

Lydbrook School (including Robins Nursery) Whistleblowing Procedure



GCC Plus
Business and Development Services

 **Gloucestershire**
COUNTY COUNCIL

This Policy is based on the Gloucestershire County Council Model Policy

- 1 The Code applies to School employees regardless of the basis of the employment including:-
 - Secondments (both to and from the School/County Council);
 - Temporary assignments (both to and from the School/County Council), Work Placements and Trainees;
 - Governors; and
 - Employees acting as members of companies or voluntary organisations.
2. References to “employee” and “staff” throughout this Code are taken to include all of the above categories and any similar working arrangements.

INTRODUCTION

3. “Whistleblowing” by employees of the School is fully supported and encouraged. Where concerns arise these should be brought to the attention of management at all times. If the employee feels they cannot tell their employer they should contact a prescribed person/body as detailed on the Government website. Below is a procedure for employees who wish to report serious concerns relating to any suspicions or allegations of fraud and corruption or any malpractice or maladministration.

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLEBLOWING)

4. Employees are often the first to realise that there may be something wrong within the School. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation and it may be easier, therefore, to ignore the concern rather than report what may just be a suspicion of malpractice.
5. The School is committed to the highest standards of openness, probity and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the School’s work, to come forward and voice those concerns. The phrase ‘whistle-blowing’ in this procedure refers to the disclosure internally or externally by employees of malpractice, as well as illegal acts or omissions at work.
6. This Procedure makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the School, rather than overlooking a problem or ‘blowing the whistle’ outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the School who, in the public interest, speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

Aims and scope of this procedure

7. This Procedure aims to:
 - Encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their service area
 - Provide alternative avenues for raising concerns
 - Ensure that responses to concerns are made

- To reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in the public interest.
8. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This Procedure is intended to cover concerns that fall outside the scope of other procedures and 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 as well as other employees (where the concerns raised have not been addressed through normal departmental procedures)
 - Damage to the environment
 - The unauthorised use of public funds including fraud and corruption
 - Sexual or physical abuse
 - Other unethical or unprofessional conduct
 - Notification of any suspicions of price-fixing cartels providing services/goods to the Council/School.
9. The School fully understands that employees who are members of a trade union recognised by the Council may, in the first instance, wish to seek advice and guidance from their union on the application of this Procedure (see paragraph 23)
10. Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the Governing Board/Council or others acting on behalf of the Governing Board/Council, can be reported under this Procedure. This may be about something that:
- Makes an employee feel uncomfortable in terms of apparent non-adherence to known standards
 - Appears to be contrary to the requirements of the Council's Standing Orders and Code of Conduct
 - Falls below established standards of practice
 - May amount to improper conduct
 - Appears to be an attempt to mislead.

SAFEGUARDS

Harrassment or Victimisation

11. The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is the subject of the complaint. However, if employees believe that what they raise as a concern to be the truth and in the public interest they should be confident that they are fulfilling their duty to their employer and those for whom they are providing a service.
12. The School will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees, when they raise a concern in the public interest, from suffering a detriment (including bullying or harassment) either from the employer or from co-workers.

13. Any investigation under this procedure, into allegations of potential malpractice will be dealt with separately to any grievance, disciplinary or redundancy procedure concerning an employee. Equally, any investigation will not be influenced by any such procedures involving an employee. However the outcome of the investigation may lead to action under other school's procedures.

CONFIDENTIALITY

14. All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. However this cannot be guaranteed if say following an investigation a case is taken to Court, where the employee may need to be called as a witness.

ANONYMOUS ALLEGATIONS

15 In order to ensure that employees receive protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are sometimes less credible. Anonymous concerns and allegations, whether made to the head teacher or the Governing Board, will therefore be investigated at the discretion of the School.

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

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources' factual evidence.

UNTRUE ALLEGATIONS

17. If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, the allegation is frivolous, malicious or for personal gain, disciplinary action may be taken against them.

HOW TO RAISE A CONCERN

18 Employees who wish to raise a serious concern should do so verbally or in writing (marked 'Confidential') to the head teacher or Chair of Governors.

Alternatively the concern can be raised by writing to Monitoring Officer, Gloucestershire County Council, Shire Hall, Gloucester, GL1 2TZ.

Or employees may wish to use the Council's 24 hour "whistle blowing" answerphone service on Gloucester 01452 - 427052 to report any concern relating to possible fraud, corruption, conduct or mal-practice/administration.

19. Employees who wish to make a written statement/report are invited to set out:

- The background and history of the concern

- Relevant dates, person involved
- Details of supporting evidence.

20. Although employees are not expected to prove an allegation they will need to demonstrate that the disclosure is in the public interest.

HOW THE SCHOOL WILL RESPOND

21. In all cases in order to protect individuals and those involved in the concern, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the School/ Council will take into account is public interest; however, there is a zero tolerance attitude to any fraudulent activity. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

22. Within 10 working days of a concern being raised, the employee will be contacted at their private address:

- Acknowledging that the concern has been received
- Indicating how it is proposed to deal with the matter
- Telling the employee whether any initial enquiries have been made
- Telling the employee whether further investigations will take place and, if not, why not.

INVESTIGATION

Allegations reported to the school will normally be investigated by the head teacher/Governing Board. However in some circumstances, sometimes to avoid contaminating evidence which may then go to a criminal investigation, they may decide to involve external investigators.

Advice/support on investigation can be obtained from Theresa Mortimer: Chief Internal Auditor on 01452 328883 or e-mail theresa.mortimer@gloucestershire.gov.uk or Janet Bruce: Counter Fraud Specialist on 01452 328889 or e-mail janet.bruce@gloucestershire.gov.uk

23. The monitoring officer will arrange investigation of allegations reported to the Council. The Monitoring Officer will respond to such concerns and, where appropriate, the matters raised may be:

- Investigated by school management, Internal Audit
- Referred to the Police
- Referred to the District Auditor
- The subject of an independent enquiry.

24. The School's Conduct Procedures will be used where the outcome of an investigation indicates improper behaviour by an employee.

25. A representative of a trade union recognised by the School/Council or work place colleague may accompany an employee during any stage of an investigation conducted under this Procedure.

26. The School/Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the School/Council will arrange for them to receive advice about the procedures involved.
27. The School/Council accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.

FURTHER ACTION

28. This Procedure is intended to assist employees who wish to raise concerns within the School/Council and it is hoped that employees will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the Council, the following organisations are possible contact points:

- Health & Safety Executive
- Environment Agency
- External Auditors
- The Financial Conduct Authority/Prudential Regulation Authority
- Department of Work & Pensions
- Serious Fraud Office
- Trade Union
- Her Majesty's Revenue & Customs
- Relevant Voluntary Organisation
- Charity Commission
- Police
- 'Public Concern at Work' (tel: 0207 404 6609).

29. If employees do decide to take the matter outside the School/Council, they must ensure that they do not disclose to a third party any School/Council confidential information. If employees are in any doubt, they are strongly advised to seek the confidential advice before taking any action to ensure that they are not putting themselves in a vulnerable position.

Dated

Next review date – Spring 2024