

## Langenhoe Community Primary and Pre-School

### Reporting Improper Conduct or Neglect of Duty Procedure (Whistle blowing)

#### 1. BACKGROUND AND CONTEXT

This school is committed to achieving high standards of integrity and accountability and expects the same commitment from its employees. As such the school wishes to promote an open environment that enables staff to raise issues in a constructive way and with confidence that they will be acted upon appropriately without fear of recrimination.

It is expected that such issues will be dealt with through the normal management systems/procedures, but the following procedure provides for action beyond these when all other reasonable avenues of complaint have been exhausted.

This policy for Reporting Improper Conduct or Neglect of Duty (Whistle blowing) has the following background and context:

- 1.1 The Langenhoe Community Primary School has a Corporate Code of Conduct for employees, which covers the activities of employees in the course of their employment. The Code states:

‘There is an expectation that school-based employees will provide the highest possible standard of service to the public through the performance of their duties. Employees will be expected through agreed procedures and without fear of recrimination, to bring to the attention of their line manager any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.’

- 1.2 This policy on ‘Whistle blowing’ seeks to reduce the risk of abuse of all kinds to vulnerable people (including children and young persons) receiving public service within the School, and was adopted by the Governing Body on June 8<sup>th</sup> 2006.

- 1.3 The legal background relating to ‘whistle blowing’ is covered by the Public Interest Disclosure Act 1998 which affords protection against dismissal or any lesser penalty where an employee discloses in good faith, with reasonable grounds for belief in the disclosure, certain information relating to:

- failure to comply with legal obligations;
- miscarriages of justice;
- criminal offences;
- danger to Health and Safety;
- damage to the environment;
- concealment of evidence relating to the above.

- 1.4 This policy sets out the agreed procedures that should be followed where employees have concerns about what they regard as such impropriety or neglect of duty at the School. Such breaches of acceptable standards may be in relation to ethical or professional standards, as well as the School’s expectations on money, gifts,

hospitality, health and safety and welfare, equal opportunities, relationships and outside interests. The Code of Conduct gives greater detail.

- 1.5 This procedure should be used where your concern is about the consequences for other employees or the public. If your concern is about yourself being disadvantaged by the action or failure to take action by others, then that should be pursued through the School's Grievance Procedure.

## **2. WHAT SHOULD YOU DO IF 'WHISTLEBLOWING'?**

- 2.1 You will need to exercise judgement in this. If the inaction or lapse of standards seems to be minor, then it may well be sufficient just to bring the matter to the attention of the employee or party who appears to be at fault.
- 2.2 If the matter is more significant particularly if it involves breaches of the School's Code of Conduct or where a previous informal response as above has been apparently disregarded, then you should initially raise the matter with your line manager and as a matter of urgency if it appears serious. If given verbally, you should confirm your complaint in writing shortly after.
- 2.3 Where the complaint actually concerns your line manager, or having made your report you believe they have failed to take appropriate action, you should bring it to the attention of a more senior manager, the Headteacher or the Chair of Governors.
- 2.4 Similarly, if for whatever reason, you feel your concern cannot/has not appropriately or confidently be handled through the line management route, then you should feel free to raise it direct with the Chair of Governors or in exceptional circumstances, your home LEA.
- 2.5 If you believe fraud, theft or other potential gross misconduct is involved, act quickly to report it as above but do not mention it to the subject of the complaint or other colleagues as that could prejudice any investigatory process.
- 2.6 It may be the case that you will have very genuine and justified suspicions of wrongdoing even though at the time of 'whistle blowing' you cannot point to concrete evidence. That should not deter you from going ahead and reporting the matter, particularly where it may involve potential risk to vulnerable people.
- 2.7 In all cases you may wish to contact your trade union representative to discuss your concerns before resorting to this procedure.

