ULEY C OF E PRIMARY SCHOOL

CODE OF CONDUCT AND WHISTLE-BLOWING POLICY

CODE OF CONDUCT AND CONFIDENTIAL REPORTING PROCEDURE (WHISTLE-BLOWING) FOR SCHOOL EMPLOYEES IN MAINTAINED SCHOOLS

1. This document is a model code which school governing bodies may choose to adopt. Where the code is adopted, the governing body may wish to approve additional guidance after consultation with staff and trade union reps to meet the operational needs of the school.

2. The Code applies to School employees regardless of the basis of the employment including:-

   - Secondments (both to and from the School/County Council);
   - Temporary assignments (both to and from the School/County Council), Work Placements and Trainees;
   - Governors; and
   - Employees acting as members of companies or voluntary organisations.

INTRODUCTION

3. The purpose of this Code is to give all school employees guidance on how the School, County Council and the public in general expect them to behave. High standards are expected of all staff working in schools and if the Code is followed then staff should not find themselves in a situation where their conduct could create an impression of conflict of interest or corruption in the minds of the public and colleagues. If staff are unsure of the standards expected of them guidance should be sought from their Head Teacher or, in the case of Head Teachers, the Governing Body or the County Council's Operations Director Education, Learning & Libraries.

4. The areas covered by this Code are as follows:

   - Standards;
   - Personal Appearance;
   - Use of the School's Facilities and Equipment;
   - Fraud and Corruption;
   - Gifts, Hospitality and Sponsorship;
   - Register of Gifts and Hospitality;
   - Disclosure and Use of Information;
   - Political Neutrality;
   - Relationships;
   - Electronic Communication
   - Appointments and Other Employment Matters;
   - Undertaking Additional Outside Work;
   - Arrest or conviction on civil or criminal charges;
   - Membership of clubs, societies and other organisations;
   - Equality Issues;
   - Health and Safety Issues;
   - Confidential Reporting Procedure (Whistle-blowing); and
   - Breaches of the Code of Conduct.

STANDARDS

5. School employees are expected to give the highest possible standard of service to the public and to support Governors and fellow employees with impartiality. The highest standard of probity must apply and employees must report any suspected unlawfulness, mal-administration, impropriety or breach of procedure of which they are aware to their Head Teacher or Senior County Council Officer. (See also paragraph 81 and Appendix 1 of this Code).

6. The School, for its part, considers it has a duty to protect employees against unjustified allegations of wrong doing.

PERSONAL APPEARANCE

7. Although the School has not adopted a formal dress code it does expect employees to observe a standard of personal hygiene and appearance which is appropriate to the nature of the work undertaken.

USE OF THE SCHOOL'S FACILITIES AND EQUIPMENT

8. The School is entitled to expect at least the same standard of care of its property as employees give to their own property. Any facilities, property or equipment provided by the School should only be used in connection with official duties except where the Head Teacher and Governors has agreed to private use. There may be arrangements for the use of some services for private purposes on the payment of approved charges e.g. private telephone calls and photocopies, etc. You should always ensure that there is either general or specific agreement to private use of any facility or equipment.

9. When an employee ceases working for the School all papers and other records, equipment and any other property of the School must be returned.

FRAUD AND CORRUPTION

Culture of the Organisation

10. Although the School believes that Governors, employees and organisations associated with the School will act with honesty and integrity it recognises that occasionally this will not be the case. The School's culture is one of honesty and zero tolerance in respect of fraud and corruption.

11. Employees must make themselves aware of and comply with the School's Finance Policy and the Fair Funding Scheme for Financing Schools. In addition the following useful key documents available from the County Council set out various standards of behaviour and procedures in addition to those mentioned in this Code:-
    - Financial Regulations/Accounting Instructions;
    - Information Management and Security policies, procedures and standards;
    - Standing Orders;
    - Procurement Guidance
    - Employee Handbook

12. Employees must use public funds entrusted to them in a responsible and lawful manner and ensure that value for money is achieved. They must comply at all times with the Schools and be mindful of the Council's Financial Regulations and associated Accounting Instructions.

