



WHISTLEBLOWING POLICY

Date of review: October 2020 **Next review:** July 2021



Whistleblowing Policy

This policy should be read in conjunction with the safeguarding policy

The Governing Body of Kirkby on Bain Church of England Primary School have adopted the Lincolnshire County Council's Confidential Reporting Code/Whistleblowing Policy as set out below. This policy is to be reviewed on an annual basis.

Introduction

At Lincolnshire County Council (LCC) we want to make sure that we are providing excellent services to the residents of Lincolnshire. Our staff, Councillors, partners and contractors have an important part to play in achieving that goal and we expect everyone to be committed to our high standards of service which are based on the principles of honesty, openness and accountability.

At Kirkby on Bain Church of England Primary School we know that we face the risk that something may go wrong or that someone may ignore our policies, our procedures or the law resulting in serious consequences. Staff or others who work on behalf of an organisation, often have worries or suspicions, and could, by reporting their concerns at an early stage, help put things right or identify and stop potential wrongdoing.

A whistleblower is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation.

We want you to feel that it is safe and acceptable to tell us about your concerns so that we can investigate and take action as soon as possible. We recognise that you may be worried about reporting for a number of reasons:

- ✚ Fear of reprisal or victimisation (e.g. loss of position);
- ✚ Too much to lose (reputation, damage to career etc);
- ✚ Feelings of disloyalty;
- ✚ Worries about who may be involved;
- ✚ You have no proof only suspicions;
- ✚ Fear of repercussions if there is no evidence or if you are proved wrong.

We welcome all genuine concerns and will treat your issues seriously. This policy explains how to raise a concern, the types of activity you should report, the protection we can provide, confidentiality, our response and how you can take matters further if necessary.

We wish to assure you that there is no reason to remain silent; your decision to talk to us may be difficult but, if what you are saying is true, you have nothing to fear as you are following the school and Council's Code of Conduct and helping to protect the users of our service. We will

not allow any harassment or victimisation and we will take action to protect those who raise concerns in good faith.

The policy does not replace our existing grievance policy. This policy should be used if you have a personal grievance or are unhappy with the way you are being treated. The Whistleblowing arrangements are not intended to give you a further opportunity to pursue a grievance or complaint once the relevant employment procedures have been exhausted.

As a member of the school staff or as a member of the public you may have concerns or information that you feel we should be aware of or looked into. The Corporate Complaints process should be followed if your concern is regarding a particular service provided to you.

Scope

These Whistleblowing arrangements may be used if you are; a Councillor, Council employee, employee of a Lincolnshire School or a school governor, a contractor, partner or member of the public. This policy also applies to agency staff, contractor staff and suppliers providing goods or service to or on behalf of the school,

These Whistleblowing arrangements **do not** replace the following;

- + Child Protection Safeguarding reporting;
- + Adult Social Care Safeguarding reporting;
- + Corporate Complaints Procedure;
- + Disciplinary Policy;
- + Grievance Policy.

The following, should be considered if raising concerns through these Whistleblowing arrangements.

- + You have genuine reasons why you cannot use the above policies and procedures;
- + You have reason to believe that these policies are failing or not being properly applied;
- + There is a public interest aspect.

Protection and Confidentiality

The Whistleblowing law is contained in the Public Interest Disclosure Act 1998 (PIDA). Public bodies, such as Kirkby on Bain Church of England Primary School, are required to have approved a Whistleblowing Policy and to ensure that employees are not victimised or dismissed for raising their concerns internally. This also applies to those, who feel the need to take their concerns to an outside body e.g. the Local Government Ombudsmen.

At Kirkby on Bain Church of England Primary School, we will not tolerate any harassment or victimisation (including informal pressure) and will take action to protect you, if you raise a concern in good faith. Disciplinary or corrective action will be taken against anyone who attempts to victimise the whistleblower or prevent concerns being raised.

It may be felt that that the only way to raise a concern is if anonymity can be assured. Confidentiality will be respected as far as possible, but there may be times when this cannot be guaranteed e.g. where a criminal offence has occurred or if there are child protection issues.

