



Whistleblowing Policy
(For Local Authority Maintained Schools only)

Policy Date: January 2016

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For further advice and guidance in relation to this policy, please contact HR ONE at hrdirect@devon.gov.uk or on 01392 385555.

This policy was adopted by the Governing Board of

The Dartmoor Federation

On 21st March 2016

Note: This policy should be made easily accessible to all staff.
Ensure all staff are aware of where this policy is available. It is recommended that a copy is placed on the school's website.

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1.0 Introduction

- 1.1 The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the work place. The policy set out in this document applies those statutory provisions to the The Dartmoor Federation.
- 1.2 Employees are often the first to realise that something wrong may be happening within the school. However, they may feel unable to express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the school or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.
- 1.3 The Dartmoor Federation is committed to doing things right with the highest possible standards of openness and accountability as is shown in the Federation's Code of Conduct. In line with that commitment it encourages employees and others with serious concerns about any aspect of the school's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that employees can do so without fear of reprisal and is intended to encourage and enable employees to raise serious concerns within the Federation rather than overlooking a problem or publicly disclosing the matter.
- 1.4 This policy has been discussed with the relevant trade unions and professional organisations and has their support. Seeking advice from, and being represented by, your trade union may be the best course of action to raise any issue under this policy. The Federation recognises and endorses the role which trade unions and their officers play in this process.

2.0 Aims and Scope of this Policy

2.1 This policy aims to:

- provide avenues for employees ('you') to raise concerns
- provide mechanisms for you to receive updates and feedback on any action taken
- provide a mechanism for you to receive a written response detailing the outcome of the process.

2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the school. Nor is it an alternative to well-established disciplinary or grievance procedures. It may, however, overlap with other policies for dealing with complaints.

Concerns raised under the Whistleblowing Policy should be about something that is in the public interest and is or may be:

- unlawful or a criminal offence;
- a breach of legal obligation (but not a personal contractual breach unless such breach involves a matter of public interest);
- a miscarriage of justice;
- mistreatment or abuse of a pupil/student or a member of the public for whom the Federation has a responsibility;
- in disregard of legislation governing health and safety at work;
- seeking undue favour over a contractual matter or a job application; or against the Federation's Financial Regulations;
- has led to or could lead to a damage to the environment;
- deliberately covers up information tending to show any of the above.

3.0 Safeguards

3.1 Harassment or Victimisation

The Dartmoor Federation recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Federation will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you. If allegations of malpractice arise during a disciplinary those allegations will be investigated at the same time as the disciplinary procedure.

3.2 Confidentiality

All concerns will be treated in confidence and the school will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

3.3 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Federation against the following criteria;

- the seriousness of the issues raised
- the likelihood of confirming the allegation from attributable sources
- the Federations' best interests
- the protection of the Federation's assets.

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this reason, where you wish to raise your concerns anonymously, this may best be done through your trade union.

3.4 Untrue Allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

PROCEDURE

4.0 How to Raise a Concern

4.1 Initially, you should raise your concerns by discussing the matter with the Executive Principal/Head of Secondary Education/Head of Primary Education. If you are a member of a Trade Union or Professional Association you may consider it useful to contact them for advice at the earliest opportunity.

If the concerns involve the Executive Principal or it is not appropriate due to the nature of your concerns you should initially raise the concerns with the Chair of Governors or Vice Chair of Governors.

If you are employed within a voluntary controlled or community school and the concern relates to the Governing Board you can raise this with the Local Authority either via the Head of Education and Learning or the County Solicitor (who is the Monitoring Officer – detail on the role of the Monitoring Officer can be found at 6.0).

The individual receiving the concern will be referred to as the 'lead officer' throughout the remainder of the policy.

The lead offer will then liaise accordingly to ensure that the concern is properly investigated. If the allegations arise from a disciplinary matter, they will be investigated as part of the disciplinary investigation.

