LANCASHIRE COUNTY COUNCIL

WHISTLEBLOWING POLICY FOR ALL STAFF IN DELEGATED SCHOOLS (APRIL 2021)

1. Introduction

1.1 The Governing Body is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.2 Under this Whistleblowing Policy you can raise such concerns without fear of victimisation, subsequent discrimination or disadvantage. Any employee who raises a concern is protected by the Public Interest Disclosure Act 1998, part of which was updated by the Enterprise and Regulatory Reform Act 2013. The Policy is intended to encourage and enable employees to raise serious concerns within the school or the council rather than overlooking a problem or 'blowing the whistle' outside.

1.3 Employees are often the first to realise that there may be something seriously wrong within the school/council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or to the council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.4 The policy applies to all employees and applies equally to those designated as casual, temporary or agency workers and authorised volunteers, those on work experience and governors. It also applies to contractors working for the school or the council on the school's premises e.g. agency staff, builders, drivers, and covers suppliers and those providing services under a contract with the school in their own premises. Members of the public should raise concerns relating to any aspect of school business under the school's Complaints Procedure.

1.5 This policy is in addition to the schools/council's complaints procedures and other statutory reporting procedures, including safeguarding procedures. Employees should be made aware of the existence of these procedures.

1.6 This policy has been discussed with the recognised trade unions/professional associations and the Diocesan Authorities and has their support.

2. Aims and scope of this policy

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about 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; and

- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure which is in the public interest.

2.2 There are existing procedures in place to enable you to lodge a grievance or complaint 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 which is an offence or a breach of law;
- failure to comply with a legal obligation;
- disclosures related to miscarriages of justice;
- racial, sexual, disability or other discrimination where other procedures, such as the school's Bullying and Harassment Procedure, do not apply;
- health and safety risks, including risks to the public/pupils as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud, bribery and corruption, including but not limited to, theft of property, financial irregularities, misuse of property and school systems, nepotism, conflicts of interest, or supplier kickbacks;
- sexual or physical abuse of pupil. Disclosures of this nature must always be made and dealt with under the school's safeguarding procedures;
- other unethical conduct; and
- actions which are unprofessional or inappropriate or conflict with a general understanding of what is right and wrong.

Note: There is a requirement under the Scheme for Financing Schools in Lancashire for the Governing Body to notify the council's Internal Audit Service immediately of all (actual or suspected) financial or accounting irregularities. This requirement is not superseded by this Whistleblowing Policy and the Governing Body will need to act accordingly if a financial issue is raised.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of school staff, governors, officers/members of the council or others acting on behalf of the school 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 governors and the school subscribe to;
- is against the school's policies, procedures or School Governance Regulations 2013;
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This policy does not replace the school or the council's complaints procedures.

3. Key principles

3.1 The school is committed to good practice and high standards and wants to be supportive of all its employees.

3.2 The school recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and to those for whom you are providing a service.

3.3 The Governing Body will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern which is in the public interest. Any member of staff who harasses or victimises a whistleblower may not only be personally liable but will be subject to disciplinary action.

3.4 All disclosures will be treated seriously and will be reviewed in accordance with the Public Interest Disclosure Act 1998 (PIDA). As a member of the school's staff or a worker at the school, you have statutory protection against victimisation and dismissal under the PIDA if you speak out genuinely against corruption and malpractice at work, if the reason for the victimisation or dismissal is because you have made a disclosure which is protected under PIDA.

3.5 "Malpractice" includes any kind of improper practice or conduct which falls short of what is reasonably expected whether it relates to a positive act or omission and includes any form of harassment. The school will not tolerate harassment or victimisation.

3.6 It is essential for all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This is in the interests of the school, its employees, any persons who are the subject of such allegations, as well as the person making the disclosure.

3.7 Investigations into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy proceedings that are already taking place.

4. Confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated that the investigation process may reveal the source of the information and you may need to come forward as a witness and provide a statement as part of the evidence.

4.2 It may be possible to establish the truth about allegations from another independent source and the school will seek to do this where possible.

4.3 The school expects all organisations that deal with us and who have serious concerns about any aspect of the school's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

5. Anonymous allegations

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Where an individual chooses to report their concerns anonymously, such anonymity will be respected. However, our ability to investigate anonymous complaints can be hampered by not being able to further explore issues or obtain evidence during the investigative process. Furthermore, if we do not know who has provided the information, it is not possible to either reassure or protect you.

