



CUMMERSDALE SCHOOL Whistleblowing Policy

1. Introduction

1.1 The County Council expects the highest standards from all employees, and will treat seriously any concern that an employee may have about illegal or improper conduct.

The first part of Cumbria County Council's Code of Conduct for Employees covers 'Standards' and states that

"The Nolan Committee identified seven principles which apply to all aspects of public life, and therefore to all County Council employees". These are outlined below

1.2 Nolan Committee Principles

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choice on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public, and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open about all the decisions and actions they take. They should give reasons for their decisions, and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

1.3 This procedure has been introduced in consultation with the trade unions.

2. What is the purpose of the Procedure?

2.1 This procedure is designed to enable employees of the County Council (and schools) and employees of external organisations, employed on service contracts, to notify senior officers of any reasonable suspicion of illegal or improper conduct. "Improper conduct" includes neglect of duty and maladministration. The procedure requires all employees to act responsibly to uphold the reputation of the County Council and to help maintain public confidence.

2.2 It is a procedure in which management will be expected to act swiftly and constructively in the investigation of any concerns.

2.3 The procedure aims to

- encourage you to feel confident in raising serious concerns and to question and act upon concerns of 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 if you have reasonable belief that you have made any disclosure in good faith

3. When should it be used?

3.1 This procedure should be used only where concerns are about the consequences for the public, other employees or Members. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include

- conduct that is an offence or a breach of the law
- disclosures related to miscarriage of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients
- other unethical conduct

Employees who are worried about wrong doing at work do not necessarily have a personal grievance.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or elected members of the Council or others acting on behalf of the Council can be reported under the Whistleblowing Policy. This may be about something 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 of practice; or
- amounts to improper conduct.

3.2 Employees must act in good faith and must have reasonable grounds for believing the information to be accurate. When it is apparent from the investigation that the person making the disclosure has acted frivolously, maliciously or for personal gain, the County Council (or the school) may decide to take disciplinary action.

3.3 No employee who uses this procedure in good faith will be penalised for doing so.

3.4 An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed can contact the following for advice

Gareth Jones Head teacher

James Johnston Chair of Governors

Any Group Auditor

Telephone: 01228 60 (6285, 6283, or 6286)

3.5 Financial regulations require any employee who suspects fraud, corruption or other financial irregularity to ensure this is reported to the Head of Management Audit for possible investigation. Normally, you must first report any suspicion of such irregularity to your Chief Officer, who will in turn report it to the Head of Management Audit. In most cases this will be done through your line management structure.

Exceptionally, if you believe that the matter cannot be resolved in this way, you should report it direct to the Head of Management Audit.

4. *Mechanism for raising concerns.*

4.1 ***If you have a concern you will need to exercise judgement on who to raise the issue with. If the matter is minor, then it will be sufficient just to bring it to the attention of the employee who appears to be at fault.***

- 4.2** *If the matter is obviously more significant or where a previous informal response as above has apparently been disregarded, then you should raise the matter with your line manager.*
- 4.3** *Where the issue concerns your line manager or, having made your report you believe they have failed to take appropriate action then you should bring it to the attention of a more senior manager.*
- 4.4** *Employees who feel unable to follow this route, for whatever reason, have the option of contacting either their departmental personnel officer or the contact names in [paragraph 3.4 above](#).*
- 4.5** *Depending on the nature of the concern you will be asked to justify and support your claim. Normally you will be asked to do this in writing. It will therefore be helpful to note down any facts and dates as they happen.*

4.6 *Employees who want to use the system but feel uneasy about it may wish to consult their trade union initially and bring a friend or trade union representative along to any discussions, so long as the third party is independent of the issue.*

4.7 *Where anonymity is requested every effort will be made to meet the request, but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.*

4.8 *Each case will be investigated thoroughly with the aim of informing you of the outcome of any investigation as quickly as possible.*

4.9 *Exceptionally, if you feel unable to pursue any of these routes, you should consider approaching an appropriate body outside the Council. Such bodies include*

- The District Audit service (for financial irregularities)
- The independent charity "[Public Concern at Work](http://www.pcaw.co.uk)" offers confidential advice 020 7404 6609 (FAX 020 7404 6576) to employees and others with serious concerns about public dangers and malpractice.
website : <http://www.pcaw.co.uk/contact.html>
- Trade Union representative

5. *What should you do if an issue is raised with you as a line manager?*

5.1 *You must exercise judgement depending on the nature and seriousness of the concern. While it is essential for problems to be tackled effectively with the aim of rectifying the issue, this may well be best achieved in less serious cases by discussion with the relevant section or employee and securing a commitment as to future standards and corrective action. In taking any corrective action you must, as far as possible, respect an employee's request for confidentiality and avoid the threat of recrimination or reprisals. You should notify your own line manager of the action you have taken.*

5.2 *In other more serious cases you should pass the matter up to the Head (or equivalent level) of your Unit or Department.*

- 5.3** *If you have any doubts about the right way to deal with the concern you should contact one of the persons named in [paragraph 3.4 above](#) for advice.*
- 5.4** *All employees should be reassured that their concerns will be treated seriously and sensitively and that the County Council will not tolerate harassment and/or victimisation of any employee raising concerns.*
- 5.5** *Unit Managers should raise their concerns with their Chief Officer (Headteacher or Chair of Governors) or if this is not appropriate with the Principal Human Resources Officer or the Head of Legal Services (the Council's Monitoring Officer).*
- 5.6** *Chief Officers should raise their concerns with the Chief Executive, the the Head of Legal Services (the Council's Monitoring Officer), the Principal Human Resources Officer or another Chief Officer as appropriate. They should report any allegation or suspicion of a financial irregularity immediately to the Head of Management Audit.*

Completed by Gareth Jones March 2019