4.2 Alternatively, if you feel you cannot express your concerns as detailed above, you can raise your concern(s) externally to one of the bodies listed on the 'List of prescribed persons and bodies'.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf

4.3 Where the concern relates to a child protection matter and you do not wish to raise it via the Federation, you should inform the Local Authority Designated Officer for Safeguarding (via email at ladosecure-mailbox@devon.gsx.gov.uk or on 01392 384964). If the concern requires Police or other agency/authority involvement, the whistleblowing process will be halted until the relevant agencies have completed any necessary investigations and confirmed that it is appropriate to continue with the Whistleblowing procedure.

4.4 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood.

4.5 A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down, a copy will be sent to your home address or via your representative (see paragraph 4.7) to give you an opportunity to agree this as a correct record.

4.6 Although you are not expected to prove the truth of your allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.7 You may wish to seek advice from your trade union representative on how best to raise your concern. Where you wish to raise your concern anonymously this may be done through your trade union.

5.0 How the Federation will respond

5.1 The action taken by the Federation will depend on the nature of the concern. After initial enquiries to assess the seriousness, the matters raised may;

- Be investigated by the senior leadership, internal audit or through the disciplinary process
- Be referred to the Police

- Be referred to external auditors
- Need to be the subject of a referral to the National College for Teaching and Leadership
- Form the subject of an independent enquiry

5.2 If urgent action is required in response to a concern this may be taken before a full investigation is conducted.

5.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person(s) under investigation being aware of the process.

5.4 In any event within five working days of a concern being received, the school will write to you at your home address to:

- acknowledge that the concern has been received
- indicate how it proposes to deal with the matter
- give an estimate of how long it will take to provide a final response
- tell you whether any initial enquiries have been made, and
- tell you whether further investigation will take place, and if not, why not
- where appropriate, name an independent Support Officer to support you during any investigation.

5.5 Following discussion with you, where it is felt appropriate to appoint a Support Officer, that person will make contact with you, deal with all confidentiality issues, agree frequency of contact and explain their role to you, which is to:

- keep you informed about the progress of the investigation
- inform the Investigating Officer of any further issues you may have
- raise any concerns you may have about the conduct of the investigation
- take appropriate steps to support you in the workplace
- support you if you are required to give evidence at any criminal or disciplinary proceedings that arise from your concern.

5.6 If you wish to retain your anonymity you will need to nominate a representative and/or a contact address where correspondence may be directed in order to keep you informed.

5.7 The amount of contact between Investigating Officers and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

5.8 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend (who need not be associated with the Federation).

5.9 The Federation accepts that you need to be assured that the matter has been properly addressed. Accordingly, subject to legal and/or confidentiality constraints, the Executive Principal (Chair/Vice Chair of Governors/Lead Officer) will ensure that you are provided with information about the outcome of any investigations and/or proceedings.

6.0 The Monitoring Officer – only applicable to staff employed in voluntary controlled and community schools

6.1 The Monitoring Officer is a statutory appointment under the provisions of section 5 of the Local Government and Housing Act 1989. They have overall responsibility for the maintenance and operation of this policy. The monitoring officer ensures that a central record is kept in such a way as to not jeopardise your confidentiality and it is their duty to ensure that the County Council acts lawfully.

6.2 The Monitoring Officer will ensure that;

- a record of all concerns raised under this policy is maintained
- the outcomes of any investigations are communicated to you by the Lead Officer
- the outcome is reported to the Council as necessary

At the end of the process it is important that the lead officer provides all information about the investigation to the Monitoring Officer.

The Monitoring Officer for the Dartmoor Federation is The County Solicitor.