5.3 Concerns expressed anonymously may be less powerful and will only be considered at the discretion of the school. In exercising such discretion, the following factors may need to be taken into account:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

5.4 If the allegation suggests criminal activity and the case warrants police assistance, the identity of the person reporting the details may be important at a later date if criminal proceedings are to be pursued effectively. Identification is therefore preferred and will assist the investigation.

6. Untrue allegations

6.1 If you make an allegation which you believe is in the public interest but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously, or for personal gain, disciplinary action may be taken against you if you are a school employee.

6.2 If you are a School Governor, you may breach the Code of Conduct for School Governing Bodies. If you are a contractor or partner, such allegations may put you in breach of your contractual responsibilities to the school.

6.3 Malicious or vexatious allegations include those that are trivial and do not have substance and are made persistently to cause trouble.

7. How to raise a concern

7.1 In raising a concern, you should provide the following information:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation;
- the name(s) of any colleagues/employees who you consider are directly involved; and
- the name(s) of any colleagues/employees who you believe may be able to help provide further information.

7.2 Concerns should normally be raised with a designated senior member of staff e.g. Headteacher/Chair of Governors. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that senior management of the school is involved you may wish to approach a senior officer of the council. If you believe officers of the council generally are involved, you should approach the council's Director of Corporate

Services (in the role of monitoring officer) or in the case of a financial issue, the council's Internal Audit Service.

7.3 Staff in Voluntary Aided Schools may wish to approach a Diocesan Authority Officer. If it is believed that officers of the Diocesan/Church Authorities are involved, an approach might be made directly to the Bishop.

7.4 If however, you feel that you still want to raise your concerns with the council, there are a number of options to choose from. Concerns may be raised verbally to the whistleblowing telephone line, by email, by an on-line referral form or in writing.

7.5 To make a confidential telephone call please ring the dedicated whistleblowing number **01772 532500**, where you will be requested to press 1 for financial matters (directed to the Internal Audit Service) and 2 if it relates to any other concern (directed to Human Resources).

7.6 Financial matters include the following:

- theft of property including assets and cash;
- financial irregularities including those affecting cash, stores, property, remuneration or allowances;
- fraud;
- misuse of school property, vehicles or equipment;
- misuse of school systems;
- nepotism;
- conflicts of interest giving rise to fraud, bribery or corruption;
- supplier kickbacks.

7.7 An officer will answer your call and if the officer is unavailable, there will be an opportunity to leave a voicemail message. An officer will return your call if you so wish but please remember to leave a telephone number in your message.

7.8 If you prefer to use email there are two dedicated email addresses:

- For financial concerns – internalauditinvestigations@lancashire.gov.uk
- For any other concern - WhistleblowingComplaints@lancashire.gov.uk

7.9 An on-line referral form is available which contains two options; one for financial concerns and one for any other concern. The form can be accessed by following this link Whistleblowing Referral Form.

7.10 Concerns can also be made in writing and correspondence should be sent:

- For financial concerns to – Head of Service Internal Audit, Internal Audit Service, Finance Directorate, Lancashire County Council, County Hall, Preston, PR1 0LD.

- For any other concern to – Head of Service Human Resources, Human Resources Service Centre, Corporate Services Directorate, Lancashire County Council, County Hall, Preston, PR1 0LD.

7.11 Alternatively you may contact a representative of the Schools Human Resources Team:

- Jeanette Whitham, Head of Schools HR Team - 01772 530436
- Steve Lewis, Principal HR Manager 01772 531776
  (Districts 1 & 2 – Lancaster & Morecambe and Wyre)
- Claire Neville, Principal HR Manager - 01772 530435
  (Districts 4 & 6 – Fylde and Preston)
- Vic Welch, Principal HR Manager - 01772 531814
  (Districts 7 and 8 - South Ribble and West Lancashire)
- Andy Cooper, Principal HR Manager – 01772 535781
  (Districts 9 and 11 – Chorley and Hyndburn)
- Anne Sutton, Principal HR Manager - 01772 534928
  (Districts 12, 13, 14 - Burnley, Pendle, Rossendale)

7.12 The earlier you express the concern the easier it is for action to be taken.

7.13 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.14 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter as a collective concern if there are two (or more) of you who have had the same experience or concerns.