13. It is a criminal offence for employees to give or receive any *gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour or disfavour to any person, company or contractor, with a corrupt intention. If an allegation is made it is for the employee to demonstrate that any rewards received have not been corruptly obtained. (* see paragraph 33 relating to gifts of a trivial nature and paragraph 45 which relates to the Bribery Act 2010).

14. Although there may be no corruptive intention in the act of giving or receiving of gifts, etc it is important to avoid any grounds for suspicion of corruption. For example, where contracts are being negotiated employees should not negotiate with a potential contractor, supplier or purchaser (of land for example) on a one -to- one basis. Employees must ensure that all steps in the contract negotiations should be recorded and that their manager has approved those steps in writing. Standing Orders, Financial Regulations, the Procurement Guidance and the policies of both the School and the Council must always be followed; an adequate audit trail must be maintained.

15. The School recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish the previous record of potential employees in terms of their propriety and integrity. Employees acting under the delegated authority of the Governing Body, when applying the recruitment procedures, should ensure that they are followed in respect of all appointments and that written references are obtained regarding known honesty and integrity. (See also paragraph 67).

Personal Interests

16. Any personal interests, financial or otherwise, must be registered when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties. The Head Teacher will be responsible for ensuring that their personal interests are registered in accordance with this Code and that all of their employees are aware of the need to register personal interests. In certain circumstances even though a conflict of interest is not anticipated (e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Local Authority, involvement with an organisation or pressure group which may seek to influence the Local Authority's policies) employees should register their interests.

17. Section 117 of the Local Government Act 1972 requires all employees to give written notice of any contract or proposed contract in which the School/Council is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest is a criminal offence and may result in prosecution.

18. A direct financial interest arises where an employee or their partner, family member or close friend has a financial interest in a contract or proposed contract whether to

their advantage or disadvantage, in which the Council is involved. An indirect financial interest may arise where an employee or their nominee or employee's partner holds securities or shares in a company, which exceeds £25,000 or 1/100th of the total share capital of a company which has a direct financial interest, whichever is the lesser amount.

19. A non-financial interest may occur when an employee or their partner, family member or close friend has membership or association in a company, society, club or other body, trade union or voluntary body, or is employed by another person or company which has direct financial interests in any matter which is the subject of discussions/negotiations with the School/ Council.

20. Details of interests must be made in writing and sent to the Head Teacher or Governing Body who will record it in a register and acknowledge receipt of the declaration (a copy should be retained in the school). Employees should ensure that they receive an acknowledgement back from the Head Teacher or Governing Body. The declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services.

21. Employees with a financial or non-financial interest in any matter should not only declare that interest but also seek to distance themselves from involvement in that matter. Employees must be open and up front about their interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Council/Governor meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.

22. Employees involved in the award or management of contracts shall declare in writing to their Head Teacher (or in the case of Head Teacher the Chair of Governors) any association or friendship with any contractor involved and should take no part in the tender process without their written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to the Head Teacher (or in the case of the Head Teacher the Chair of Governors) any association with any person or body who is an applicant in the field of work in which that employee is engaged.

23. A Head Teacher (or in the case of Head Teacher the Chair of Governors) to whom any such interest, association or friendship is declared shall consider whether to take steps to ensure the employee concerned is not placed in a position where private interests and official duties may conflict.

Rules Governing Purchasing by Employees

24. Employees must follow the School's Finance Policy, the Fair Funding Scheme for Financing School and be aware of the Council's Financial Regulations, Standing Orders, (when appropriate) and Accounting Instructions whenever any goods or services are purchased.

25. Employees may not order, in the name of the School/Council, equipment or goods, whether with a discount or not, from official Council suppliers for their own personal use even if the cost is reimbursed in full to the Council.

Separation of Roles during Tendering

26. Employees involved in the tendering process and dealing with contractors should understand the separation of client and contractor roles within the School. Senior employees who have both client and contractor responsibilities must be aware of the need for accountability and openness.

27. Employees who are privy to confidential information in respect of tenders or costs for either internal or external contractors must not disclose that information to any unauthorised person or organisation or use it for any unauthorised purposes.

28. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

29. Employees must not use their position and knowledge of the School/Council to gain access to and provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work or to provide services or supplies.

