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Headteacher – Miss Amanda Rogers

Whistleblowing Policy **September 2018**

The Governing Body of South Stoke Primary School have agreed to work within the guidance of Oxfordshire County Council (see below)

The aim of this policy is to enable employees, agency workers, self-employed contractors and volunteers of Oxfordshire County Council to raise concerns directly with the County Council about the Council's operations whistle-blowing. This does not remove an employee, agency workers, self-employed contractors or volunteer's right to raise concerns in other ways where appropriate such as through the agencies listed in paragraph 21 below.

Concerns directly about an employee's own employment should be raised through the Raising Concerns - Grievance procedure. Separate procedures exist for school staff and uniformed fire-fighters which are available from Employment Advisory Service in Shared Services, located in the SAFEGUARDING FILE.

Introduction

- The Council is committed to the highest possible standards of:
- Openness and inclusiveness
- Accountability
- Integrity

In line with that commitment, we encourage employees, agency workers, self-employed contractors and volunteers with serious concerns about any aspect of the Council's work to come forward and express those concerns.

The aims of this policy are to:

- encourage employees, agency workers, self-employed contractors and volunteers 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.
- provide employees, agency workers, self-employed contractors and volunteers with guidance as to how to raise those concerns.
- reassure employees, agency workers, self-employed contractors and volunteers that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

The Council will provide all reasonable protection for those who raise genuine concerns in good faith.

The Chief Executive, as Head of the Paid Service, and the County Solicitor, as the Council's Monitoring Officer, have overall responsibility for this policy. Directors are responsible for the management of services and staff within their directorates.

Directors will be responsible for ensuring that appropriate personal support is offered both to an employee raising a concern and to any employee against whom allegations have been made under this procedure.

If an employee raises a concern in good faith but it is not subsequently confirmed by investigation, no action will be taken against him/her. If however, an employee raises a concern frivolously, maliciously, or for personal gain, disciplinary action may be taken against him/her.

An employee may also have the right to raise a whistleblowing concern under the Council's Raising Concerns at Work policy provided that the issue directly relates to their own employment. An employee will need to specify their concern(s), how they are disadvantaged and what remedy they are seeking.

What is 'Whistleblowing' ?

'Whistleblowing' is defined as 'raising concerns about misconduct within an organisation or within an independent structure associated with it' (Nolan Committee on Standards in Public Life). Since the Nolan Committee legislation has been enacted which deals with whistleblowing. In the legislation it is called a protected disclosure. The Public Interest Disclosure Act 1998 (the 'PIDA 1998') amends the Employment Rights Act 1996 and protects employees from suffering a detriment in their employment or being dismissed by their employer if they make certain disclosures in accordance with the legislation.

You have certain common law confidentiality obligations to your employer. However, in a limited set of circumstances the PIDA 1998 may override these obligations if you reveal information about your employment or the work of the Council.

Any serious concerns you have about any aspect of the Council's service provision or about the conduct of Council employees, elected members or others acting on behalf of the Council, should be reported using the following procedure.

Your concern must relate to something which:

- a) Is a breach of the Council's Constitution and policies; or
- b) Falls below established standards or practice; or
- c) Amounts to improper conduct, including something you believe may be:
 - A breach of the law
 - A failure to comply with a legal obligation
 - A possible miscarriage of justice
 - A Health & Safety risk
 - Damaging the environment
 - Misuse of public money
 - Corruption or unethical conduct
 - Abuse of clients or service users
 - Deliberate concealment of any of these matters
 - Any other substantial and relevant concern

These issues could have arisen in the past, be currently happening or likely to happen in the future. The PIDA does not protect an employee who would be breaking the law in making the disclosure.

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect your identity if you so wish. Nevertheless, this information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement or act as a witness in any subsequent disciplinary proceedings or enquiry. This will always be discussed with you first.

Where concerns are expressed anonymously the relevant Deputy Director/Head of Service in consultation with either the Strategic HR Manager, Assistant Chief Executive/Chief Finance Officer or the County Solicitor will decide how to proceed. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented.

How to Raise a Concern ('Whistleblowing')

Step 1

- If you wish to raise a concern normally you should raise this initially with your Line Manager. This can be in person or in writing. In clarifying your concerns, it may be helpful for you to refer to the Council's Code of Conduct for Officers which sets out the standards expected of its employees.
- The Council recognises that sometimes it may be inappropriate for you to approach your line manager with your concern. A number of alternative routes may be appropriate depending on the nature of your concern. For example, you could approach a more senior manager in your directorate, the Employment Advisory Service, your Director or one of the following
 1. The Chief Executive
 2. The Monitoring Officer/County Solicitor
 3. Assistant Chief Executive/Chief Finance Officer
 4. The Chief Internal Auditor
 5. Your local County Councillor

Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them.

