

Leicester City Council

**Whistleblowing Policy for Employees Based in
City Schools/Colleges and other Establishments**

Why do we have a Whistleblowing Policy?

Employers are recommended to develop a clear and accessible Whistleblowing Policy under the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.

Such a Policy is valuable as, although Schools/Colleges pride themselves on acting with high standards of conduct and providing quality services to the community, sometimes there may be a lapse, or the suspicion of a lapse, in these standards. The simple fact is that an employee may suspect something is going wrong long before anyone else finds out about it: in the worst case, this may not be until an accident has happened or serious damage has been caused.

So if something at work is troubling you enough for you to mention it to your family or friends, please report it straight away. It is natural that you may feel unable to express your concerns out of a feeling of disloyalty; however, such feelings must never result in a potentially illegal or dangerous situation going unreported. This particularly applies where the welfare of children may be at risk: all staff have a duty to report any child protection concerns to their school's designated person for child protection - make sure you know their name. Remember, it is often the most vulnerable children or young people who are targeted: they need someone like you to safeguard their welfare.

Don't think "what if I'm wrong?" - think "what if I'm right?"

What is a Whistleblowing Policy?

'Whistleblowing' has been described as "providing a safe alternative to silence" (Public Concern at Work). It is the mechanism for you to voice your concerns without fear of repercussion, even if the concern later proves to be unfounded. When you raise a concern via this route, this is known as making a 'disclosure'.

The Whistleblowing Policy explains how to raise a concern and outlines the protection and support available to you. The existence of this Policy does not in any way lessen your School's commitment to promoting a general climate of openness and co-operation where there is opportunity for discussion about difficulties, concerns and problems with management. Rather it is there for occasions when you feel unable to raise a concern through this route, or when this would not be appropriate.

The Policy covers and protects employees, agency workers, trainees and contractors' staff. Please take a few minutes to read it: if you have any questions please speak to your Manager/Headteacher or HR Advisor.

The existence of this Policy should be highlighted on a poster in every school staffroom (an example is provided at [Appendix 3](#)). For easy reference, an electronic version of this Policy is available on the Extranet under Human Resources/ HR Model Policies and Procedures.

The Whistleblowing Policy is one of a range of HR Policies and Procedures available to Leicester City Schools. Allegations raised under this Policy may be referred at the appropriate stage for consideration under the appropriate separate procedures.

Whistleblowing generally involves a concern about a danger or illegality that affects others, such as members of the public or your employer. Although on occasion there may be some overlap between a whistleblowing concern and a grievance, for

example, a health and safety matter where the risk affects you and others, concerns about a situation affecting you personally should generally be raised via the Grievance Procedure.

What Kind of Disclosures are Covered?

Although this is not an exhaustive list, whistle-blowing disclosures tend to involve one or more of the following:

- Deficiencies in the care, or abuse, of children or young people;
- A criminal act that has been, is being, or is likely to be committed, including damage to the environment, unauthorised use of public funds and possible fraud and/or corruption;.
- Someone has failed, is failing, or is likely to fail, to comply with legal obligations;
- Health and safety risks, including risks to the public, children/young people and other employees;
- Inappropriate or improper conduct;
- Serious failure to comply with appropriate professional standards;
- Breach of local procedures or statutory codes of practice;
- Other unethical conduct.

Reasons for Whistleblowing:

- We all have an individual responsibility for raising concerns about unacceptable practice or behaviour;
- We could prevent the problem worsening or widening;
- We may be able to protect or reduce risks to others;
- To prevent becoming implicated yourself.

What stops people from Whistleblowing?

- Starting a chain of events which spirals;
- Disrupting the work or project;
- Fear of getting it wrong;
- Fear of repercussions or damaging careers;
- Fear of not being believed.