Reporting a Concern

30. "Whistleblowing" by employees of the School/Council is fully supported and encouraged. Where concerns arise these should be brought to the attention of management at all times. If the employee feels they can't tell their employer they should contact a prescribed person/body as detailed on the Government website. In Appendix 1 of this Code a procedure is described for employees who wish to report serious concerns relating to any suspicions or allegations of fraud and corruption or any malpractice or maladministration.

GIFTS, HOSPITALITY AND SPONSORSHIP

31. Any offers of gifts, hospitality or sponsorship should be recorded in the School's Gifts & Hospitality Register held by each Head Teacher or, in the case of Head Teachers the Governing Body. The register must include all offers of gifts, etc whether accepted or declined. Advice/permission should be sought from the Head Teacher or in the case of Head Teachers the Chair of Governors before any gift, hospitality or sponsorship is accepted. (see paragraph 47 below) When in doubt the employee should always refuse such gifts.

32. When hospitality or gifts have to be declined, the person making the offer should be informed of the procedures and standards operating within the School/Council, in relation to gifts, hospitality and sponsorship.

Gifts (including bequests)

33. Gifts offered by persons who are providing, or seeking to provide, goods or services to the School/Council, or who are seeking decisions from the School/Council, should be refused and returned, as should gifts (other than those of a trivial nature e.g. calendars, diaries, desk sets) offered by those receiving services from the school . Gifts, provided they are not of significant monetary value given for example by pupils or parents to their teachers may be accepted within this code. Also similar gifts given to teachers during school exchange visits may be acceptable.

34. In all cases relating to the receipt of gifts it is wise to err on the side of caution: an obviously expensive gift must be tactfully declined or, if appropriate, donated to the School/Council for official use, and the Head Teacher or Chair of Governors should be advised of the action taken. If a gift is simply delivered it must be returned to the donor or, if appropriate, be donated to the Council for official use, and the Head Teacher or Chair of Governors must be advised of the action taken. All such gifts must be registered in accordance with paragraph 47 of this Code.

35. On occasions an employee may become a beneficiary of a Will as the result of service provided on behalf of the school/Council; in these cases the Head Teachers or Chair of Governors should be consulted and the Operations Director Education, Learning & Libraries informed.

Hospitality

36. Employees may only accept offers of hospitality if there is a genuine need to exchange information or represent the School/Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community within Gloucestershire and where the School/Council should be seen to be represented. All such hospitality must be properly authorised and recorded by the Head Teacher or, in the case of the Head Teacher, the Chair of Governors. Exceptions to this rule must be properly authorised and recorded by the Head Teacher or the Chair of Governors.

37. Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, or where the head Teacher (or Chair of Governors in the case of the Head Teacher) gives consent in advance and where it is clear that any purchasing decisions are not compromised. There are some circumstance when it is unacceptable see paragraph 44.

38. An offer of hospitality to individual employees calls for special caution particularly if the host is undertaking, or applying to do business with the School/Council or hoping to obtain a decision from it. It is very important to avoid any suggestion of improper influence.

39. A working lunch of <u>modest</u> standards to allow the parties to discuss business would normally be acceptable; this is a case where the hospitality is secondary to a specific working arrangement. On the other hand, it would not be acceptable conduct for an employee to accept such things as:-

- a holiday*
- tickets for concerts, theatre or sporting events
- the use of a company flat or hotel suite
- expensive meals or entertainment
  (*This condition would not apply to those staff who, as part of their approved duties are required, with the approval of the Head Teacher/Governing Body to accompany pupils or undertake risk assessment etc. relating to school trips/visits).

40. Hospitality must not be accepted unless the acceptance can be readily acknowledged in public or is similar to that which the School/Council would provide in the same circumstances.

41. There are occasions when an offer of hospitality of any kind must be declined e.g. when the person offering the hospitality has a current issue with the School/Council such as a tender under consideration or is involved in a contract dispute.

42. Offers of hospitality accepted or rejected must be registered by employees to their Head Teacher or in the case of the Head Teacher, the Chair of Governors. The details to be registered must be in accordance with that shown in paragraph 47 of this Code.

Sponsorship

43. Where outside organisations, contractors or potential contractors wish or seek to sponsor a School/Council activity, the basic conventions concerning acceptance of gifts or hospitality apply. In some cases sponsorship which yields significant income may be covered by the EU Procurement Regulations and specialist advice should be sought before it is accepted.

