



Procedure for School Employees: Raising Concerns at Work (“Whistleblowing”)

Introduction

1. The aim of this procedure is to enable employees of Oxfordshire County Council to raise concerns at work directly with their employer. This does not remove their right to raise concerns in other ways where appropriate through the agencies listed in paragraph 21 below.
2. If the concern relates to the individual’s own employment, the school’s Grievance Procedure should be used instead.
3. The County Council and the governing body are committed to the highest possible standards of openness, integrity and accountability. In line with that commitment we encourage employees with serious concerns about any aspect of the County Council’s work to come forward and express those concerns.
4. In the large majority of cases employees with concerns should share these with their line manager. However, the County Council and the governing body recognise that, from time to time, this may not be appropriate (see paragraph 14).
5. The County Council will provide all reasonable protection for employees who raise genuine concerns in good faith.
6. If an employee raises a concern in good faith but it is not subsequently confirmed by investigation, no action will be taken against them. If however, an employee raises a concern frivolously, maliciously or for personal gain, disciplinary action may be taken against them.
7. The Chief Executive, as Head of the Paid Service and the Assistant Chief Executive as the Council’s Monitoring Officer have overall responsibility for this policy. Governing bodies are responsible for the management of services and staff within their school.
8. The governing body will be responsible for ensuring that (i) appropriate personal support is given both to the employee raising the concern and to

any employee against whom allegations have been made under this procedure; (ii) both parties are kept informed of progress.

General Points

9. "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).
10. Any serious concerns you have about any aspect of the school or County Council's service provision or about the conduct of County Council employees, members or others acting on behalf of the County Council, should be reported using this procedure. Your concern may relate to something which:
 - is against the County Council's or the school's policies
 - falls below established standards of practice; or
 - amounts to improper conduct, including something you believe may be:
 - against the law;
 - a Health & Safety risk;
 - damaging the environment;
 - misuse of public money;
 - corruption or unethical conduct;
 - abuse of pupils/students;
 - concealment of any of the above.
11. All concerns will be treated sensitively and with due regard to confidentiality. Every effort will be made to protect your identity, if you so wish; however, the information will be passed to those with a legitimate need to have it, and it may be necessary for you to provide a written statement or act as a witness in any subsequent enquiry or disciplinary proceedings. This will always be discussed with you first.
12. Concerns expressed anonymously will be investigated unless the chair of governors and the Director for Children, Young People & Families agree that there is insufficient evidence to proceed. Where the governing body is involved in a complaint, the Director for Children, Young People & Families will make the decision. An investigation may be carried out, depending on the nature of the allegation and the evidence/information presented.

How to raise a Concern

Step 1

13. If you wish to raise a concern, you should raise this initially with your usual manager. This can be in person or in writing. It may be helpful for you to refer to the County Council's Code of Conduct, which sets out the standards expected of its employees.
14. The County Council and the governing body recognise that, in certain circumstances, it may be inappropriate for you to approach your manager with your concern. A number of alternative routes may be appropriate depending on the nature of the concern. For example you could approach a more senior manager, the Children, Young People & Families Directorate HR Team, your school adviser or one of the following:
 - the Chief Executive (01865 815330);
 - the Monitoring Officer
 - the Solicitor to the County Council (01865 815307);
 - the Head of Financial Services (01865 815548);
 - Audit and Risk Management Services (01865 815440);
 - the Social & Health Care Help Line (018675 854417);
 - your County Councillor (01865 815307 if you are not sure who this is).
15. 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.
16. You may wish to obtain assistance in putting forward your concern from the Children, Young People & Families Directorate HR Team, a Trade Union representative or a colleague. You may choose to be represented by a Trade Union representative or colleague at any meetings which are required.

Step 2

17. The manager with whom you have raised your concern will acknowledge its receipt as soon as possible and will write to you within 10 working 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.

18. Advice for those investigating concerns is available on the County Council's intranet.

Step 3

19. 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 Audit and Risk Management Services;
- a referral to the Police;
- a referral to the District Auditor;
- the setting up of an external independent inquiry.

Step 4

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

21. 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 District Auditor
- your Trade Union;
- your local Citizens Advice Bureau;
- a relevant professional body or regulatory organisation;
- a relevant voluntary organisation;
- the Police;
- the local Government Ombudsman;
- the Equal Opportunities Commission;
- the Commission for Racial Equality;
- the local Race Equality Council
- the Disability Rights Commission.

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

22. You may disclose your concern to someone other than those listed in paragraph 21 above if all of the following criteria apply:

- the issue is of an exceptionally serious nature and
- you believe it to be substantially true and
- you do not make the disclosure for personal gain and
- in all the circumstances it is reasonable for you to make the disclosure.

However, the identity of the person/organisation to whom you disclose will be considered in determining whether it was reasonable for you to make the disclosure.

23. You have a duty to the County 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 0207404 6609 or at www.pcaw.demon.co.uk , in accordance with the provisions of the Public Interest Disclosure Act 1998.