How to raise a concern:

- You are recommended to approach your Trade Union/Professional Association for advice and support, which may include inviting them to raise the concern on your behalf.
- Approach your immediate manager, Headteacher, or your School's designated person for Child Protection (if the concern is child protection related). If you would feel more comfortable you can ask to meet with them away from the School premises. They will consider whether the issue can be resolved informally.
- You should be making the disclosure in good faith. The Public Interest Disclosure Act 1998 defines 'good faith' in the context of Whistleblowing as "the reasonable belief that the allegation is substantially true and that it is not made for personal gain".

- The Enterprise and Regulatory Reform Act 2013 introduced the idea that for a disclosure to be protected, the disclosure must be made in the interest of the public. The Act also removed the requirement that a worker or employee must make a protected disclosure 'in good faith'; however tribunals will have the power to reduce compensation by up to 25% for detriment or dismissal relating to a protected disclosure that was not made in good faith. The Act also gave more protection for whistle-blowers from bullying or harassment by co-workers.
- Voice your concerns, suspicions or uneasiness as soon as you can: the earlier a concern is expressed the easier and sooner action can be taken. Try to pinpoint exactly what practice is concerning you and why.
- Ideally put your concerns in writing (using the form provided at [Appendix 2](#)), outlining the background and history, giving names, dates and places where you can.
- If your concern is about your immediate manager/Headteacher, or you feel you need to formally raise it with someone outside the school, contact the Local Authority Investigations Team on 2527415 (24 hours) or via email at investigations@leicester.gov.uk. Details of the disclosure will be presented to the 'Monitoring Officer' (or his/her representative) for consideration. The Monitoring Officer will take any necessary urgent action and, taking account of the circumstances and any evidence, determine how to respond to the disclosure (see "What happens next?"). The Monitoring Officer is currently the Service Director for Legal Services.
- If you feel you need to take your concern to a Regulatory body (for example, Ofsted), or to a relevant external organisation/individual (including an elected member/Member of Parliament), please see the contact details at [Appendix 4](#). The conditions for making a disclosure to a Regulatory Body/External Organisation are:
 - You reasonably believe you would suffer detriment if you made the disclosure to your Headteacher, the Local Authority, or to a regulator;
or
 - You reasonably believe the evidence is likely to be concealed or destroyed;
or
 - You have already made the disclosure to your Headteacher or the Local Authority and you are dissatisfied with the response.
- The Local Authority is actively pursuing the possibility of including in this Policy the provision to place disclosures before a committee of elected members if an individual is dissatisfied with the response from their Headteacher or the Local Authority.
- You are not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.
- You may invite your Trade Union/Professional Association representative or a work colleague to be present during any meetings/interviews in connection with the concerns you have raised. Should your Trade Union/Professional Association representative raise the concern on your behalf, they will be

automatically afforded the same protection from detriment (see “How are you protected?”)

- As far as is within your control, make sure you get a satisfactory response - don't let matters rest.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.
- **Be aware that malicious or vexatious allegations may be considered as a disciplinary offence.** The Concise Oxford Dictionary (Tenth Edition) defines ‘malicious’ as “characterised by malice; intending to do harm” and ‘vexatious’ as “Law (of an action) brought without sufficient grounds for winning, purely to cause annoyance to the defendant”. Such allegations can cause serious difficulties for innocent individuals. The Public Interest Disclosure Act 1998 does not exclude the possibility of workers being sued by individuals for defamation in connection with any disclosures they make.

This process is summarised as a Flowchart at [Appendix 1](#).

What happens next?

- Preliminary inquiries may be made to help decide how best to respond in the public interest. Depending on the nature of the issue raised, the response may be one or more of the following:
 - management investigation;
 - internal audit investigation;
 - disciplinary investigation;
 - referral for consideration under another Council procedure;
 - referral to the police;
 - referral to the District Auditor;
 - an independent investigation;
 - amend procedures;
 - no action due to lack of sufficient evidence.
- You should be given information on how the matter is likely to be dealt with within 10 working days of making the disclosure (so far as legally possible and subject to rights of confidentiality).
- You will be informed of the outcome of the investigation and any action that has been taken to resolve the matter (so far as legally possible and subject to rights of confidentiality).

