

BRIDGEND COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL PEN-Y-BONT AR OGWR

WHISTLEBLOWING POLICY

This policy does not form part of any employee's contract of employment and we may amend it at any time

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Contents Page

Contents	Page number
1. What is Whistleblowing about	3
2. Legal protections	3
3. Malpractice in the Workplace	3-4
4. Who can blow the Whistle	4
5. What can I blow the Whistle about	4
6. How do I raise my concern	5
7. Is my identity confidential	6
8. What happens if concerns are unfounded	6
9. What happens when concerns are raised	6-7
10. What to do if unhappy with Schools response	8
11. Who is responsible for this policy	8-9
12. When does this policy not apply	9
Appendix 1 - Guidance Notes	10-11

WHISTLEBLOWING POLICY

1. What is this about?

- 1.1 As an employee of the school/council, or someone working under a contract with the school and council/diocese, you may be the first to identify concerns about malpractice within the school. However, you may be reluctant to voice your concerns because of fears about possible repercussions, or a feeling of disloyalty to your colleagues. You may consider it easier to ignore your concerns rather than report what may just be your suspicions.
- 1.2 This policy is intended to encourage and enable you to raise serious concerns within the school and council with confidence, rather than overlooking those concerns or taking them outside.
- 1.3 Whistleblowing is where a worker has a concern about illegal or unethical conduct. Examples of concerns that may fall within the scope of this policy are summarised in paragraph 5 below. This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the school's Resolution policy.

2. What legal protection do you have?

- 2.1 The Public Interest Disclosure Act 1998 gives you legal protection against dismissal and other detriments where you raise a genuine concern about wrongdoing in the school, which affects any of our activities.

3. What does the school think about malpractice in the workplace?

- 3.1 The school is committed to the highest possible standards of openness, probity and accountability. If you have serious concerns about any aspect of the school's work then you are encouraged to come forward and voice those concerns i.e. 'blow the whistle'.
- 3.2 The school recognises that your decision to report your concerns can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, if you raise your concerns in the public interest, you will be doing your duty to the school and council, your colleagues and those to whom the school and council provides a service.
- 3.3 The school will not tolerate detrimental treatment as a result of blowing the whistle and will take action to protect you, including disciplinary action if necessary, however, the school and council's protection does not extend to

halting redundancy or disciplinary procedures to which you are already subject.

4. Who can blow the whistle?

- 4.1 All employees of the school can raise their concerns under this policy, as well as officers, casual workers, agency workers, volunteers and contractors working for the school and council (e.g. builders etc.). This policy also applies to suppliers of goods and services under a contract to the council. However, this policy is not available for use by members of the public who should instead use the school/corporate complaint's policy.

5. Who and what can I blow the whistle about?

- 5.1 You can raise your concerns about any aspect of service provision or conduct of officers, staff or Members of the council and governors or others acting on behalf of the council. Your concerns may relate to something, which has already happened or is likely to happen in the future. For example, your concerns may be about something that:

- constitutes criminal activity;
- is a failure to comply with any legal or professional obligation or regulatory requirements;
- is potentially unlawful, fraudulent or corrupt;
- could amount to negligence;
- might contravene the school's/Council's Standing Orders, financial procedures, policies, codes of conduct or other legal obligations;
- could amount to improper conduct by an officer, staff, governor or a member;
- might fall below established standards of practice;
- constitutes sexual, physical or emotional abuse;
- potentially endangers the health and safety of an individual;
- is causing, or is likely to cause, damage to the environment;
- might involve a miscarriage of justice;
- is an attempt to cover up any of the above.

6. How do I raise my concerns?

- 6.1 You should normally raise your concerns with your immediate line manager. However, you may feel that your concerns are so serious or sensitive that you should raise them with your headteacher, chair of governors or corporate director, the chief finance officer, the monitoring officer, or the chief internal auditor. You may invite your trade union or professional association representative to raise your concerns on your behalf if you wish.
- 6.2 If any information raises concerns about harm or potential harm to either children or vulnerable adults, these concerns should be reported immediately to children's social services or the protection of vulnerable adults (POVA) team as the case may be, or out of hours to the emergency duty team.
- 6.3 Unsupported anonymous complaints and allegations will have to be treated with caution. It is better to raise your concerns in writing but you may equally express your concerns verbally and have their detail recorded for you. Whilst you will not be expected to prove the truth of any allegations you make, you will need to demonstrate sufficient grounds for your concerns.
- 6.4 You can raise concerns safely using this policy and your concerns will be taken seriously. Whilst you have the right to raise concerns externally if you feel that to be appropriate, you are encouraged to raise them with the School in the first instance. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external.

