

The School has agreed to adopt Cumbria County Council's Whistleblowing Procedures with regard to reporting concerns on the action of others.

## **1. INTRODUCTION**

The County Council expects the highest standards from all employees, including staff in schools and is keen to embed a culture where issues that may surface under whistleblowing will be treated seriously.

Cumbria County Council's Officers' Code of Conduct applies to all Council employees' and is committed to the highest standard of openness and accountability.

The Public Interest Disclosure Act 1998 is in force, and affords statutory protection to 'whistleblowers' in certain circumstances.

This Procedure has been introduced in consultation with the Trade Unions.

This Whistleblowing Procedure is intended to encourage and enable staff to raise concerns within School/County Council rather than overlooking a problem

## **2. WHAT IS THE PURPOSE OF THE PROCEDURE?**

This Procedure is designed to enable employees of the County Council and employees of external organisations, employed on service contracts, to notify senior Officers of any reasonable suspicion of illegal or improper conduct. "Improper conduct" includes neglect of duty and maladministration. The Procedure requires all employees to act responsibly to uphold the reputation of the County Council and to help maintain public confidence.

It is a Procedure in which management will be expected to act swiftly and constructively in the investigation of any concerns.

The Procedure aims to:

- ◆ encourage employees to feel confident in raising serious concerns, and to question and act upon concerns of malpractice;
- ◆ provide avenues to raise those concerns and receive feedback on any action taken;
- ◆ ensure that employees receive a response to their concerns, and are aware of how to pursue them if they are not satisfied;
- ◆ reassure employees that they will be protected from possible reprisals or victimisation if the disclosure was made in good faith.



## **3. WHEN SHOULD IT BE USED?**

This Procedure should be used only where concerns are about the consequences for the public, other employees, or Members. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment and also included is a harassment policy, which can be referred to in the HR Tool kit.

The Whistleblowing Procedure is intended to cover major concerns that fall outside the scope of other procedures and where employees have concerns about service provision or the conduct of employees, governors of the school or elected Members of the County Council, or others acting on their behalf. These include:

- ◆ conduct which is an offence or a breach of the law;
- ◆ disclosures related to actual or potential miscarriage of justice;
- ◆ failure to observe Health and Safety Regulations or action which involves risks to the public as well as other employees;
- ◆ damage to the environment;
- ◆ any attempt at concealing any of the above.

Employees who are worried about wrong doing at work do not necessarily have a personal grievance.

Thus, any concerns that employees have about any aspect of service provision or others acting on behalf of the Council, can be reported under the Whistleblowing Policy. This may be about:

- ◆ something that makes them feel uncomfortable in terms of known standards, their experience, or the standards they believe the Council subscribes to;
- ◆ something that is against the School/County Council Procedure, Rules and Policies;
- ◆ something that falls below established standards of practice;
- ◆ something that amounts to improper conduct;
- ◆ the unauthorised use of public funds;
- ◆ fraud and corruption;
- ◆ homophobic, racial, religious, sexual or physical abuse of clients, staff, governors and members;
- ◆ other unethical conduct;
- ◆ concealment of any of the above.

Employees must act in good faith and must have reasonable grounds for believing the information to be accurate. When it is apparent from the investigation that the person making the disclosure has acted frivolously, maliciously, or for personal gain, the School/County Council may decide to take disciplinary action.

No employee who uses this Procedure in good faith will be penalised for doing so.

An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct, or is unsure about how to proceed, can contact the following for advice

Headteacher  
(01946 830423)

Chair of Governors  
(01946 833847)

Or the following at County level:

Local Authority Designated Officer (LADO) - Carol Holt  
(Tel: 07795 287902)

Head of Legal Services  
(Tel: 01228 607352)

Head of Management Audit  
(01228 606280)

Senior Manager Audit  
(Tel: 01228 60 (6285, 6283, 6286))

Human Resources Provider - Vicki Lindsley  
(Tel: 01228 673685)

Financial Procedure Rules require employees who suspect fraud, corruption, or other financial irregularity, to ensure this is reported to Senior Manager, Audit for possible investigation. Normally, they must first report any suspicion of such irregularity to their line manager, who will in turn report it to the Senior Manager, Audit.

Exceptionally, if employees believe that the matter cannot be resolved in this way, they should report it direct to the Head of Management Audit.



#### 4. MECHANISM FOR RAISING CONCERNS

If employees have a concern they will need to exercise judgment on who to raise the issue with. If the matter is minor, then it will be sufficient just to bring it to the attention of the employee who appears to be at fault.

If the matter is obviously more significant, or where a previous informal response as above has apparently been disregarded, then the matter should be raised with the line manager.

Where the issue concerns the line manager/Head or, having made a report, the employee believes there has been a failure to take appropriate action, then the matter should be brought to the attention of the School Chair of Governors.

Employees who feel unable to follow this route, for whatever reason, have the option of contacting their departmental personnel officer, Capita HR Consultancy, the LADO or any of the contact names in section 3.

Depending on the nature of the concern, the employee will be asked to justify and support the claim. Normally the employee will be asked to do this in writing, or agree to a written summary prepared by the Officer notified. It will therefore be helpful to note down any facts and dates as they happen.

Employees who want to use the system, but feel uneasy about it, may wish to consult their Trade Union initially, and bring a friend or Trade Union representative along to any discussions, so long as the third party is independent of the issue.

Where anonymity is requested, every effort will be made to meet the request, but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.

Each case will be investigated thoroughly, with the aim of informing the employee of the outcome of any investigation as quickly as possible, normally within 21 days.

If a more lengthy process is involved, regular feedback on progress will be given to the whistleblower.

Exceptionally, if the employee feels unable to pursue any of these routes, he/she should consider approaching an appropriate body outside the Council. Such bodies include:

- ◆ The Audit Commission (for financial irregularities);
- ◆ The independent charity "Public Concern at Work", which offers confidential advice (020 7404 6609) to employees and others with serious concerns about public dangers and malpractice;
- ◆ Trade Union representative.

#### 5. WHAT TO DO IF AN ISSUE IS RAISED WITH YOU AS LINE MANAGER

You must exercise judgment, depending on the nature and seriousness of the concern. While it is essential for problems to be tackled effectively with the aim of rectifying the issue, this may well be best achieved in less serious cases by discussion with the relevant section or employee and securing a commitment as to future standards and corrective action. In taking any corrective action, you must, as far as possible, respect an employee's request for confidentiality, and avoid the threat of recrimination or reprisals. You should notify your own line manager of the action you have taken.

In other more serious cases, you should pass the matter up to the Headteacher or Chair of Governors. If you believe that school management is involved, you should approach the Director of Children's Services.

If you have any doubts about the right way to deal with the concern, you should contact one of the persons named in section 3 for advice.

All employees acting in good faith should be reassured that their concerns will be treated seriously and sensitively, and that the School/County Council will not tolerate harassment and/or victimisation of any employee raising concerns.

In school, staff should raise their concerns with the Headteacher, or, if this is not appropriate, with the Chair of Governors, LADO, Human Resources or the Head of Legal Services.

*'Adults should report any behavior by colleagues that raises concern; this is particularly important where the welfare of children may be at risk.'*

*Schools need to ensure they have appropriate whistleblowing policies in place and that they have clear procedures for dealing with allegations against staff which are in line with Chapter 7 of Cumbria Local Safeguarding Board's Child Protection Procedures.'*

(Safer Working Practice Guidance)



## Whistleblowing Procedure and Guidance