

The Holy Spirit Catholic Primary School



Whistleblowing Policy

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The Governing Body of The Holy Spirit Primary School have formally adopted Halton Borough Council's Whistle blowing Policy

1. INTRODUCTION

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 to report what may just be suspicion of malpractice.

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 work, to come forward and voice those concerns. This includes an issues relating to gender, race, sexual orientation, age, disability or religious or philosophical belief whereby a person suspects discrimination is occurring. It is recognised that most cases will have to proceed on a confidential basis.

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.

The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers etc. It also covers suppliers and those that provide a service under a contract with the Council in their own premises, for example, care homes.

These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some Directorates. You are responsible for making service users aware of the existence of these procedures. This policy has been discussed with the relevant trade union and professional organisations and has their support.

2. AIMS OF THIS POLICY

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 by the Council if you have a reasonable belief that you have made any disclosure in good faith,

This policy:

- Is written and circulated to every employee of the Council,

- States to whom and what applies,
- Provide for matters to be dealt with quickly,
- States that the Council is committed to tackling issues of malpractice,
- Ensures that employees know that malpractice will be dealt with seriously,
- Has the support of Trade Unions,
- States who will deal with allegations and how they will be dealt with,
- Reminds employees that they can seek the help of their Union or professional body,
- Aims to ensure that confidentiality of any allegations and actions taken, as far as is reasonably practicable,
- Ensures that allegations and responses to them are properly recorded,
- Sets out the relationship between the Policy and the other Council procedures,
- Can be independent of line management if necessary.

The Policy of Conduct for Local Government Employees states that:

“Employees will be expected through agreed procedures and without fear of reprimand to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.”

This policy supports that statement.

3. SCOPE OF THE POLICY

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, and this policy does not replace the Corporate Complaints Policy. Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. An employee’s concerns may in this context relate to the following matters, or a reasonable belief that one or more of the following has occurred or is likely to occur:

- Actions or behaviour 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 to practice, or
- Amounts to improper conduct, or

- Conduct which is a criminal offence or a breach of the law, or
- Disclosures relating to miscarriages of justice, or
- Dangerous procedures risking to health and safety, including risks to the public, service users and to other employees, or
- Damage to the environment, or
- The unauthorised use of public funds, or
- Sexual or physical abuse of service users, or
- Other unethical conduct.

This list is not meant to be exhaustive but gives examples of malpractice. The overriding concern for the employer and employee should be that it would be in public interest for the malpractice to be corrected and if appropriate sanctions taken.

Thus any serious concern that an employee has about any aspect of service provision or the conduct of officers or members of the Directorate or others acting on behalf of the Directorate can be reported under this Policy.

4. SAFEGUARDING AGAINST HARRASSMENT OR VISCTIMISATION

- The Council is committed to good practice and high standards and wants to be supportive of employees.
- The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or you're a difficult one to make. If what you are saying is true, or your suspicion reasonable, 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.
- 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.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

5. CONFIDENTIALITY

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.

The employee disclosing a concern should ensure that they only inform the person identified in part 8 below. Other than that the employee is required to keep the matter disclosed confidential.

The person to whom the matter is disclosed will treat it confidentially, as far as is reasonably practicable.

It is stated explicitly here that if the procedure used requires disclosure to other people, then the employee will disclose this should be informed.

If the matter cannot be resolved locally by the person to whom it is reported, it may be necessary to inform other people of the concern raised. These people should only be those required to know under whatever procedure the matter progresses.

If a hearing is needed, either by law, or under the Council procedure, the employee disclosing the concern may be required to give evidence.

It is not possible to remain anonymous under this procedure, but the safeguards stated here are aimed to protecting all those involved in reporting, investigating and being suspected of wrongdoing.

6. ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising the 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 the attributable sources.

7. UNTRUE ALLEGATIONS

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.

8. HOW TO RAISE A CONCERN

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 management is involved, you should approach the Chief Executive, Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources), Strategic Director – Corporate and Policy, Internal Audit or any specialist units the Council may have established (for example and Anti-Fraud Team or a complaints 'hot-line').

Concerns may be raised orally 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.

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

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.

Advice/guidance on how to pursue matters of concern may be obtained from:

- Chief Executive
- Monitoring Officer
- Strategic Director- Corporate and Policy
- Chief Internal Auditor
- Chair of the Standards Committee (who can be contacted by letter addressed to the Chair of the Standards Committee and sent to the Municipal Building, Kingsway, Widnes, WA8 7QF)
- 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 concerns.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

9. HOW THE COUNCIL WILL RESPOND

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.

Where appropriate, the matters raised may be:

- Investigated by management
- Investigated by internal audit
- Progress through the disciplinary process
- Referred to the police
- Referred to the external auditor
- The subject of an independent enquiry
- Dealt with via any other appropriate procedure, for example, child protection, abuse of vulnerable adults procedure.

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 Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child

protection or discrimination issues) will normally be referred for consideration under those procedures.

If someone is suspended, the person reporting under this policy will be informed.

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 concluded.

Within five days of a concern being raised, the Chief Executive (or other officer appointed to deal with the matter) will write to you:

- Acknowledging that the concern has been received
- Indication how we propose to deal with the matter
- Giving an estimate of how long it will take to provide a full response
- Telling you whether any initial enquiries 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.

The amount of contact between you and the officers considering the issues will depend on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

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

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.

The 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.

10. THE RESPONSIBLE OFFICER

The Chief Executive 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.

11. HOW THE MATTER CAN BE TAKEN FURTHER

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 Chair of the Standards Committee

- The external auditor
- Your trade union
- Your local Citizen’s Advice Bureau
- Relevant professional bodies or regulatory organisations (e.g. the Care Quality Commission is the independent regulator of health and social care in England (tel: 03000 616 161)).
- A relevant voluntary organisation (e.g. For Children’s Services – The Children’s Society (tel: 0845 300 1128))
- The police

If you do not take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

Policy Created 25th January 2010

Policy Approved February 2010

Next date for policy review

SignedChair of Governorsdate