Protect offers a free, confidential advice line which can give you access to advice on how to raise a concern safely and effectively. Examples of prescribed people and bodies you can report malpractice to, other than the Council are listed on the.gov.uk website and include:

- The auditor general for Wales – for the proper conduct of public businesses, value for money, fraud and corruption in public bodies in Wales
- Care council for Wales – relating to the registration of social care workers in Wales
- ESTYN – inspecting the quality and standards in education and training providers in Wales
- Children's commissioner for Wales – matters relating to the rights, welfare and interests of children in Wales

7. Is my identity kept Confidential?

- 7.1 You are encouraged to put your name to your allegation whenever possible, however the school and council will do its best to protect your identity if you so wish. You must, however, appreciate that the investigation process may unavoidably reveal your identity, additionally; you may be required to provide a formal statement as evidence. If you are required to give evidence in criminal or disciplinary proceedings, the school will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the school and council will support you.
- 7.2 The school would prefer you to express any concerns anonymously, if necessary, rather than remain silent about wrongdoing.
- 7.3 The school as a data controller is fully committed to ensuring the safe and appropriate use of personal information in line with the principles of the Data Protection Act. If you have any concerns, regarding the processing of your personal data you should seek advice from the school's data protection officer, if necessary.

8. What happens if my concerns prove to be unfounded?

- 8.1 If you raise a concern and it subsequently proves to be unfounded, no action will be taken against you. If, however, you make a malicious or vexatious allegation, disciplinary action may be taken against you.
- 8.2 If you are not an employee of the school or council but have a contractual, voluntary, funding or other such relationship with the council and make a malicious or vexatious allegation, your ongoing relationship with the school and council is likely to be affected.

9. Allegations concerning Child Protection Issues

- 9.1 If a concern relating to a Child Protection issue is raised the Headteacher, Chair of Governors, designated Child protection officer in the school or you should urgently consult the Local Authority's Child Protection Manager to ensure the Child Protection procedures are followed.

10. What happens when concerns are raised?

- 10.1 The action taken by the school and council will depend on the nature of the concerns raised. They may:
- be investigated internally by management, internal audit:
 - be referred to the police;

- form the subject of an independent inquiry.
- 10.2 In order to protect individuals, the school will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under the relevant procedures. Some concerns may be resolved by agreed action without the need for investigation. All allegations of a serious nature will be reported to the monitoring officer.
- 10.3 Within ten working days, the officer with whom your concerns are raised (the contact officer) will write to you:
- acknowledging that your concerns have been received;
 - indicating how it is proposed to deal with your concerns;
 - telling you whether any initial enquiries have been made;
 - telling you whether further investigations will take place, and if not, why not.
- 10.4 The contact officer will provide you with as much feedback as possible; however, there may be circumstances where information will not be shared with you in order to comply with a duty of confidence or in compliance with statutory duties.
- 10.5 The amount and frequency of contact between yourself, the contact officer and / or those officers tasked with investigating your concerns will depend upon the nature of the concerns raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from yourself.
- 10.6 When any meetings are arranged between yourself, the contact officer and / or those officers tasked with investigating your concerns, you will have the right, if you so wish, to be accompanied by a representative of your trade union / professional association or a friend who is not involved in the area of work to which your concerns relate. Steps will be taken to minimise any difficulties, which you may experience as a result of raising concerns, for example, if you are required to give evidence in criminal or disciplinary proceedings, you will be advised about the procedure.
- 10.7 Once all the information has been gathered a report will be completed and presented to the school's committee, which consists of the chair of governors, another school governor and an independent governor from another school.

- 10.8 Once a decision has been made by the committee, the chair of governors will arrange a meeting within 10 days between yourself, the officers tasked with investigating your concerns, you will have the right, if you so wish, to be accompanied by a representative of your trade union / professional association or a friend who is not involved in the area of work to which your concerns relate. Steps will be taken to minimise any difficulties, which you may experience as a result of raising concerns, for example, if you are required to give evidence in criminal or disciplinary proceedings, you will be advised about the procedure.
- 10.9 The school understands that you will need to be assured that your concerns have been dealt with properly and therefore, subject to the need to preserve confidentiality, you will be informed of the outcome of any investigation within 10 days of its conclusion.

