



# School Governing Body Lee-on-the-Solent Junior School

*'Happy School, High Standards'*

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## ***Lee-on-the-Solent Junior School Whistle Blowing Policy***

Issued September 2017

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# 1 Introduction

This Reporting Concerns (“Whistle Blowing Policy”) is an exact copy of the Hampshire County Council policy of the same name. It will be reviewed and update annually and when communications received from the LA or HCC indicate that the policy has changed

## 2 Policy Statement

Hampshire County Council is committed to the highest standards of openness and accountability. Employees have a duty and a right to disclose concerns, in confidence, without fear of subsequent victimisation, discrimination or disadvantage. Employees should raise serious concerns within the Council rather than ignoring a problem or ‘blowing the whistle’ outside.

The standards expected of the County Council’s employees are set out in the Code of Conduct and in departmental and local procedures and guidance relating to specific issues. The policy is also consistent with the rights and responsibilities outlined in the Staff Charter.

## 3 Policy Framework

This corporate ‘whistleblowing’ policy fulfils the County Council’s legal requirements under the Public Interest Disclosure Act 1998 and seeks to;

- encourage reporting of malpractice by providing special rights for people making disclosures,
- provide workers with protection from victimisation and dismissal for making a ‘qualifying disclosure’,
- encourage workers to raise matters internally with their employer in the first instance.

Disclosures will be protected if they meet the legal requirements, which generally require the worker to be acting in good faith. The policy is in addition to the County Council’s internal complaints procedures and other mechanisms and is intended to be used when other policies and procedures do not apply.

This policy applies to all employees (including temporary, part time and casual workers), contractors, trainees, agency workers on assignment within the Council, volunteers, students, secondees, suppliers and those providing services under a contract with the Council.

The Social Services Department has ‘SpeakOut’ already operating as a ‘whistle-blowing’ policy and is endorsed by this corporate policy.

This policy is also separate from external complaints procedures for use by service users and members of the public.

## 4 When to use Reporting Concerns at Work

To achieve and maintain the highest standards of openness and accountability within Hampshire County Council, employees have a duty and a right to disclose concerns, in confidence, without fear of subsequent victimisation, discrimination or disadvantage. This procedure is available to;

- encourage staff to question and act upon concerns about bad practice and to feel confident in raising serious concerns,
- provide avenues for staff to raise those concerns,
- ensure that staff raising concerns receive feedback on any action taken,
- provide guidance to staff on how to take matters further if they are not satisfied,
- reassure staff that they will be protected from possible reprisals or victimisation if they have made the disclosure in good faith.

There are other existing procedures in place that enable staff to raise a grievance relating to their own employment and deal with cases of harassment or bullying in the workplace using the Dignity at Work guidelines

This policy covers major concerns that fall outside the scope of other procedures, such as those mentioned in the paragraph above, including;

- conduct which is an offence or a breach of law,
- miscarriages of justice,
- health and safety risks (to members of the public as well as to staff),
- damage to the environment,
- unauthorised use of public funds,
- fraud and corruption,
- abuse of clients,
- abuse or intimidation of staff,
- other unethical conduct.

These may be breaches of the Council's Standing Orders or policies, or may be matters that staff are concerned about in relation to established local standards of practice or their own experience.

## 5 How to Report Concerns at Work (Whistle-blowing)

If you believe that there is a serious problem within the County Council you may feel reluctant to express your concerns because you feel that speaking up would be disloyal to your colleagues or to the Council. You may also fear harassment or victimisation.

### 5.1 Steps to be Taken

Where possible concerns should be resolved simply and effectively at the lowest possible level within your section, team or work area using the steps below.

1. Try to discuss your concerns with your immediate line manager or supervisor
2. If you consider this an inappropriate person due to the nature of your concerns, the seriousness and sensitivity of the issues, you should approach one of the following, as appropriate:

- An HR practitioner through the Employment Practice Centre
- A senior departmental manager

3. All concerns relating to financial malpractice should be raised with the Chief Internal Auditor.

However, if this does not resolve the situation the member of staff should contact one of the following:

- in the Social Services Department, the SpeakOut scheme;
- the Monitoring Officer (Head of Corporate & Legal Services);
- the Chief Internal Auditor for all concerns relating to financial malpractice;
- the Director of Human Resources;
- the Chief Executive.

### 5.2 How to Make the Disclosure

This should, preferably, be made in writing and include:

1. background and history of the concern;
2. relevant dates;
3. the reason why the situation gives particular cause for concern.

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 concern.

### 5.3 When to make the disclosure

Concerns should be raised as early as possible, as this will;

- make it easier to take action, and
- enable any problems to be resolved quickly.

However it is recognised that some bad practices can develop over a long period of time, delaying the opportunity for disclosure, or could be discovered after they have become well-established.

There is no definite time limit on raising concerns; whether an issue can viably be dealt with after a long period of time will depend on the circumstances.

You may wish to discuss your concern with a colleague first and may find it easier to raise the matter if there are two (or more) people who have had the same experience or concerns.

However, you should also be prepared to give your own individual account during the investigation process.

You may be accompanied by a trade union representative or colleague during any meetings or interviews in connection with the concerns you have raised.

### 5.4 How the County Council will respond

1. The County Council will always respond to your concerns and it is likely there will be an investigation by management.

2. Further courses of action will vary, depending on the issue, but could include;

- using the Council's disciplinary process,
- investigation by Corporate & Legal Services, resulting in the use of the disciplinary process if appropriate,
- investigation by Internal Audit, again resulting in use of the disciplinary process if appropriate,
- referral to the District (External) Auditor,
- referral to the police.

3. When deciding on whether an investigation is appropriate, and what form this should take, the Council will consider public interest as an overriding principle.