If the concern proceeds into a formal investigation the whistleblower may be required to give evidence along with other employees and witnesses. Depending upon circumstance this may be done without disclosing the identity of the whistleblower. A statement may be required as part of criminal proceedings or for an employment tribunal.

Attempts will be made to ensure that the whistleblower's identity is not disclosed to third parties without a court order. If the information provided includes personal information about another person, then that person may be entitled to access it under the subject access provisions of the Data Protection Act. If releasing this information could reveal the identity of the whistleblower, then your consent will be required prior to the release of this information.

If the whistleblowing disclosure results in an internal investigation and you provide a witness statement under that process, the statement may be used for disciplinary purposes. This means that the statement may be given to the subject as part of a disciplinary hearing. An employee subject to the disciplinary process can ask to see personal information held about them at any time under the subject access provisions of the Data Protection Act – this may include information within the statement. If it is possible to provide access to personal information in the statement without revealing the identity of the author this will be done. If this is not possible consent will be sought before releasing information.

If the statement is not required for disciplinary purposes it will be:

- ✚ Held confidentially on the case file – until the case file is destroyed after 7 years.
- ✚ Released only with the consent of the author or by a police/court order.

The Council:

- ✚ Does not expect the author to give us your consent – this is your decision alone – but we are required by law to ask.
- ✚ Does not need a reason should you refuse this request.

If you find yourself to be the subject of a whistleblowing disclosure, the Council will follow the appropriate employment procedures. This means you will have all the rights contained in that procedure, such as, the opportunity to respond to the allegation and representation at the investigatory interview.

What should be reported?

Whistleblowing arrangements are encouraged for issues such as: (please note this is not an exhaustive list)

- ✚ Conduct which is a criminal offence or breach of law;
- ✚ A breach of the Code of Conduct for staff or Councillors;
- ✚ Sexual, physical or verbal abuse of our clients, employees or public;
- ✚ Dangerous procedures risking health and safety of our clients, employees or public;
- ✚ Unauthorised use of public funds;
- ✚ Suspected fraud or corruption;
- ✚ Damage to the environment;
- ✚ Unethical or improper conduct;
- ✚ Services that fall seriously below approved standards or practices;
- ✚ Failure to follow the Councils policies and procedures.

Anonymous or untrue allegations

Anonymous reporting is not encouraged as the concerns are more difficult to investigate and substantiate.

Anonymous whistleblowing referrals will be considered at the discretion of the officers handling the concern, in consultation with the service area, where appropriate. This discretion will be based on:

- ✚ Seriousness of the issues raised;
- ✚ Credibility of the concern;
- ✚ Likelihood of confirming the allegation from an attributed source;





Evidence base.

All concerns are taken seriously but it may be that the investigations do not confirm the allegation. If this is the case no action will be taken against the whistleblower if the concern was raised in good faith. But if the allegation has been made maliciously or for personal gain, action will be taken and the whistleblower will not be eligible for protection under PIDA.

How to raise a concern

You are encouraged initially to raise the concern internally – this allows the school the opportunity to right the wrong and provide an explanation for the behaviour or activity. Staff are advised to report any allegations to their line manager, although these first actions will depend upon the seriousness and sensitivity of the issues and who you believe to be involved. When raising these concerns it will be made clear to the subject that these concerns are being raised under the school and council's whistleblowing arrangements.

The following may also be contacted:

 Paul Brewster, Chairman of the Governing Body	01507 524814
 Chief Executive	01522 552000
 Monitoring Officer	01522 552316
 Head of Corporate Audit & Risk Management	01522 553692

If you wish to raise the matter in person, this can be done by contacting one of the numbers above or alternatively by contacting the Council's confidential freephone whistleblowing number on 0800 0853716. The Investigations Team, who report directly to the Head of Audit & Risk management, operate this dedicated reporting line during normal working hours (9 am to 5 pm). If you call this number out of hours a message may be left on the answer phone which is located in a secure area.