You may wish to obtain assistance in putting forward your concern from an HR Adviser, a Trade Union representative or a colleague. You may choose to be represented by a Trade Union representative or colleague at any meetings that are required.

Step 2

The manager with whom you have raised your concern will acknowledge its receipt as soon as possible and will write to you within 10 days with the following:

- An indication of how the concern will be dealt with
- An estimate of how long it will take to provide a final response
- Whether any initial enquiries have been made
- Whether further investigations will take place, and if not why not
- Information on employee support services

The manager with whom you have raised your concern will at the same time notify the relevant Strategic HR representative for the Directorate that a whistleblowing allegation has been made.

Advice for managers and County Councillors on dealing with concerns is available from Employment Advisory Service in Customer Services, Strategic HR, the County Legal Services or Financial Services.

Step 3

Initial enquiries will be made to decide whether an investigation is appropriate in each case. Where an investigation is necessary, it may take the form of one or more of the following:

- An internal investigation by management, which may, for example, take the form of a disciplinary investigation or an investigation by the Internal Audit Services
- A referral to the Police
- A referral to the Council's external auditor,
- The setting up of an external independent inquiry

Step 4

The Council will inform you in writing of the outcome of any investigation or any action taken, subject to the constraints of confidentiality and the law.

If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following as appropriate;

- The Council's external auditor
- Your Trade Union
- The Citizens Advice Bureau
- A relevant professional body or regulatory organisation
- A relevant voluntary organisation
- The Police
- The Local Government Ombudsman
- Oxfordshire Racial Equality Council
- Equalities and Human Rights Commission

(See Annex 2 for further details).

You must make the disclosure in good faith; you must not make the disclosure for personal gain and you must reasonably believe the information disclosed and any allegation in it to be substantially true; and in all the circumstances it must be reasonable for you to make the disclosure.

If there is an issue of an exceptionally serious nature which you believe to be substantially true, you do not make the disclosure for personal gain and if, in all the circumstances, it is reasonable for you to make the disclosure, then you may disclose the issue to someone other than those listed in paragraph

In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account.

You have a duty to the Council not to disclose confidential information. This does not prevent you from seeking independent advice at any stage nor from discussing the issue with the charity Public Concern at Work on 020 7404 6609 and www.pcaaw.co.uk, in accordance with the provisions of the Public Interest Disclosure Act 1998.

Review and Reporting of the Procedure

This policy has been reviewed with reference to equalities, human rights and discrimination legislation. Confidential monitoring of the procedures is undertaken in order to gather data to help establish whether the policy is operated in a fair and consistent manner. In undertaking monitoring the Council will not identify individuals.

The Monitoring Officer will report annually to the Audit Committee on the type of cases dealt with under this policy.

This policy will be regularly reviewed by the Monitoring Officer to ensure that it continues to remain compliant and meets the needs of the council and its members of staff

| Annex 1 Contact Details (Oxfordshire County Council) | |
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| Assistant Chief Executive/Chief Finance Officer | Tel no: 01865 816399 Email: sue.scane@Oxfordshire.gov.uk Address: County Hall, New Road, Oxford. OX1 1TH Web site: www.oxfordshire.gov.uk |
| Chief Internal Auditor | Tel no: 01865 323875 Email: ian.dyson@oxfordshire.gov.uk Address: County Hall, New Road, Oxford. OX1 1TH Web site: www.oxfordshire.gov.uk |
| County Solicitor/Monitoring Officer | Tel no: 01865 323907 Email: peter.clark@oxfordshire.gov.uk Address: County Hall, New Road, Oxford. OX1 1ND Web site: www.oxfordshire.gov.uk |
| Head of Human Resources | Tel no. 01865 815191 Email: steve.munn@oxfordshire.gov.uk Address: County Hall, New Road, Oxford. OX1 1ND Web site: www.oxfordshire.gov.uk |
| Chief Executive | Tel no: 01865 815330 Email: Joanna.simons@oxfordshire.gov.uk Address: County Hall, New Road, Oxford. OX1 1ND Web site: www.oxfordshire.gov.uk |
| Directors Chief Executive's Office Children, Young People & Families Environment & Economy Social & Community Services | Tel/email 01865 816399 sue.scane@Oxfordshire.gov.uk 01865 815122 meera.spillett@oxfordshire.gov.uk 01865 815827 huw.jones@oxfordshire.gov.uk 01865 323572 john.jackson@oxfordshire.gov.uk |
| Your Local Councillors (if you live in Oxfordshire) | Web site: www.oxfordshire.gov.uk Click on: council services>about your council>councillors |

The school has adopted the Oxfordshire County Council Whistleblowing Policy and Guidance which can be found at:

<https://www.oxfordshire.gov.uk/cms/content/whistleblowing-and-serious-concerns>