

BURFORD SCHOOL



Burford School

Policy on Whistleblowing



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This policy was approved by the Governing body on 01/10/08

This policy will be reviewed October 2009

Legal Framework

N.B. This Code of Practice has been reviewed and amended to reflect the requirements of the Public Interest Disclosure Act 1998. It replaces the Code of Practice issued to employees of Buckinghamshire County Council in April 1998 and the Model Code of Practice issued to Community Schools with delegated budgets in October 1998.

Preamble

The terms "Buckinghamshire County Council/the County Council" were used throughout this document to describe the obligations of the employer. In relation to employees in Community Schools with delegated budgets, these terms have been replaced by "the Governing Body as agent of the County Council".

- 1 The Governing Body as agent of the County Council is committed to achieving high standards and values in public service. The employees of the Governing Body as agent of the County Council play a vital part in creating and maintaining an ethical climate at work and may often be the first to notice unacceptable behaviour or practice within the Governing Body as agent of the County Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Governing Body as agent of the County Council. They may also fear harassment or victimisation. In these circumstances they may find it would be easier to ignore the concern rather than report what may just be suspicion of malpractice.
- 2 The Governing Body as agent of the County Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it encourages employees and others with significant concerns about any aspect of the Governing Body as agent of the County Council's work to come forward and voice those concerns. It also recognises that certain cases will have to proceed on a confidential basis. This Code of Practice makes it clear that employees can raise concerns without fear of reprisals. It forms part of a wider strategy which describes how employees should conduct themselves at work (and will be contained in the framework for Managing People - Code of Conduct for Employees when developed).
- 3 The Code of Practice has been discussed with relevant trades union and professional associations and their views, together with those of other employee groups, have been considered during the development of this document.

Purpose and Scope

- 4 This Code of Practice is applicable to all employees of the Governing Body as agent of the County Council from the date of their appointment, including employees in Community and Voluntary Aided Schools with delegated budgets (where it has been adopted by the Governing Body), agency workers and trainees.
- 5 It aims to:
 - encourage employees to feel confident in raising serious concerns, and to question and act upon those concerns;
 - provide avenues for employees to raise concerns, and then receive feedback on any action taken;
 - ensure that employees receive a response to their concerns, and that they are made aware of how to pursue them if they are not satisfied with the response;

- reassure employees that they will be protected from possible reprisals or victimisation as long as they have a reasonable belief that they have made any disclosure in good faith.
- 6 Existing procedures are in place to enable employees to lodge a grievance relating to their own employment. This Code of Practice is intended to cover any significant concerns that an employee has about any aspect of service provision or the conduct of employees or members of the Governing Body as agent of the County Council or others acting on behalf of the County Council. It is intended that protection afforded under this Code of Practice is given where an employee raises concerns in the public interest and not for personal interest or gain.
- 7 This concern may be about something that is:
- improper conduct; or
 - against established standards of practice; or
 - against the Governing Body as agent of the County Council's Standing Orders, Financial Regulations/Instructions or any other policy; or
 - unlawful.
- 8 An employee's concerns about malpractice may in this context include concerns about:
- possible corruption;
 - dangerous procedures risking health and safety;
 - abuse of pupils;
 - evasion of statutory responsibilities;
 - damage to the environment or other unethical or improper conduct.

The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied

Principles

- 9 The Governing Body as agent of the County Council assures employees that it recognises their right to raise concerns about any potential malpractice within the organisation. The Governing Body as agent of the County Council is committed to dealing firmly with any form of victimisation, harassment or reprisal at work. If an allegation is made that any of these has occurred, an investigation will take place and, if the allegation is found to be substantiated, it will be considered a serious disciplinary offence and action will be taken accordingly.
- 10 For their part employees have a right and also a duty to raise concerns when they have a reasonable belief that malpractice may be occurring or have occurred.
- 11 Whenever possible, the Governing Body as agent of the County Council will protect the identity of any employee who raises a concern and does not want his/her name to be disclosed. However, it must be understood that any investigation process may reveal the source of the information and a statement by the person reporting the concern may be required as part of the evidence.
- 12 Concerns expressed anonymously will be considered at the discretion of the Governing Body as agent of the County Council. In exercising this discretion the factors to be taken into account will include:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of obtaining the necessary further information.
- 13 The Governing Body as agent of the County Council stresses that anyone who raises concerns in accordance with this Code of Practice must do so in good faith. If it is found that it has been used maliciously, this will be considered a disciplinary offence and action will be

taken accordingly.

- 14 The Governing Body as agent of the County Council will offer support to an employee who has raised a concern in accordance with this Code of Practice. The purpose of this support will be to ensure, where possible, that the employee concerned does not suffer (e.g. loss of status/income/conditions of employment) as a result of his/her action. In extreme circumstances and in consultation with the employee, redeployment on a temporary or permanent basis may be considered, where appropriate.