7.0 Detriment

7.1 The Federation is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

8.0 How the matter can be taken further

8.1 This policy is intended to provide you with a way to raise concerns within the Federation. The Federation hopes you will be satisfied by its response. If you are not you may wish to raise the matter with one of the following possible contact points;

- the local authority
- a diocesan authority (for Church schools)
- relevant professional bodies or regulatory organisations
- your trade union or professional association
- your solicitor or legal adviser
- the Police
- the Local Government Ombudsman
- the Health and Safety Executive
- 'Public Concern at Work' – Registered Charity

GENERAL INFORMATION

9.0 Consultation

This policy is provided following consultation with trade unions/professional associations and will apply to all employees. This policy is also for the Governing Board to consider for adoption. Should the Governing Board wish to make changes to this Policy, the required consultation must be undertaken with the County Officers of the recognised trade unions/professional associations.

This policy supersedes all previous whistleblowing policies.

10.0 Costs

The Financial Intervention Panel for Schools (FIPS) has determined the conditions and circumstances for meeting the costs of defending tribunal claims.

Whistleblowing – Financial

11.0 Scope

11.1 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Council or its Committees under procedures set out in the Constitution. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other corporate policies for dealing with complaints, with Member or Officer Codes of Conduct and with protocols for good working relationships within the Authority.

Concerns raised under this Whistleblowing Policy should be about something that is or may be

- unlawful or a criminal offence; or
- a breach of a legal obligation; or
- a miscarriage of justice; or
- mistreatment or abuse of a client or a member of the public for whom the Council has a responsibility; or
- in disregard of legislation governing health and safety at work; or
- seeking undue favour over a contractual matter or a job application; or
- against the Council's Standing Orders or Financial Regulations; or
- amounts to improper conduct or unauthorised use of public funds;
- has led to or could lead to damage to the environment; or
- deliberately covers up information tending to show any of the above.

11.2 How the matter can be taken further

This policy is intended to provide you with a way to raise concerns within the Council. The Council hopes you will be satisfied by its response. If you are not you may wish to raise the matter with your local County Councillor, if you live in the area of the Council.

7.2 Alternatively, you may feel it is right to take the matter outside the Council and, if so, the following are possible contact points:

- the Independent Chairman of the Council's own Standards Committee (mentioned in Paragraph 4.1 above)
- the District Auditor
- relevant professional bodies or regulatory organisations
- your Trades Union [Unison provides a hotline for whistleblowers on 0800 5979750]
- your solicitor or legal adviser
- the Police
- the Local Government Ombudsman
- the Health and Safety Executive
- 'Public Concern at Work' – a Registered Charity

POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
	New Policy Date of consultation with recognised Trade Unions – 2015	HR ONE		

The Dartmoor Federation

Policy Statement on the Proper Conduct of Business Introduction

Adopted:

1. The County Council is a large public authority which expects the highest standards of conduct and integrity from everyone who has dealings with it. It is determined that the culture and tone of the organisation embodies honesty, and opposition to corruption and dishonesty. Elected members and employees are expected to lead by example.

1.2 It is understood that that the Policy should also apply to LEA schools and thus where appropriate 'Governing Body' has been substituted for Council, 'Principal or Head Teacher' for line manager and 'School' for Council. It has also been headed The Dartmoor Federation and applies to all schools within the Federation as listed above.

2. The purpose of this policy statement is to:

- encourage prevention of dishonesty
- promote its detection identify a clear path for investigation.

3. Acts of dishonesty within the Federation's schools are rare and this is testimony to the skills, dedication and decency of Governors, employees and others with whom the Council deals. Constant vigilance will ensure that this continues and all schools within The Dartmoor Federation including Governors, will be robust in dealing with malpractice.

Reporting Malpractice

4. The public are encouraged to report any concerns. They may ring Devon Audit Services (the Council's Internal Audit) on Exeter (01392) 382438 or the County Council help line on Exeter (01392) 382306 (there are out of hours answer machines), or report through their elected representative. Governors may also report direct to Devon Audit Services or through the Director of Finance, IT & Trading or the Chief Executive.