44. Where the School/Council acts as a sponsor for an event or service, neither an employee or any partner or relative must benefit from such sponsorship without there being full disclosure to an appropriate manager of any such interest. Similarly, where the School/Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Bribery Act 2010

45. The Bribery Act 2010 came into force in the UK on 1st July 2011. It amends and reforms the UK criminal law and provides a modern legal framework to combat bribery in the UK and internationally. Staff need to be aware of their obligations under this Act, which sets out the criminality of accepting and giving of bribes. This applies to both individual staff and the School/Council corporately.

46. The Bribery Act creates the following offences:

- Active bribery: promising or giving a financial or other advantage;
- Passive bribery: agreeing to receive or accepting a financial or other advantage;

- Bribery of foreign public officials; and
- The failure of commercial organisations to prevent bribery by an associated person (corporate offence).

The penalty under the Bribery Act is an unlimited fine and/or imprisonment up to a maximum of 10 years.

Full details of the Act can be found at: *http://www.legislation.gov.uk/ukpga/2010/23/contents*

REGISTER OF GIFTS AND HOSPITALITY

47. A register will be maintained by every Head Teacher detailing all offers of gifts or hospitality made to employees in their department. The following information will be recorded, based on information reported by employees:-

    - the person or body making the offer;
    - the member of staff to whom the offer was made;
    - the gift or hospitality offered;
    - the circumstances in which the offer was made;
    - the action taken by the member of staff concerned; and
    - the action taken (if any) by the Head Teacher (or in the case of the Head Teacher the Chair of Governors).

    A similar register will be maintained by the Chair or Governors in relation to Head Teachers

    Where a suspected breach has been reported a formal investigation will be undertaken and recorded.

DISCLOSURE AND USE OF INFORMATION

48. The School/Council believes that, subject to the content of paragraphs 49 to 55 below, information should normally be disclosed unless it is in the public interest not to do so. Employees will be advised by their Head Teacher of the information in their school which the Council or Governing Body does not wish to be disclosed without specific written permission. If in doubt, raise the matter with the Head Teacher or Chair of Governors as appropriate...

49. Many employees obtain information which has not been made public and/or is confidential. Employees may also have access to personal information about other individuals. This information must only be disclosed to a third party where there is a legal responsibility to provide it, or where the individual provides a written authority for the information to be provided.

50. The restrictions in paragraph 51 to 55 apply equally to information which an employee may obtain from their employment about a contractor, debtor or creditor of the School/Council.

51. No employee, unless specifically authorised to do so, may communicate to the public or press any information about the discussions or decisions of the School/County Council or any of its Committees following the exclusion of the public and press, with the exception of information which is required to be published by law.

52. As a general rule employees must not enter into any public correspondence or debate on a matter related to their official duties, or in respect of which they hold official information, unless this is done with the consent of their Head Teacher. Similar considerations exist covering the position of employees invited to participate in press interviews, radio or television programmes, etc., where the subject relates directly or indirectly to their work for the School/Council. Employees invited to take part in such programmes should discuss the position with their Head Teacher before replying to the invitation.

53. Employees must adhere to the School/Council's published rules and requirements relating to personal and/or sensitive information, as covered by current Data Protection legislation. In particular, information must not be disclosed to unauthorised people or organisations.

54. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

55. Employees must make themselves aware of and comply with published Information Management and Security policies, procedures and standards relating to the protection of information and secure use of ICT systems, including use of the Internet and E-mail and the acquisition and use of software. A serious breach of the rules is likely to lead to disciplinary action.

POLITICAL NEUTRALITY

56. Employees of the School must not allow their own personal or political opinions to interfere with their work.

RELATIONSHIPS

Governors

57. Mutual respect between employees and Governors is essential to good local government. Employees and Governors should use the correct school procedures to deal with any work related issues.

Students

58. Staff should not establish or seek to establish social contact with students for the purpose of securing a friendship or to pursue or strengthen a relationship. Where staff need to make a social contact this should be approved by the Head Teacher.