- If you are dissatisfied with the response, you may take the matter further with the Local Authority Investigations Team or the persons/organisations identified at [Appendix 4](#).

How are you protected?

- Your employer has a responsibility to protect you from any detriment as a result of making a disclosure in good faith and in the public interest, particularly from disciplinary action, dismissal, harassment or victimisation. Fulfilling that responsibility includes treating the disclosure confidentially, one aspect of which may involve protecting your identity. Any victimisation or harassment either in an attempt to deter an individual from making a disclosure, or following a disclosure, will be considered gross misconduct and may lead to dismissal.
- No disciplinary action will be taken against you if the concern proves to be unfounded and was raised in good faith.
- If you want your identity to remain confidential, this will be observed as far as possible. Should it not be possible to resolve a concern without revealing your identity (for example, because your evidence is needed in court or in a subsequent internal disciplinary hearing), a discussion will be held with you about whether the matter should be taken forward and, if so, how this will be done and how to best protect your interests.
- Anonymous disclosures will be considered to the extent that it is reasonable and practicable to do so, although the need to confirm or follow up evidence may make this difficult.
- The decision to Whistleblow can be difficult and stressful: advice and support is available from your line manager/Headteacher and/or your Trade Union/Professional Association. In addition, support is available from the Local Authority's Counselling Service Provider.
- It is your right to remain in your current post. Your employer (usually the Local Authority) will work with school management to make every possible effort to ensure that this takes place. If you feel unable to remain in your role during the investigation, every effort will be made to transfer you to an appropriate alternative.

What is the Local Authority Monitoring Officer Responsible for?

The Monitoring Officer will be responsible for:

- Confirming representatives who will be responsible for actions as outlined in this Policy
- Ensuring records of all disclosures are made and their outcomes recorded and reporting as appropriate and necessary to relevant Directors, the Directors Board and Members.

How will this Policy be Reviewed?

This Policy will be reviewed for fitness for purpose after each Whistleblowing case. This review will take place with the involvement of the appropriate Trade Unions and Professional Associations.

Where can I go for further advice?

Your Trade Union/Professional Association. In addition, the independent charity Public Concern at Work (PCaW) provides advice to individuals on whistleblowing in the public interest on a strictly confidential basis (www.pcaw.co.uk / 020 7404 6609).

"Absolutely without fail challenge poor practice or performance. If you ignore or collude with poor practice it makes it harder to sound the alarm when things go wrong" - "Sounding the Alarm" – Barnardos

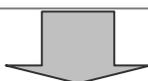
APPENDIX 1 - THE WHISTLEBLOWING PROCESS

Stage 1- Making a disclosure

Approach your Manager, Headteacher, designated person for Child Protection or the Local Authority Investigations Team and share your concerns. You can do this verbally or in writing.

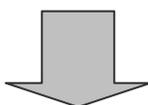
You may be asked to consider making a written or verbal statement. In such cases, a brief summary of the interview will be made and agreed by both parties.

Please see the Whistleblowing Policy for details of further contacts should you feel unable to discuss your concerns with the above parties (or feel that the response from these parties is insufficient)



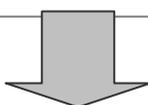
Stage 2 – Initial Response to the Disclosure

Consideration will be given as to what action will be taken as a result of the disclosure. You will be notified of the intended response and the reasons for it.



Stage 3 – Launch a Management Investigation

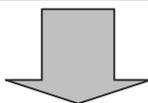
Where a Management Investigation is deemed necessary, a senior manager will be appointed as an investigating officer.



Stage 4 – Deciding whether further action is necessary

On the strength of the information provided by the investigation, further action may be necessary:

- If there is a case to be answered by any individual, the recognised procedure will be followed;
- Where there is no case to answer, but the concern was raised in good faith and in accordance with the Whistleblowing policy, the school will ensure as far as is reasonably practicable that you suffer no reprisals or victimisation;
- Where it is established that the allegations were malicious/vexatious or you have not acted in accordance with the Whistleblowing policy, disciplinary action may be taken.