5. Employees are an important element in the Federation's schools' stance on dishonesty. They have a duty to protect public assets and a responsibility to report any concerns. They can do this without fear of recrimination and in the knowledge that this will be treated in confidence and properly investigated. If any dishonesty, or a loophole or a systems weakness that could result in theft or fraud, is detected it must be reported immediately to Devon Audit Services (telephone Exeter (01392) 382438 or via the Internet or e-mail: audit@devon.gov.uk). The Principal and College managers, and Federation Headteachers must make their staff aware of these expectations.

6. If employees feel unable to raise their concerns through internal routes they may wish to contact Public Concern at Work (telephone 0171 404 6609 or e-mail: whistle@pcaw.demon.co.uk), a registered charity whose services are free and confidential.

Action following reporting

7. The Principal or Head Teacher is responsible for following up any allegation of malpractice, fraud or corruption by:

immediately reporting directly to Devon Audit Services or through the Director of Finance, IT & Trading who will:-

- deal promptly with the matter;
- record all evidence;
- ensure evidence is sound and adequately supported;
- report any evidence of criminal offences to the police;
- report the findings promptly to senior management;
- fully co-operating with internal audit, personnel and other staff during any investigation;
- notify the School's insurers of any possible insured losses;
- ensure the Federation's disciplinary procedures are implemented where appropriate;
- speedily and effectively correcting any weaknesses discovered;
- dealing swiftly, fairly and firmly with those who offend against the Federation's schools.

8. The reporting and investigation process must not be misused. Any abuse, such as raising unfounded malicious allegations, may be dealt with as a disciplinary matter.

Corruption

9. It is a criminal offence for Governors and employees corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any one in an official capacity. If an allegation is made, the Governor or employee must co-operate fully to help demonstrate that any rewards have not been obtained corruptly.

10. Governors and employees must ensure that they use public funds in a responsible and lawful way. They must strive to ensure value for money to local communities and avoid legal challenge to the Federation They must have regard for legislation and the Federation's Standing Orders, Financial Regulations , minimum standards, code of practice and procedures.

Register of Interests and Gifts

11. The Clerk to the Governors maintains a register of declared interests and the receipt and persistent offer of gifts and hospitality.

Personal Interests

12. Governors' and employees' non-financial interests that could bring about a conflict with the Federation's interests must be declared to the Clerk to the Governor. Any financial interests, direct or indirect, which could conflict with the Federation or any of its school's interests should be declared.

Hospitality

13. Governors and employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Federation or any of its schools in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of community life or where the Federation should be represented. It should be properly authorised and recorded.

14. When hospitality has to be declined, those making the offer should be courteously but firmly informed of the Federation's procedures and standards.

15. Governors and employees should not accept significant personal gifts from contractors and outside suppliers, although the Governing Board will allow employees to keep insignificant tokens such as pens, diaries, etc.

16. When receiving authorised hospitality, Governors and employees should be sensitive to the timing of decisions which the Federation or Authority may be taking affecting those providing the hospitality.

Relationships with Contractors

17. Employees who engage, supervise or have an official relationship with contractors and have had or currently have a private or domestic relationship should declare it to the Clerk to the Governors and Principal or Head Teacher and have no further involvement in the contract. Orders and contracts must be awarded on merit by fair completion and no favour will be shown to any person or businesses, especially those run by or employing relatives, partners or friends.

Prevention of Malpractice

18. The Federation's regulations, codes of conduct, statements of best practice, minimum standards, systems and procedures are designed to ensure the integrity of all its activities, and must be observed at all times.

19. Arrangements are in place to encourage the exchange of information between the Council and other agencies on fraud and corruption in relation to local authorities.

20. The Governing Board recognises that the continuing success and creditability of its anti-fraud and corruption strategy will depend largely on the effectiveness of training and responsiveness of employees throughout the organisation. The Principal or Head Teacher is required to ensure, with the LEA, that appropriate education and training is provided for all those involved in financial procedures which have a bearing on the financial standing of the Federation or any of its schools. This will ensure that the highest standards of financial management are achieved and minimise the Federation's risks.