Contractors

59. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's immediate line manager. Orders and contracts must be awarded on merit, through fair competition, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

60. No employee shall purchase for private purposes goods or services from a firm which has dealings with the School/Council where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the School/Council. It also precludes employees from using, for private purposes, any special trading cards which the School/Council may hold for council business. It does not, however, preclude employees benefiting from general discounts offered by suppliers to all School/Council employees or made available by the School/Council or trade unions on behalf of staff generally.

Use of Internet/Electronic Communication (i.e. Text messages etc.)

61. Staff must exercise caution when using information technology and be aware of the risks to themselves and others. Particular consideration must be given to any references to the school or anyone connected with the school bearing in mind the wide audience of any communication.

    Staff should not make contact with students on social networking sites unless this is specifically agreed for the provision of academic information. Other electronic communication should be conducted through the school's communications systems when there is a clear and demonstrable school reason.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

62. It is contrary to the School's HR policies for an employee to make an appointment/engagement which is based on anything other than the ability of the individual to undertake the duties of the post. Employees must not be involved in an appointment/engagement where they are related to an applicant, or have any personal or business relationship outside work with them.

63. Employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.

64. Employees of the School/Council shall inform their Head Teacher or, in the case of the Head Teacher, the Chair of Governors, of any relationship known to them to exist between themselves and a candidate for an appointment/engagement in which they are directly involved. If a candidate deliberately omits to disclose a relationship they

will be disqualified. If the omission is discovered after appointment or engagement they shall be liable to dismissal.

65. Employees involved in appointments/engagements must, where practicable, ensure that references are obtained from the current and previous employer of the candidate to whom they wish to formally offer a post. Ideally both referees should be senior persons, one from the candidate's present employer and the other from their previous employer.

66. In the case of applicants leaving full-time education or not having worked since doing so, the Head of School, College, University etc. should be named as one of the referees.

UNDERTAKING ADDITIONAL WORK OUTSIDE OF THE COUNCIL

67. Full-time employees shall devote their whole time service to the work of the School, and shall not engage in any other business, including self-employment, or take up any other additional appointment without the express written prior consent of their Head Teacher or in the case of the Head Teacher the Chair of Governors. The Head Teacher or Chair of Governors reserves the right to withdraw such consent at any time.

68. All prospective employees shall, prior to appointment, provide details on the School's standard application form of any other employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. (This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the School and whether, in overall terms, the total hours of all the employments exceed 48 per week - as per the Working Time Regulations 1998.) Also, existing part-time employees must declare any other employment to the School in order that the latter can ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.

69. Employees should avoid situations where a conflict between work and personal interests may arise.

70. Undertaking unpaid activities outside School employment may, on occasions, be detrimental to the School/Council's interests. Employees should be mindful of any potential conflict of interests in such situations.

71. No personal business activity or outside work of any sort may be undertaken by an employee during their normal working hours for the School.

Consultancy, Lecturing, Fee Paying Work

72. Where a request is received for any employee to make a presentation, speak at a seminar or lecture on a course, within their normal field of work and during their normal working hours, the work will be undertaken on behalf of the School and any fee will be treated as income for the School.

73. Where an employee is approached to undertake fee paying work the School has determined that the fee is to be treated as income for the employee if all the work, including preparation, is undertaken outside normal work hours. In the case of activities which are prepared and/or take place partly during normal working hours, the Governing Body must decide what proportion is due t the individual, having due regard for the current School Teachers Pay & Conditions Document. If the split is 50/50 then no more than 50% of the fee should be paid to the individual. All fees paid must be processed through the payroll. All consultancy, lecturing and other fee paying work must be approved by the employee's Head Teacher or in the case of the Head Teacher the Chair of Governors.

Intellectual Property

74. Intellectual property is a generic term that includes inventions, creative writings and drawings. If these items are created as part of an employee's normal course of employment then, as a general rule, they belong to the School.

ARREST OR CONVICTION ON CIVIL OR CRIMINAL CHARGES

75. You must, as soon as practicable inform your line manager, at each stage, if you are arrested, charged, refused bail, required to attend court, convicted or sentenced for any criminal offence. This does not apply to traffic offences unless the possible penalty includes imprisonment or disqualification from driving or involves an official vehicle. Failure to inform will be considered an act of gross misconduct.