Stage 5 - Confirmation of the Outcome

You will be informed of the outcome of the investigation and any appropriate action taken to resolve the matter, subject to any confidentiality clause and/or legal constraints. If you are dissatisfied with this response you may take the matter further with the prescribed persons or organisations identified in the Whistleblowing Policy.

APPENDIX 2 - WHISTLE BLOWING POLICY - REPORTING FORM

Referral Form to be completed by Individual identifying a concern under the Public Interest Disclosure Act 1998

DETAILS OF PERSON RAISING CONCERNS AND ISSUE RAISED

Nature of Concern:

Background (please provide dates where possible) :
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Who is involved?

Reasons for the concern:

Name :	Date (dd/mm/yy) : / /
Contact No.	Time (mm:hh) : :

Meeting Date (dd/mm/yy): / /	Time (mm:hh): :
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INVESTIGATION OF CONCERN

Concern Received By:	Investigations Audit Team : HR :
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Action :

Signature:..... Time: (mm:hh): :

ADDITIONAL INFORMATION

Comments/Additional information:

Silence isn't always golden...

Although we all pride ourselves on having high standards of conduct and providing quality services to the community, sometimes you may become aware of a lapse, or suspected lapse, in these standards.

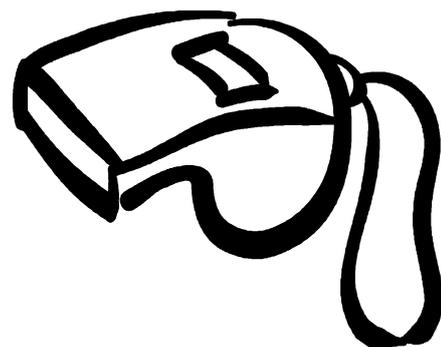
The simple fact is that you may suspect something is going wrong long before anyone else finds out about it.

So if something at work is troubling you enough for you to mention it to your family or friends, please report it straight away.

The Whistleblowing Policy is available from Human Resources or on the Extranet under Human Resources / HR Model Policies and Procedures.

Your Trade Union/Professional Association is available to provide you with advice and support.

Don't think "what if I'm wrong?" - think "what if I'm right?"



APPENDIX 4 - LIST OF PRESCRIBED PERSONS FOR EXTERNAL PUBLIC INTEREST DISCLOSURES

Ofsted

Can deal with referrals re: concerns about any service for children and young people.

Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

Tel: 0300 123 1231 (08.00 to 18.00)

National Audit Office

Can deal with referrals re: the proper conduct of public business, value for money, fraud and corruption in local government and the health service.

Tel: 0207 798 7999

Charity Commissioners for England and Wales

Can deal with referrals re: the proper administration of charities, or funds given or held for charitable purposes.

Head of Operations
2nd Floor 20 Kings Parade
Queens Dock
Liverpool
L3 4DQ

Tel: 0300 065 2199

Her Majesty's Commissioners of Customs and Excise

Can deal with referrals re: Value Added Tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods.

HM Customs and Excise
Customs Confidential
Freepost
SEA 9391 PO Box 100
Gravesend

Kent DA12 2BR Tel: 0800 595000/Email: customs.confidential@hmce.gov.uk

The Certification Officer

Can deal with referrals re: fraud, and other irregularities relating to the financial affairs of trade unions and employers' associations.

Brandon House 180 Borough High Street
London
SE1 1LW

Tel: 020 7210 3734

Her Majesty's Commissioners of the Inland Revenue

Can deal with referrals re: Income Tax, Corporation Tax, Capital Gains Tax, Petroleum Revenue Tax, Inheritance Tax, Stamp Duties, National Insurance Contributions, Statutory Maternity Pay, Statutory Sick Pay, Tax Credits, Child Benefits, Collection of Student Loans and the enforcement of the National Minimum Wage.