7.15 You may invite a fellow worker, a trade union representative or an official employed by a trade union to be present during any meetings or interviews in connection with the concerns you have raised.

7.16 If you believe that you have to take the matter externally, possible contacts are listed at Section 10 of this policy.

8. How the Governing Body/council will respond

8.1 The Governing Body/council will provide a response to your concerns. If you confirm your wish to raise the concerns formally under this policy, a responsible person will be designated by the school management, where appropriate, or by the management of the council, to co-ordinate the response to the concerns you have raised, in consultation with the Director of Corporate Services or the Internal Audit Service as necessary. The responsible person will respond to you in accordance with paragraph 8.6 below and where the responsible person is outside the management of the school, s/he will notify the council's Director of Corporate Services for registration, monitoring and annual reporting purposes.

8.2 Where appropriate, the matters raised may:-

- be investigated by school/council management, internal audit, or through the disciplinary procedure;

- be referred to the police;
- be referred to the external auditor; or
- form the subject of an independent inquiry.

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Such testing out of your concerns is not the same as either accepting or rejecting them. The overriding principle which school management/the council will have in mind is the public interest.

8.4 Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.6 Within ten working days of a concern being raised, the responsible person will write to you to:

- acknowledge that the concern has been received;
- indicate how it is proposed to deal with the matter;
- provide an estimate of how long it will take to provide a final response;
- inform you whether any initial enquiries have been made;
- supply you with information on staff support mechanisms (where appropriate); and
- inform you whether further investigations will take place and if not, why not.

8.7 The amount of contact between those considering the issues 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.

8.8 Where any meeting is arranged under this policy, away from school premises if you so wish, you can be accompanied by a trade union or professional association representative or work colleague.

8.9 The Governing Body will take steps to minimise any difficulties which you may experience as a result of raising a concern. For example, if you are required to give evidence in criminal or disciplinary proceedings, arrangements will be made for you to receive appropriate advice about the procedure.

8.10 It is accepted that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

9. The Responsible Officer

9.1 The Headteacher has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally within the school, and should maintain a record of concerns raised and the outcome to report as necessary to the Governing Body.

9.2 The council's Director of Corporate Services has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally outside the management of the school and will maintain appropriate records of concerns raised and report as necessary to the council.

10. How the matter can be taken further

10.1 This policy is intended to provide you with an avenue within the School/council to raise concerns. The Governing Body hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the School/council, you may wish to contact your trade union/professional association or one of the following possible contact points:

External Auditor	✉ Grant Thornton 4 Hardman Square, Spinningfields, Manchester M3 3EB ☎ 0161 953 6900 Website: https://www.grantthornton.co.uk/en/office-locations/?location=manchester
Public Concern at Work	✉ Public Concern at Work CAN Mezzanine 7-14 Great Dover Street London SE1 4YR ☎ 020 7404 6609 Website: whistle@pcaw.org.uk http://www.pcaw.org.uk/
Public Sector Audit Appointments Ltd	✉ PSAA Limited 18 Smith Square London SW1P 3HZ ☎ 020 7072 7445 Email:generalenquiries@psaa.co.uk
Lancashire Constabulary	✉ Lancashire Constabulary Headquarters PO Box 77 Hutton Preston PR4 5SB ☎ 101 Website: https://www.lancashire.police.uk/
Action Fraud	☎: 0300 123 2040 Website: https://www.actionfraud.police.uk/
HM Customs and Excise	✉ HMRC Fraud Hotline Cardiff CF14 5ZN ☎: 0800 788 887 Website:

	https://www.gov.uk/government/organisations/hm-revenue-customs/contact/customs-excise-and-vat-fraud-reporting
The Information Commissioner	✉ The Office of the Information Commissioner Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF ☎ 0303 123 1113 Website: https://ico.org.uk/
The Environment Agency	✉ National Customer Contact Centre PO Box 544 Rotherham S60 1BY ☎ 03708 506 506 Email: enquiries@environment-agency.gov.uk Website: https://www.gov.uk/government/organisations/environment-agency
Health and Safety Executive	✉ Redgrave Court Merton Road Bootle Merseyside L20 7HS ☎ 0300 003 1747 Website: http://www.hse.gov.uk/contact/index.htm

10.2 If you do take the matter outside the School/council, you should ensure that you do not disclose confidential information that falls outside the scope of the complaint. You should check with the relevant contact point about that.