



## Whistle Blowing Policy

*This Procedure applies to all school staff, including Headteachers.*

As public service organisations, Cheshire West & Chester Council and Eaton Primary School will use public funds prudently and apply the highest standards of conduct throughout the organisation. This procedure encourages staff to help maintain these standards, by enabling employees to draw attention, *within the Council*, to any concerns which they may have. Public disclosure may well be justified at some point but this should not happen before the school/Council has had the opportunity to investigate the concern. Premature or unnecessary publicity may damage the school's/Council's reputation, impede proper investigations or hurt individuals.

Examples of concerns that may be raised under the procedure are:

- Law breaking.
- Miscarriages of justice.
- Health and safety risks (to anyone).
- Damage to the environment.
- Unauthorised use of money.
- Dishonesty, fraud and corruption.
- Sexual, physical or financial abuse of pupils/clients.
- Other unethical conduct.

The school/Council wants normal management channels to be sufficiently open and effective for most concerns to be raised that way. But this will not always be appropriate or possible and that is why we have a Confidential Reporting Procedure. It offers the means to raise concerns staff may have about any aspect of service provision or the conduct of staff, governors/elected members or other people acting on behalf of the school/Council. A concern may arise, for example, from worries about failure to observe standards, or policies being circumvented or improper conduct.

The procedure does not cover concerns that are covered by other procedures. For example, an employment problem may well be covered by the school's Grievance Procedure or Personal Harassment & Bullying Procedure (both available in the school).

### HARASSMENT OR VICTIMISATION

Staff may be put off raising a concern because they are worried about reprisals. If they raise a concern in good faith and genuinely believe it to be well founded, they should have nothing to fear. They will be doing their duty to the County School/Council and the public. The School/Council will not tolerate any harassment or victimisation (including covert pressure) and will do all it can to protect employees (NB: the school/County Council has a policy on harassment and bullying). If staff happen to be involved in any disciplinary or redundancy procedures, these will be kept quite separate from the complaint investigation.

Staff will not be penalised in any way, where they make an allegation in good faith but it is not confirmed after it has been investigated. (But a concern that is raised frivolously, maliciously or for personal gain may result in disciplinary action.)

## **CONFIDENTIALITY**

Staff concerns will be treated in strict confidence, within this Procedure, and everything done to keep the employees identity secret (if wished). But note that staff *may* have to be a witness at some point.

It might then not be possible to keep their identity fully secret.

## **ANONYMOUS ALLEGATIONS**

An anonymous concern is likely to carry much less weight than one which is signed; the investigating manager would have to decide whether or not to accept it. This decision would depend on the seriousness of the issue, the credibility of the concern and the likelihood of being able to confirm the allegation in other ways. Signed concerns are always better.

## **RAISING A CONCERN who to approach**

Where a concern relates to the school, if possible, an approach to someone within the school should be made (a Headteacher with a concern should approach their Chair of Governors with a copy of this Procedure). If the nature/sensitivity of the concern makes this difficult, however, there is a list of the managers within the County Council with whom anyone is free to raise a concern (see the last page for contact addresses and phone numbers). When deciding who it would be best to approach, take into account the type of matter, its seriousness and its sensitivity – and who may be involved. Some examples are given.

- The manager for the Department/team, their manager, the Headteacher or the Chairman of Governors. (*Example - for a concern within the school.*)
- The County Schools Manager or another County Manager in Education (or the County Manager for the service involved in the concern). (The names and addresses of County Managers are available from the Education Personnel Office) (*Example - for a concern within the wider Education Department.*)
- The Head of Audit. (*Example - for a concern about financial probity.*)
- The Deputy County Clerk and County Solicitor (who is also the County Council Monitoring Officer). (*Example - for a concern which has County wide implications or should be raised with someone independent of the Education Department.*)
- A professional association/trade union (if the person has one – see below). (*Example – staff may be reluctant to take the matter direct to management and would prefer to be independently advised/assisted*)

### ***How to raise your concern***

Staff/Governors may raise their concern orally (i.e., face to face or over the phone) or in writing, marking the envelope ‘personal and confidential’. Whichever way, it is best to give as much information as you can. Remember also to give your name, job and where you work and say if you do not want to be contacted at work (if so, give your home address and phone number).