Inland Revenue
West Wing
Somerset House
London WC2 1LB

Tel: 0300 200 3300

Comptroller and Auditor General of the National Audit Office

Can deal with referrals re: the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services

The Comptroller and Auditor
General National Audit Office
157-197 Buckingham Palace Road
Victoria
London
SW1W 9SP
Tel: 020 7798 7999

OFGEM

Deals with referrals re: the generation, transmission, distribution and supply of electricity and activities ancillary to these matters

Deals with referrals re: the transportation, shipping and supply of gas through pipes and activities ancillary to these matters.

OFGEM
9 Millbank
London
SW1P 3GE
Tel: 020 7901 7295

OFCOM

Can deal with referrals re: provision/use of telecommunication systems/services & apparatus.

OFCOM
PO Box 1285
Warrington
WA1 9GL
Tel: 0300 123 3333

OFWAT

Can deal with referrals re: the supply of water and the provision of sewerage services.

OFWAT
City Tower 7 Hill Street
Birmingham
B5 4UA
Tel: 0300 034 2222

Serious Fraud Office

Can deal with referrals re: serious or complex fraud.

The Director of the Serious Fraud Office
Elm House 10-16 Elm Street
London
WC1X 0BJ
Tel: 020 7239 7272 Fax: 020 7837 1689

The Environment Agency

Can deal with referrals re: acts/omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout.

Rio House Waterside Drive Aztec West
Almondsbury
Bristol
BS12 4UD
Tel: 0800 807060 (24 hour line) Fax: 01454 624409

Food Standards Agency

Can deal with referrals re: matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food

Personnel and Establishments Division

Food Standards Agency

Room 111C Aviation House

125 Kingsway

London

WC2B 6NH

Tel: 020 7276 8120 Fax: 020 7276 8132

Financial Conduct Authority (FCA)

Can deal with referrals re: The carrying on of investment or insurance business, the operation of: banks and building societies, deposit-taking businesses, wholesale money market regimes, friendly societies, benevolent societies, working men's clubs, specially authorised societies and industrial and provident societies, the functioning of financial markets, investment exchanges and clearing houses. Money laundering, financial crime, and other serious financial misconduct in connection with activities regulated by the FSA.

25 The North Colonnade

Canary Wharf

London

E14 5HS

Tel: 0800 111 6768

Health & Care Professions Council

Can deal with referrals re: matters relating to the registration of social care workers.

Park House

184 Kennington Park Road

London

SE11 4BU

Tel: 0300 500 6184

Health and Safety Executive (HSE)

Can deal with referrals re: matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Health and Safety Executive Information Centre

Broad Lane

Sheffield

S3 7HQ

Tel: 0300 003 1747

Homes & Communities Agency

Can deal with referrals re: registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.

Fry Building

2 Marsham Street

London

SW1P 4DF

Tel: 030 01234 500

Information Commissioner

Can deal with referrals re: compliance with the requirements of legislation relating to data protection and freedom of information*

(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)

(*Freedom of information legislation provides for the disclosure by public authorities of the information that they hold)

The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113

Leicestershire Constabulary

Can deal with referrals re: information about any crime.

Force Headquarters
St Johns
Enderby
Leicester
LE19 2BX
Tel: 0116 222 2222

Care Quality Commission

Can deal with referrals re: matters relating to the provision of regulated care services, as defined in the Care Standards Act 2000

CQC Nation Customer Service Centre
Citygate
Gallowgate
Newcastle Upon Tyne
Tel: 0300 0616 161

The Occupational Pensions Regulatory Authority

Can deal with referrals re: matters relating to occupational pension schemes and other private pension arrangements.

www.thepensionsregulator.gov.uk

Competition and Markets Authority

Can deal with referrals re: matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers or competition affecting markets in the UK.

Victoria House
Southampton Row
London
WC1B 4AD
Tel: 0203 738 6000