportive of employees.

3.3 It is recognised that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be

doing your duty to your employer and to those for whom you are providing a service.

3.4 The Governing Body/LA will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.5 Any investigations into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy proceedings that already affect you.

#### **4. Confidentiality**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

#### **5. Anonymous allegations**

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered in the context of the following factors:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

#### **6. Untrue allegations**

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

#### **7. How to raise a concern**

7.1 As a first step you should normally raise concerns with a designated senior member of staff (where appropriate)/Headteacher/Chair of Governors. This depends however on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that Senior Management of the school is involved you should approach a Senior Officer of the Authority. If you believe Officers of the LA more generally are involved, you should approach the Chief Executive or in the case of a Financial issue, the Director of Finance/Internal audit. Note where concerns relate to Senior management in a voluntary aided church school an approach might be made to a Diocesan/Church authority office. If it is believed that Officers of the Diocesan/Church authorities are involved an approach might be made direct to the Bishop.

7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation;

- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of the allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Obtain advice/guidance on how to pursue matters of concern from

- The confidential helpline – 01772 532500 – which has digital options for either internal audit for financial matters or the Chief Executive for other matters.
- Senior Area Personnel Officers

If ultimately you feel that you have to take the matter externally, possibly contacts are listed at section 10 of this policy.

- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.7 You may invite your trade union/teacher association/representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **8. How the Governing Body/LA will respond**

- 8.1 The Governing Body/LA will provide a response to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejection them. If you confirm your wish to raise your concerns formally under the policy, a responsible person will be designated by the school management, where appropriate, or by the management of the authority, to co-ordinate the response to the concerns you have raised. The responsible person will respond to you in accordance with Paragraph 8.5 below and where the responsible person is outside the management of the school, s/he will notify the Chief Executive for registration, monitoring and annual reporting purposes.
- 8.2 Where appropriate, the matters raised may:-
- be investigated by school/LA management, internal audit, or through the disciplinary process;
  - be referred to the external auditor; or
  - form the subject of an independent inquiry.
- 8.3 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. The overriding principle which school management/the LA will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 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.

- 8.5 Within ten working days of a concern being raised, the responsible person will write to you:
- Acknowledgment that the concern has been received;
  - indicating how it is proposed 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;
  - suppling you with information on staff support mechanisms (where appropriate), and
  - telling you whether further investigations will take place and if not, why not.
- 8.6 The amount of contact between those 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 further information will be sought from you.
- 8.7 Where any meeting is arranged, away from school premises if you so wish, you can be accompanied by a Trade Union or Teacher Association representative or friend.
- 8.8 The Governing Body/LA 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, arrangements will be made for you to receive advice about the procedure.
- 8.9 It is accepted that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

## **9. The responsible officer**

- 9.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally outside of the management of the school. That officer maintains a record of concerns raised and the outcome (but in a form that does not endanger your confidentiality) and will report as necessary to the Council. The Chief Executive has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally outside the management of the school and will maintain appropriate records of concerns raised and report as necessary to the Council. In respect of concerns raised internally within the school the Headteacher will maintain a record of concerns raised and the outcome and will report as necessary to the Governing Body.

## **10. How the matter can be taken further**

- 10.1 This policy is intended to provide you with an avenue within the LA to raise concerns. The LA 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 LA the following possible contact points:
- Public Concern at Work (Tel: 020 7404 6609), a registered charity
  - whose services are free and strictly confidential;
  - the external auditor;
  - your Trade Union/Teacher Association;
  - your local Citizens Advice Bureau;

- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the police.

10.2 If you do take the matter outside the School/Council, you should ensure that you do not disclose confidential information. Check with the relevant contact point about that.