4. Within 10 working days of the concern being raised, the officer receiving the disclosure will write to you to;

- acknowledge that the concern has been received,
- indicate how it is proposed that the matter will be dealt with (i.e. whether further investigations will take place, and what form these will take),
- indicate whether any initial enquiries have been made,
- give an estimate of how long it will take to provide a final response,
- supply information on staff support mechanisms,

5. The amount of contact between the officers considering the issue and the member of staff who raised the issue 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 the person making the disclosure, ensuring that confidentiality is maintained.

6. The Council accepts that staff making a disclosure need to be assured that the matter has been properly addressed.

7. Subject to legal constraints, staff who have raised a concern will always be informed of the outcome of the investigation.

## 5.5 How the Matter can be Taken Further

If you are dissatisfied with the action taken, and wish to take the matter outside the Council, the following are examples of appropriate contact points.

### 5.5.1 Semi-external Contacts

- an elected Member of the Council;
- the District (External) Auditor;
- a trade union;
- the Local Government Ombudsman.

### 5.5.2 Fully External Contacts

- the [Citizens Advice Bureau](#);
- [Public Concern at Work](#) (a national charity that gives advice on 'blowing the whistle');
- appropriate professional bodies or regulatory organisations;
- the police.

## 5.6 When Taking the Matter Outside the Council

You must ensure that confidential information is not disclosed, such as;

- personal details about colleagues,
- restricted financial information.

Staff raising a concern externally should consider carefully whether this is the most appropriate course of action for resolving the issue and whether all reasonable, possible internal steps have been taken.

## 5.7 Contact Details

For general concerns (as appropriate);

- your manager,
- an HR practitioner in the Employment Practice Centre,
- a senior manager in your department,
- the Head of Human Resources,
- the Monitoring Officer,
- the Chief Executive.

For all financial issues (fraud, corrupt practices and other irregularities);

- the Chief Internal Auditor,

- the Audit Consultant,
- the Audit Senior.

For all matters concerning service users in Social Services Department;

- The Speak Out scheme.
- For confidential support and counselling - Employee Support Line.

## 6 Manager's Responsibilities

1. If a member of your staff considers a concern is serious enough to report, you must support them by enabling them to progress their concern.

2. Most concerns can be resolved simply and effectively within the section, team or work area by discussing the issues with your line manager and/or an HR practitioner to decide on the way forward.

3. Within 10 working days of the concern being raised the officer receiving the disclosure should write to the member of staff to;

- Acknowledge that the concern has been received,
- Indicate how it is proposed that the matter will be dealt with,
- If an investigation is to take place, what form it will take,
- Indicate whether any initial enquiries have been made,
- Give an estimate of how long it will take to provide a final response,
- Supply information on staff support mechanisms.

4. On considering the facts you will need to decide if this is the correct approach to take or if it would be more appropriate to follow another procedure:

1. Grievance procedure
2. Reporting under the financial regulations
3. Dignity at work
4. Capability procedure

5. You must ensure that there is no harassment, bullying or victimisation (including informal or subtle pressures) among staff during the process. To ensure this;

- All information must be kept confidential,
- Any additional concerns should be reported immediately to a senior manager or the manager conducting the investigation,
- Refer to the Reporting Concerns at Work – Safeguards for more details in this respect.

6. The member of staff may not feel able to talk to you about the particular issue so you must allow them to contact either a more senior manager or an HR practitioner, this may not mean that their concern is about yourself.

## 7 Safeguards for Reporting Concerns at Work

The County Council recognises that the decision to report a concern can be a difficult one to make.

If the member of staff feels that they have a genuine concern, there should be nothing to fear because he or she will be fulfilling their duty to their employer and to the public for whom the Council provides services.

All concerns will be treated in confidence and every effort will be made to preserve the anonymity of the person making the disclosure where necessary.

However, at the appropriate time it may be necessary for the person making the disclosure to come forward as a witness, for example, as part of the internal investigation, disciplinary process or legal proceedings.

## 8 Support for Staff

The Council will not tolerate any harassment, bullying or victimisation (including informal or subtle pressures) and will take appropriate action to protect staff who raise a concern in good faith.

- The Council's Dignity at Work policy provides more details in this respect.
- The Council will take steps to minimise any difficulties which a member of staff may experience as a result of raising a concern.

For instance, if they are required to give evidence in criminal or disciplinary proceedings the Council will arrange for advice and support to be provided.

- The Council will also consider practical issues such as travel costs and the implications of spending time away from the workplace.
- Support is available at all stages of the above process from the County Council's confidential counselling and support service.

## 9 Other Procedures in Progress

Investigations into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that a member of staff may already be subject to.

However, any allegations of bad practice within the disciplinary process itself will only be dealt with through that procedure, i.e. a disciplinary appeal.

## 10 Anonymous Disclosures

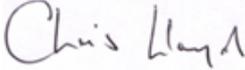
Wherever possible, staff are encouraged to put their name to an allegation, as concerns expressed anonymously can be less effective and more difficult to investigate properly.

Anonymous disclosures will be considered by the Council, but whether further action is taken will depend on the seriousness of the issues raised and the likelihood of confirming the allegation from attributable sources.

## 11 Unconfirmed Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by the subsequent investigation, no action will be taken against them.

However, if an allegation is made maliciously or for personal gain, disciplinary action may be taken against the individual.

<b>Name of Unit/Premises/Centre/School</b>	Lee-on-the-Solent Junior School
<b>Date of Policy Issue/Review</b>	July 2017 – Review September 2019
<b>Name of Responsible Manager/Headteacher</b>	Mr D Nickerson – Headteacher
<b>Signature of Responsible Manager/Headteacher</b>	
<b>Name of Supporting Governor</b>	Mr Chris Lloyd – Chair of Governors
<b>Signature of Chair of Governors</b>	

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