Concerns are better submitted in writing – the following information is requested to aid the investigation. Background and history of the concern, names, dates and places (where possible). And an explanation as to why the concern is being raised. You will not be expected to prove the allegation, but will need to provide enough information to show that there are sufficient grounds for an inquiry to proceed.

Concerns may be sent directly to one of the officers named above, or forwarded directly to a confidential PO Box or email address, both of which are monitored by a nominated officer within the Investigations Team.





Lincolnshire County Council
PO Box 640
Lincoln. LN1 1WF

Email address: whistleblowing@lincolnshire.gov.uk

Staff may also request their Trade Union representative or a work colleague to raise a concern of their behalf.

How will we respond?

The response will depend upon the nature of the concern raised and may be:

-  Advice only;
-  Resolved by agreed action without the need for investigation;
-  Investigated internally (by management, Counter fraud & Investigation Team or other independent investigators);
-  Referred to the relevant safeguarding team (child protection or vulnerable adults)

- ✚ Referred to the Police;
- ✚ Referred to the external auditor;
- ✚ Made subject of an independent enquiry.

The office receiving the whistleblowing allegation (if a major issue) will immediately notify the Investigations Team within Corporate Audit to include the disclosure on a central register. An initial enquiry may be conducted in order to protect individuals or employees and those accused of the wrongdoing. The findings from these preliminary enquiries will be used to decide whether an investigation is required and if so, as to what form it will take. If urgent action is required this will be taken before the start of any investigation.

A whistleblowing disclosure will be acknowledged within 5 working days. Within the next 10 days you will receive a written explanation on the proposal for dealing with the concern.

The whistleblower will be:

- ✚ Given an estimate of how long it will take to provide a final response;
- ✚ Told if initial enquiries have been made;
- ✚ Told if further investigation is required, and if not, why not;
- ✚ Given details of support mechanisms;
- ✚ Advised of the investigating officer
- ✚ Advised how we will inform you of progress.

The amount of contact between you and the office considering the disclosure will depend on the nature of the concerns raised. E.g., if further investigation is required, the investigator may need to seek additional information.

If a meeting is necessary, this may be held off site. If you are an employee you will have the right to be accompanied – this may either be a union representative or a work colleague (not involved in the area where the concern exists).

Help with any difficulties experienced as a result of raising a concern e.g. provide advice if you are required to give evidence for criminal or disciplinary proceedings. Sometimes whistleblowers have counter-allegations made against them. The County Council has a duty to investigate any concerns that it receives and that will apply in these circumstances. However this will not detract from the principles, as set out in this policy, which govern how the Council will respond to whistleblowers the over-riding objective will be to establish the truth.

Records will be retained of all work carried out and actions taken to address the concerns raised by the whistleblower, including the investigator's case file, where relevant. All files will be held securely and confidentially, in accordance with the Council's retention of records policy.

At the end of the investigation, feedback will be provided to the whistleblower (if known) on actions taken and limited detail on the outcome of the investigations. Feedback will be subject to legal constraints, but it is recognised that there is an importance of providing assurances that the matter has been dealt with properly.

Taking the matter further

If there are genuine concerns as to how the disclosure has been handled, these may be raised with the Investigating Officer(s) and/or the Monitoring Officer. Alternatively if you are still dissatisfied the Council's external auditors at:

Audit Commission
 2nd Floor
 Witham House
 Canwick road
 Lincoln. LN5 8HE

Or
The Local Government Ombudsman
PO Box 4771
Coventry. CV4 0EH
Tel No: 0300 061 0614

It should be noted that employees are not to report any Council related issues to the media – to do so may be considered a breach of the Council's Disciplinary Policy and Code of Conduct.

Monitoring

The Head of Corporate Audit will provide an annual report to the Council's Audit Committee which has responsibilities for overseeing the effectiveness of the Council's governance arrangements. All reporting will be anonymised and will only identify common themes, numbers of disclosures year on year and will highlight actions taken to improve systems and policies.

Signed _____ Headteacher

Signed _____ Chair of Governors