

RIVINGTON PRIMARY SCHOOL

“WHISTLE BLOWING” POLICY



November 2009

WHISTLE BLOWING POLICY

1. PREAMBLE

1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. 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 Council is 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 Council's business, to come forward and voice those concerns.

1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "blowing the whistle" outside.

1.4 The policy applies to all employees and those contractors working for the Council on Council premises. It also covers suppliers and those providing service under a contract with the Council in their own premises.

1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. You are responsible for making service users aware of the existence of these procedures.

1.6 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage you to feel confident in raising 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 of victimisation if you have a reasonable belief that you have made any disclosure in good faith

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting 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 relating to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of clients;
- other unethical conduct; or concealment of the above.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of Members or Officers of the Council, or others acting on behalf of the Council, can be reported under the Confidential Reporting Policy. This may be about something that

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes 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 the corporate complaints procedures.

3. SAFEGUARDS

3.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.2 The 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.

3.3 The Council 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. This would include taking action against anyone who harassed or victimised you.

3.4 Any investigation into allegations of potential malpractice will not influence, or be influenced, by any disciplinary or redundancy procedures 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. The identity of the complainant will not be revealed to the person(s) complained about unless this is incompatible with a proper investigation. At the appropriate time, however, you may need to come forward as a witness.

5. ANONYMOUS COMPLAINTS

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 at the discretion of the Council.

5.3 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

5.4 Where the Council decides to pursue an anonymous complaint it will be the subject of action as identified in Section 8.

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 your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example:

a) if you believe Management or a Member of the Council is involved you should approach either the Chief Executive, Mrs. Carole Hudson (Tel. No. 456100), the Council's Monitoring Officer, Mr. Peter Blackburn (Tel. No. 456016) or the Assistant Treasurer (Audit, Efficiency & IT), Cath Fogarty (Tel. No. 456885);

b) if you are employed at a school, or otherwise, in the provision of services to children or young people, you could approach the Director of Children and Young People's Services, Susan Richardson (Tel. No. 455321) or the Senior Assistant Director Children's Services, Chris Williams (Tel. No. 456310);

c) those employed in Social Services residential establishments who feel that it is inappropriate to raise issues with their immediate manager can approach the Director of Adult Social Care and Health, Sue Lightup (Tel. No. 456309);

d) those employed in Personal Care Services can approach the Director of Adult Social Care and Health, Sue Lightup (Tel. No. 456309) or the Commission for Social Care Inspection (CSCI) Regional Office (Tel. No. 0151-949 9540).

7.2 However, the important thing is that you raise your concern and therefore you can raise concerns with any senior manager in the organisation with whom you feel comfortable.

7.3 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

7.4 The earlier you express the concern, the easier it is to take action.

7.5 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.

7.6 You may find it easier 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.

8. HOW THE COUNCIL WILL RESPOND

8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may

- be investigated by Management, Internal Audit or through the disciplinary process
- be referred to the school governing body.
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial inquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest.

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 person with whom you raised your concern will write to you

- acknowledging 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 inquiries have been made;
- supplying you with information on staff support mechanisms; and
- telling you whether further investigations will take place and if not, why not

8.6 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 Council will seek further information from you.

8.7 Where any meeting is arranged, off site if you so wish, you can be accompanied by a union or professional association representative or a friend.

8.8 The 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 Council will arrange for you to receive advice about the procedure.

8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, we will inform you of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

9.1 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 Council. The effectiveness of the policy will be continually monitored based on the experience of its use.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside the Council, the following are possible contact points:

- the Council's External Auditor
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- the Police

- the Public Concern at Work help line service for employees (020 7404 6609).

This organisation is an independent charity, which can provide free, independent, confidential advice to anyone worried about malpractice in the workplace.

10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

Effective from 1 June 2000