Leicester
City Council

Whistleblowing Policy

For employees based in City Schools/Colleges and other establishments including centrally based teachers

Human Resources
Education and Children's Services
Last reviewed: 1 May 2013

Although this document refers to the Headteacher, it also applies to the Principal / Line Manager / governors as appropriate. Where there is reference to teacher in this document amendments will be required if the school decides to apply this policy to other staff.

Whistleblowing Policy

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1. Policy Statement

1.1 Leicester City Council is committed to conducting its business with honesty and integrity and it expects all staff to maintain high standards of conduct. All organisations, however, face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2 The aims of this policy are:

a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected.

b) To provide staff with guidance as to how to raise those concerns.

c) To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

1.3 This policy aims to explain what constitutes a whistleblowing complaint, how to raise one, how it will be dealt with and what protection is afforded to a legitimate whistleblower.

2. Scope

2.1 This policy applies to all individuals working at all levels of the organisation, including chief officers, officers, employees, consultants, trainees, part-time and fixed-term workers, casual and agency staff [and volunteers] (collectively referred to as **staff** in this policy).

3. What is Whistleblowing?

3.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

criminal activity;

miscarriages of justice;

danger to health and safety;

damage to the environment;

failure to comply with any legal obligation or regulatory requirements;

bribery;

financial fraud or mismanagement;

negligence;

the deliberate concealment of any of the above matters

3.2 A **whistleblower** is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the council's activities (a **whistleblowing concern**) you should report it under this policy.

4. Whistleblowing is NOT

4.1 This policy should not be used for the following:

a) Raising concerns that relate to your own personal circumstances such as the way you have been treated at work. . Such concerns should be raised in the first instance informally with your line manager who will attempt to resolve them for you. If no resolution is possible, the Grievance Procedure, (or other appropriate procedure such as the "Harassment and Discrimination procedure") should be used for this purpose.

b) Raising concerns of a serious nature which do not fall within the definitions set out at 3.1 above. The Grievance Procedure, or other procedure as appropriate, should be used for this purpose.

c) Raising concerns as a member of the public. The Corporate Complaints Procedure should be used for this purpose.

d) Raising concerns about Councillors. The Member Code of Conduct and Arrangements should used for this purpose.

4.2 If you are uncertain whether something is within the scope of this policy you should seek advice from Human Resources.

5. Raising a whistleblowing concern

5.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. Where you do not feel you can do this then you should raise your concern with a manager above the level of your immediate manager. In all cases the manager will log the referral with the Monitoring Officer so that it can be recorded as a "whistleblowing complaint."

5.2 Where the matter is more serious, or you feel that your line manager has not addressed your concern or you prefer not to raise it with them or their superior for any reason, you should raise your concern directly with the Monitoring Officer. Should the Monitoring Officer consider that your concern should not have been raised with them because (i) the allegation can properly dealt with by another manager and/or (ii) your identity does not need protecting by the Monitoring Officer, they will discuss their view with you. Consequently, your referral may be redirected to your line manager or another appropriate manager. It is in any event in most cases likely that the Monitoring Officer in dealing with your concern will liaise with your line manager regarding its progression. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6. Confidentiality

6.1 It is hoped that staff will feel able to voice whistleblowing concerns openly under this policy. If, however, you want to raise your concern confidentially, every effort will be made to keep your identity confidential. In these circumstances and if it is necessary for anyone investigating or involved generally in your concern to know your identity, this will be discussed with you prior to your identity being disclosed.

6.2 Anonymous disclosures are not encouraged. Proper investigation may be more difficult or impossible if further information cannot be obtained from you. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should raise this at the time that they make their disclosure and appropriate measures can then be taken where appropriate. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

7. External Disclosures

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

7.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern externally. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

7.3 Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a contractor. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. You are encouraged, however, to report such concerns internally in line with the procedure outlined above.

8. Investigation and Outcome

8.1 Once you have raised a concern, an initial assessment will be undertaken to determine what, if any, steps should be taken. As part of this process, whether your concern falls within the scope of this policy will be considered. You will be informed of the outcome of the assessment. You may be required to attend meetings in order to provide further information.

8.2 Following the initial assessment an investigation may be undertaken. It may be appropriate for a line manager or some other Council officer to undertake the investigation. Questions of potential conflict of interest will be considered in determining the appropriateness or otherwise of any particular officer carrying out an investigation. Where a potential or actual conflict of interests exists for a particular officer they should not carry out the investigation. In exceptional circumstances or where specific expertise is required, an external investigator may be appointed.

8.3 It may be appropriate to instigate a further procedure following the conclusion of any investigation, such as the disciplinary procedure. Any such action falls outside the scope of this policy.

8.4 Whilst in most circumstances you will be kept informed of the progress of any investigation and its likely timescale, the need for confidentiality may prevent the provision of information to you including specific details of the investigation or any disciplinary action taken as a result. The investigator will decide what details, if any, should be provided to you regarding the investigation itself and its outcome. You should, however, treat any information about the investigation provided to you as confidential.

8.5 If it is concluded that a whistleblower has made false allegations maliciously, in bad faith (i.e. not merely mistakenly) or with a view to personal gain, the disciplinary procedure will be followed in respect of that complaint.

9. Protection and Support for Whistleblowers

9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Council aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

9.2 Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager or HR immediately who will assess what steps, if any, should be taken. If for any reason you do not believe it is appropriate to raise this with your line manager you should inform the next line of management. Where matters have been disclosed in confidence and anonymously, then you can speak with the Monitoring Officer. If the matter is not resolved to your satisfaction you may raise this using the Grievance Procedure.

9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

10. Responsibility for the success of this policy

10.1 The Monitoring Officer has overall responsibility for this policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

10.2 The Monitoring Officer has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

10.3 The Monitoring Officer should review this policy from a legal and operational perspective at least once a year. Trade Unions will be consulted before any changes are implemented.

Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk

Document Control

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1 May 2013	Steph Holloway		