The following headings should help employees organise their thoughts but do not have to followed exactly:

- Why you are concerned and the background information.
- Any other procedures which you have already used - and what happened.
- The people who are involved and where they work.
- Dates or periods of time.
- The names and jobs of any other people who will (or may) support your concern.

The earlier a concern is raised the better. Whilst staff will not be expected to prove that allegations are true, they will need to show that they have a reasonable basis for their concern.

Staff may want to discuss the matter with one or two colleagues first. Their support could be helpful. There is nothing to stop two or more putting their names to a concern.

### **Involvement of a trade union or professional association**

Staff may ask a trade union or professional association to raise a matter on their behalf. In this case staff can remain anonymous when the concern is first raised. But they may have to be involved personally if the matter goes further.

Staff may also have their trade union, professional association or a friend at any meeting or interview.

### **Help with the procedure**

Any of the following will help staff to understand *the procedure*:

- The Headteacher/line manager for the Department/team.
- The Personnel Manager for Education.
- Head of Audit.
- Deputy County Clerk and County Solicitor (who is also the County Council Monitoring Officer).

### **HOW A CONCERN WILL BE DEALT WITH**

As a start, discreet enquiries will be made by a senior manager of the school (or Governor, in the case of a Headteacher) or, if the concern does not relate to the school, a senior manager of the County Council, to decide whether an investigation is needed and if so, how it should be carried out. This will help protect everyone concerned. The overriding principle will be the public interest.

If this first, testing, stage shows that the concern should be followed up, there will either be a special examination or another procedure will be used, if appropriate. Examples of special procedures are the School/Council's Disciplinary Procedure, the Personal Harassment and Bullying Procedure or child protection procedures. It may be necessary to involve other agencies, for example the police or the Council's external auditors. Any urgent action will be taken before the investigation starts. It may be possible of course, to sort out the concern without a detailed investigation.

### **WHAT STAFF WILL BE TOLD**

Within 10 working days of the concern being received, the manager who carries out the initial enquiries will write confirming:

- What initial enquiries have been made?
- How the concern has been or will be dealt with.
- How long any further action may take (as far as this can be known).
- What further work is planned and how you may be involved.

The amount of contact staff have with the people considering the matter will depend on many things. These include the type of concern, the potential difficulties of investigating it and the availability of information. Staff may need to provide more help.

Wherever possible, the employee will be told the final outcome of an investigation.

## **PERSONAL SUPPORT**

The School/Council will do all it can to minimise any difficulties which staff may have because they have mentioned their concern. As far as we can, they will be offered personal support and this will be arranged by the Headteacher or County Personnel, as appropriate. For example, if the employee had to give evidence in disciplinary or criminal proceedings, full advice about the procedure would be given to you.

## **IF YOU ARE NOT SATISFIED WITH THE SCHOOL'S/COUNCIL'S RESPONSE**

This procedure is meant to give everyone an effective way to raise a concern *within* the School/Council (and if possible, to resolve it internally). You should not feel that you have to take an issue outside the School/Council to get satisfaction. But if you are still unhappy after using the procedure (and getting a final response), you are entitled to consider taking your concern elsewhere. If you do this, these are some contacts which are available:

- L.A.D.O. (Local Authority Designated Officer) 0151 356 6843
- the Council's external auditors – 01244 972521
- UNISON Whistle blowing Hotline – 0800 597 9750
- Audit Commission Anti-Fraud and Corruption Unit – 0207 630 1019
- The independent charity Public Concern at Work – 0207 404 6609
- a Citizens Advice Bureau
- the Standards Board for England – 0845 0788181
- a relevant professional or regulatory body
- a relevant voluntary organisation
- the police

If you raise the matter outside the School/Council, you must take into account the rules about disclosing confidential information (see Section 12 of the Code of Conduct).

## **MONITORING THE PROCEDURE**

The Council's Monitoring Officer, working with the County Personnel Officer, will monitor how the procedure works. They will report at least annually to the County Council's Performance and Standards Committee.