11. What should you do if you are unhappy with the School's response to your concerns?

- 11.1 The school and council hope that you will be satisfied with the way that your concerns are dealt with but in the event that you are not so satisfied then you are welcome to contact the monitoring officer (*assuming that they have not previously been involved in dealing with your concern*).

Alternatively, the following possible contact points are suggested:

- the local authority
- a diocesan authority (for Church schools)
- a relevant professional body or regulatory organisation such as the Education Workforce Council (EWC) or Audit Wales
- the Children's Commissioner for Wales
- the Public Services Ombudsman for Wales
- the Care Inspectorate Wales
- a solicitor
- the police - for concerns of criminal behaviour
- a trade union or professional association
- Protect (the UK's whistleblowing charity that provides free advice. Telephone 020 3117 2520 or [protect-advice.org.uk](https://www.protect-advice.org.uk)). or such other appropriate person as the circumstances may require.

All full list of prescribed people and bodies you can report malpractice to other than your employer can be found via the gov.uk website.

12. Who is responsible for maintaining this policy?

- 12.1 The monitoring officer, in liaison with the chief executive officer, has overall responsibility for the maintenance and operation of this policy, and any concerns relating to the policy or its operation should in the first instance be addressed to him.
- 12.2 The monitoring officer maintains a record of concerns raised and the outcomes (but in a form, which does not endanger your confidentiality)
- 12.3 The monitoring officer will monitor the application of this policy and has discretion to review it at any time. Additionally, the standards committee will periodically monitor the operation of this policy.
- 12.4 Each directorate will provide quarterly reports to the monitoring officer in relation to any concerns raised and dealt with in accordance with this Policy, in order to facilitate the roles of both the monitoring officer and the standards committee as set out above.

13. When does this policy not apply?

- 13.1 Grievance/resolutions – if you are an employee there are existing procedures in place to enable you to lodge a grievance/resolution relating to your own employment. You should always refer to the school's Resolution policy before this whistleblowing policy.
- 13.2 Complaints – complaints from members of the public about the school should be addressed using the schools complaints policy.
- 13.3 Other organisations – in cases where the school contracts with a private organisation, it may be appropriate to notify the relevant corporate director for that service area. Consideration should also be given to notifying the appropriate regulatory organisation.

Appendix 1

Guidance Notes

- As a headteacher/ chair of governors, you should be familiar with the school's Resolution policy and whistleblowing policy so that you are well equipped to deal with allegations if they arise.
- The whistleblowing policy provides a confidential reporting procedure to enable employees and others to raise issues of concern in confidence and to ensure that the matter will be taken seriously and fully investigated. A whistle-blower should be viewed as a witness putting the School on notice rather than as a complainant.
- Headteachers/ chair of governors should listen carefully and be responsive to employees' concerns whether raised formally under the policy or not and should treat the information confidentially and sensitively. The employee should be assured that they will not suffer because of concerns raised in the public interest and that the matter will be properly addressed.
- The employee is entitled to bring along a recognised trade union representative or work colleague for support.
- The first issue for headteacher/chair of governors to consider is whether the concern should be treated under the whistleblowing policy or some other procedure. Headteachers can seek further advice from their HR on how to handle individual cases.
- Headteacher / chair of governors should then assess how serious and urgent the risk is and establish:
 - The background details and nature of the concern;
 - Whether the information is first hand or hearsay;
 - Details of the job and responsibilities of individuals involved;
 - Reasons why the employee is raising the concern now;
 - Action (if any) taken to date before the concern was raised;
- If the issue is sensitive, the number of people involved in addressing the whistleblowing concern should be kept to a minimum.
- All allegations of a serious nature must be reported immediately to the monitoring officer.
- Cases of known or suspected fraud can be reported to human resources, monitoring officer and chief internal auditor.

- If any information raises concerns about harm or potential harm to either children or vulnerable adults, these concerns should be reported immediately to children's social services or the protection of vulnerable adults (POVA) team as the case may be, or out of hours to the Emergency Duty Team. You should not assume that the whistle-blower or someone else would report it.
- Headteacher/ chair of governors should always deal with the concern in a timely manner bearing in mind the 10 day deadline set in the policy to respond to the whistle-blower. Delays may result in evidence being destroyed and can also suggest a lack of concern about the matter and can increase the stress and anxiety of everyone involved.
- It is important to the integrity of the School that concerns should be investigated thoroughly and efficiently in order to remedy the situation. In doing this the School will ensure that such wrongdoing is prevented in future.