## **3. WHAT SHOULD YOU DO IF RECEIVING A COMPLAINT AS A LINE MANAGER?**

- 3.1 Again it would be inappropriate to have hard or fast rules and judgement must be exercised. While it is essential for problems to be tackled effectively and with the aim of righting wrongs, this may well be best achieved in many less serious cases by discussion with the 'offending' employee and securing a commitment as to future standards and corrective action. In other more serious cases you may well have to pass the matter up the line to a more senior level of management, as appropriate. Where necessary though, disciplinary procedures may need to be instigated.
- 3.2 Where complaints are received from members of the public, the School's Formal Complaints Procedure (as contained in the School Customer Care Code of Practice) must be followed, unless the complaint relates to the specific conduct or performance of an individual employee.

- 3.3 Any written complaint/allegation should be given a written acknowledgement and confirmation that the matter will be looked into. Unless clearly made in a very low key way about minor matters, verbal complaints/allegations should receive a written acknowledgement in the same way.
- 3.4 In the event of the allegation being of a very serious nature, e.g. relating to a fraud or other potential gross misconduct offence, there may well be a need to involve the School's Auditors and/or the police. This should normally be agreed initially by the Chair of Governors who, in turn, should keep the home LEA informed in view of any possible implications concerning public monies. In the absence of the Chair of Governors, advice may be sought from the School's Legal Advisors before involving the police in any such internal complaint or allegation.
- 3.5 When any complaint or allegation has been looked into and resolved or dealt with, the person who raised the matter in the first instance should be notified of that, normally in writing unless common-sense indicates that it can be done more appropriately in a verbal, informal way. How much detail to give of findings and outcomes is a matter of judgement and it would, for example, be inappropriate to disclose details of disciplinary actions taken against another employee.

#### **4. PROTECTING 'WHISTLE BLOWERS' AND COMPLAINANTS**

- 4.1 As a 'whistleblower' you may ask if your identity can be kept concealed. Frequently the answer will be yes, but in more serious cases where disciplinary action may have to be taken against others they may well have a right to know the source as well as the nature of such complaints. In any case the school is committed to doing as much as possible to ensure that your well-being at work does not suffer as a result of the tensions that may result from the making or investigation of complaints.
- 4.2 If you believe you are experiencing harassment or victimisation at work as a consequence of 'whistle blowing' you are strongly encouraged to bring this to an appropriate senior manager's attention at an early stage so that it can be addressed. The school will take any appropriate action necessary to ensure that such harassment or victimisation stops.
- 4.3 Whether or not work relationships suffer in this way it may well be that 'whistleblowers' will find the process of reporting wrong-doing and making statements etc stressful, particularly where there may be feelings of divided loyalties. In such circumstances the 'whistleblower' may welcome the opportunity to talk through these anxieties and feelings either with their manager, or possibly, with someone from a counselling service. This is to be encouraged.

#### **5. WHAT IF I RECEIVE A COMPLAINT ABOUT MYSELF?**

If the complaint or allegation is at all significant or made in a formal way, particularly by a member of the public or other external users, then you should inform your line manager or Chair of Governors in the case of Headteachers – even if you believe or know the complaint to be groundless or unjustified.

Where a complaint or 'grumble' clearly does not justify taking up the line in this way, making a brief note on a file or diary or similar will often be appropriate and in your own best interests.

## **6. A SENSE OF PERSPECTIVE**

As stated in (1) above, all staff have an obligation under the Code of Conduct to raise concerns in this way where they see that proper standards have clearly been breached or ignored. Nevertheless it is important that where deficiencies in service provision standards are involved rather than corruption, staff should satisfy themselves that the failing is serious and that the potential disadvantage to the public or the School is significant. Any unnecessarily over-zealous reporting would be inappropriate and counter-productive.

## **7. MALICIOUS ACCUSATIONS**

Equally though if on investigation it is considered that an employee has made malicious allegations without real substance, then that in itself will be taken as a most serious matter and likely to result in disciplinary action.