How to Raise the Matter Initially

- 15 Concerns should normally be raised initially with an appropriate level of line management (i.e. the immediate manager or his/her supervisor). However, the most appropriate person to contact will depend on the degree and sensitivity of the issues involved and who is suspected of malpractice. If the employee feels that it is inappropriate to contact his/her line manager, he/she may contact

- His/her Headteacher or Chairman of Governors;

N.B. All managers/headteachers must be aware of their responsibilities in responding to any concerns raised with them.

- 16 Concerns may be raised orally or in writing, and it must be made clear that they are being raised under the Whistleblowing Code of Practice. Employees 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 he/she is particularly concerned about the situation

- 17 It should be noted that often the earlier a concern is expressed the easier it is to take appropriate action.

- 18 Although an employee is not expected to prove the truth of an allegation that is made, it will be necessary to demonstrate to the person contacted that there are sufficient grounds for concern.

- 19 Advice and guidance on any part of the Code of Practice including how to raise a matter of concern can be obtained, in confidence, from the Governing Body as agent of the County Council's nominated Complaints Officer or the employee's Schools Human Resources Manager.

- 20 Employees may invite their trade union or professional association to raise a matter on their behalf.

- 21 If the employee wishes to raise his/her concern anonymously, he/she should make this clear to the person he/she chooses to contact.

- 22 The headteacher approached by the employee may be able to take the appropriate steps to investigate the issue raised. Alternatively, he/she may refer the matter to the Chairman of Governors.

- 23 Once the concern has been raised, the employee will be contacted **within five working days** by the Chairman of Governors, who will arrange to discuss the matter. The employee may be accompanied by a friend or a trade union representative at this meeting, for the purpose of providing support

- 24 Following this discussion, an initial response will be given to the employee within **five working days**, indicating either the steps that are being taken to investigate the matter or the reasons why no further action is being taken. During the course of any investigation of the concerns it may be necessary to contact the employee for assistance or clarification. He/she will be kept informed of the progress of the investigation and notified of its resolution

- 25 When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to the individual who raised the concerns. As part of the school's final written response, the employee will be offered the opportunity to meet a senior officer of the Local Authority should he/she feel his/her concerns are unresolved.

How the School will respond

- 26 The action taken by the Governing Body as agent of the County Council will depend on the nature of the concern. Where appropriate, the matters raised will:
- be investigated by management, internal audit (in all cases involving financial irregularity or corruption), or through disciplinary procedures; and/or
 - be referred to the Police: and/or
 - form the subject of an independent enquiry.
- 27 In order to protect individuals and the Governing Body as agent of the County Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or adult abuse issues) will normally be referred for consideration under the appropriate procedure. Where one or more procedures are followed at the same time, guidance is available on the precedence to be followed and the inter-relationship between the procedures. At the same time, the employee who has raised the concern may be in a position with his/her employment where managerial or procedural action is being taken against him/her. In this situation, in the case of Community or Voluntary Controlled Schools with delegated budgets, the Head of Human Resources will offer advice to the Headteacher, in consultation with the Head of Legal Services and the Director of Education.
- 28 It should be noted that some concerns may be resolved by agreed action without the need for investigation. Equally, some issues may be investigated without the need for initial enquiries. If urgent action is required this may be taken before any investigation is conducted - if there is sufficient initial evidence to indicate that such action is warranted, e.g. suspension of an employee while investigations are undertaken..

How the Matter can be Taken Further

- 29 The Code of Practice is intended to provide employees with an avenue for raising concerns with those responsible for the malpractice in question, i.e. the employer or the employer's agent. It is expected that this avenue will be followed by the employee initially. However, if an employee is dissatisfied with the Governing Body as agent of the County Council's response he/she can raise the matter with any of the following, as appropriate:
- An elected Member of the County Council or the local MP
 - The District Auditor
 - The Police
 - Public Concern at Work (0207 4046609) - see paragraph 30
 - A relevant professional body or inspectorate (e.g. OFSTED or SSI)
 - A trade union or professional association
 - The Local Government Ombudsman.
- 30 In taking their concern outside the Governing Body as agent of the County Council, employees should ensure that, so far as possible, the matter is raised without confidential information being divulged (e.g. relating to clients or other employees). It should be noted that because Public Concern at Work is an accredited legal advice centre, an employee who approaches this organisation does not breach the duty of confidence which is owed to the Governing Body as agent of the County Council

How the Policy will be Monitored

- 31 The Governing Body as agent of the County Council's Complaints Officer is responsible, on behalf of the Chairman of Governors, for registering the nature of all concerns raised and for recording the outcome. He/she will produce an annual report which identifies any patterns of concern and assesses the effectiveness of the Code of Practice

Responsibility for Implementing the Policy

- 32 The responsibility for ensuring that the Governing Body as agent of the County Council adheres to this Code of Practice rests with the Chairman of Governors.

KW/Whistleblowing Policy/01.10.08