

Whistleblowing Policy and Procedure for Community and Voluntary Controlled Schools

Introduction

- 1 The County Council welcomes suggestions from service users and employees as to ways to ensure continuous development and improvement of services. Again, in the spirit of continuous improvement, there is an expectation that employees and others who deliver services on behalf of the County Council will report any concerns about possible bad practice. This will usually be facilitated through normal management arrangements, however, where that is not possible, this policy provides an avenue for reporting serious malpractice.
- 2 Employees are often the first to realise that there may be something seriously wrong within 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 County Council. They may also fear harassment or victimisation, whether by their manager or other employees. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, the County Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the County Council expects employees, and others that it deals with, who have serious concerns about any aspect of the County Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the County Council rather than overlooking a problem or "blowing the whistle" outside.
- 4 The right to "blow the whistle" applies to all employees and those contractors working for the County Council on its premises, for example, agency staff, builders, drivers. It also applies to suppliers and those providing services under a contract with the County Council in their own premises, for example, care homes.
- 5 These procedures are in addition to the County Council's complaints procedures and other statutory reporting procedures applying to some departments. County Council managers are responsible for making service users aware of the existence of these procedures.
- 6 This policy has been the subject of consultations with the relevant trades unions and has their support.

Aims and scope

- 7 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 in the public interest;
 - provide a mechanism by which the County Council's Anti Fraud and Corruption Strategy can be implemented.

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- 8 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. If you are an employee, you are generally precluded from being able to “blow the whistle” about an alleged breach of your employment contract and should use the school’s Grievance Procedure instead. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures and in the public interest. 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 as well as other employees;
 - damage to the environment;
 - the inappropriate or unauthorised use of public funds or other resources;
 - possible fraud and corruption;
 - abuse of clients; or
 - other unethical conduct.
- 9 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the County Council or others acting on its behalf that is in the public interest 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 County Council subscribes to;
 - is against the County Council's Standing Orders and policies;
 - falls below established standards of practice;
 - amounts to improper conduct.
- 10 This policy does **not** replace the corporate complaints procedure.
- 11 If you have any concerns about a service provided by another organisation on behalf of the County Council, you should contact the service provider in the first instance. In cases where the County Council contracts with a private organisation it may be appropriate to notify the relevant Director of the County Council. In some cases it may be necessary to inform the appropriate regulatory organisation. For example, in private care homes it may be appropriate to notify the Corporate Director of Adult Services and inform the National Care Standards Committee.

Safeguards against harassment or victimisation

- 12 The County Council is committed to good practice and high standards and wants to be supportive of employees.
- 13 The County Council recognises 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 those for whom you are providing a service.
- 14 The County Council will not tolerate any harassment or victimisation (including informal pressures), whether from managers or colleagues, and will take appropriate action to protect you when you raise a concern that in your reasonable belief is in the public interest.
- 15 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you or

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may affect you in the future.

Confidentiality

- 16 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.

Anonymous allegations

- 17 This policy encourages you to put your name to your allegation whenever possible.
- 18 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the County Council.
- 19 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

Untrue allegations

- 20 If you make an allegation, 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.

How to raise a concern

- 21 As a first step, you should normally raise concerns with your immediate manager or their superior. 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 your management is involved, you should approach the Chief Executive, the Corporate Director of Finance, the Monitoring Officer or the Chief Internal Auditor.
- 22 Concerns may be raised verbally or in writing. If you wish to make a written report, you 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.
- If your concern is raised verbally, a written note will be taken in line with the format above.
- 23 The earlier you express the concern the easier it is to take action.
- 24 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 25 Advice or guidance on how to pursue matters of concern may be obtained from the people named in the Internal Contact List in Appendix 1.
- 26 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 have the same concerns.

- 27 You may invite your trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

How the County Council will respond

- 28 The person to whom you report your concerns under this policy must, in turn, report them to the Monitoring Officer within five working days.
- 29 The County Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 30 Where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry.
- 31 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 the County Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection, discrimination or harassment issues) will normally be referred for consideration under those procedures.
- 32 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.
- 33 Within ten working days of a concern being raised, the Monitoring Officer will write to you:
- acknowledging that the concern has been received;
 - indicating how the County Council proposes 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;
 - supplying you with information on support available from the Welfare Officer; and
 - telling you whether further investigations will take place and if not, why not.
- 34 The amount of contact between the officers 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, the County Council will seek further information from you.
- 35 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative or a work colleague.
- 36 The County Council 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, the County Council will arrange for you to receive advice about the procedure and you may also wish to contact the Welfare Officer.

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- 37 The County Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation but you must keep that information confidential.

The responsible officer

- 38 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the County Council.

How the matter can be taken further

- 39 This policy is intended to provide you with an avenue within the County Council to raise concerns. The County Council 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 County Council, further possible contact points are given in the External Contact List in Appendix 1.
- 40 If you do take the matter outside the County Council, you should ensure that you do not disclose information which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.

Revision Record of Issued Versions			
Author	Creation Date	Version	Status
School Support	January 2004	1.0	Final version agreed with Joint Unions
Changed by	Revision Date		
School Support (SH)	8 June 2011	1.1	As above but updated with changes to department names, statutes etc
Northumberland HR for Schools (SH)	4 January 2013	1.2	As above but updated with changes to department names, statutes etc
Northumberland HR for Schools (SH)	15 April 2013	1.3	As above but title updated to be only for community and voluntary controlled schools. Separate version available for voluntary aided and foundation schools and academies.
Northumberland HR for Schools (SH)	3 July 2013	1.4	Amendments made to scope of relevant disclosures following statutory amendments under the Enterprise and Regulatory Reform Act 2013 with effect from 25 June 2013.

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Appendix 1 – Contact Lists

Internal Contact List

Advice or guidance about how to pursue matters of concern may be obtained from any of the people named below.

Mr Steve Stewart	Chief Executive	01670 622389
Ms Kate Roe	Deputy Chief Executive	01670 622388
Mr Steven Mason	Corporate Director of Finance	01670 622929
Mr Andy Thom	Monitoring Officer	01670 623294
Mr Liam Henry	Deputy Monitoring Officer	01670 623324
Ms Allison Mitchell	Chief Internal Auditor	01670 623884
Mr Alan Le Marinel	Anti Fraud Consultant	01670 623938
Mrs Dorothy Clark	Welfare Officer	01670 623123

Any Chief Officer or any local trade union official.

External Contact List

If you have used the appropriate internal procedures and are not satisfied with any action taken in relation to your concerns and if you feel it is right to take the matter outside the County Council, further possible contact points are given below. It is stressed that the list below is not exhaustive and you are free to contact any organisation which you feel will be able to deal properly with your concerns.

Audit Commission	Anti Fraud and Corruption Hotline	0207 6301019
External Auditor	Deloitte LLP	0191 2614111
Northumbria Police		03456 043043
Professional bodies e.g.	CIPFA	0207 9299494
	Royal Town Planning Institute	0207 9299494
Regulatory organisations e.g.	Environment Agency	0870 8506506
	Health and Safety Executive	0191 2026300
	Ofsted	0845 6404045
	Care Quality Commission	0300 0616161
Voluntary organisations e.g.	Barnardos	0191 2815024
	Royal Society for Prevention of Accidents	0121 2482000
Citizens Advice Bureau	See Yellow Pages for local numbers	

If you are unsure whether or how to use this procedure or want independent advice, you may contact the independent charity Public Concern at Work on 0207 404 6609. Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.