MEMBERSHIP OF CLUBS, SOCIETIES AND OTHER ORGANISATIONS WHICH ARE NOT OPEN TO THE PUBLIC AND/OR WHICH HAVE SECRECY ABOUT RULES, MEMBERSHIP, ETC.

76. The intention of this Code and procedures is to ensure transparency and openness and that no reasonable person can question the integrity and motives in connection with your employment with the School.

77. All employees must declare membership of any organisation which is not open to the public, where there is a commitment of allegiance, and /or which has secrecy about rules, membership or conduct. This declaration needs to be made through completing a form held by each Head Teacher

CONFLICT OF INTEREST

78. Where employees belong to any club, society, charity or similar body and any person within it or the club, society or similar body itself may benefit from a decision or action employees may take in their work with the School, then they must register their interest and discuss what action should be taken with their line manager.

79. A conflict of interest may be defined as a situation in which an employee has a private or personal interest sufficient to influence objectivity when exercising official

duties. However employees are not to be subject to unreasonable restrictions on their private activities as a result of their employment with the School.

EQUALITY ISSUES

80. All employees must comply with the Council's policies on equal opportunities in employment and with those relating to service delivery.

HEALTH AND SAFETY ISSUES

81. Employees should ensure they read and follow all health and safety policies and arrangements relating to their employment.

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE-BLOWING)

82. Appendix 1 of this Code provides procedures for employees to follow who wish to report, in strict confidence, their serious concerns about any aspect of the School's work or the behaviour or standard of conduct of other employees or anyone associated with the work and services provided by the Council.

BREACHES OF THE CODE OF CONDUCT

83. Any suspected breach of this Code must be:-

    (a) immediately reported to the Head Teacher and to the Chair of Governors or, in the case of the Head Teacher, to the Chair of Governors,
    OR
    (b) be reported through the confidential reporting procedure for employees, detailed at Appendix 1.

84. Where a suspected breach has been reported, a formal investigation into that suspected breach will be undertaken.
85. Failure to comply with any of the standards detailed in this Code may result in formal disciplinary action, under the Conduct Policy, including dismissal.

APPENDIX 1

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE BLOWING)

1. Employees are often the first to realise that there may be something wrong within the School. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation and it may be easier, therefore, to ignore the concern rather than report what may just be a suspicion of malpractice.

2. The School is committed to the highest standards of openness, probity and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the School's work, to come forward and voice those concerns. The phrase 'whistle-blowing' in this procedure refers to the disclosure internally or externally by employees of malpractice, as well as illegal acts or omissions at work.

3. This Procedure makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the School, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the School who, in the public interest, speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

AIMS AND SCOPE OF THIS PROCEDURE

4. This Procedure aims to:

   - encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their service area
   - provide alternative avenues for raising concerns
   - ensure that responses to concerns are made
   - to reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in the public interest

5. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This Procedure is intended to cover concerns that fall outside the scope of other procedures and include:

   - conduct which is an offence or a breach of law
   - disclosures related to miscarriages of justice
   - health and safety risks, including risks to the public as well as other employees (where the concerns raised have not been addressed through normal departmental procedures)
   - damage to the environment
   - the unauthorised use of public funds including fraud and corruption

- sexual or physical abuse
- other unethical or unprofessional conduct
- notification of any suspicions of price-fixing cartels providing services/goods to the Council/School

6. The School fully understands that employees who are members of a trade union recognised by the Council may, in the first instance, wish to seek advice and guidance from their union on the application of this Procedure (see paragraph 23 of this Appendix).

7. Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the Governing Body/Council or others acting on behalf of the Governing Body/Council, can be reported under this Procedure. This may be about something that:

   - makes an employee feel uncomfortable in terms of apparent non-adherence to known standards
   - appears to be contrary to the requirements of the Council's Standing Orders and Code of Conduct
   - falls below established standards of practice
   - may amount to improper conduct
   - appears to be an attempt to mislead

SAFEGUARDS

Harassment or Victimisation

8. The School recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is the subject of the complaint. However, if employees believe that what they raise as a concern to be the truth and in the public interest they should be confident that they are fulfilling their duty to their employer and those for whom they are providing a service.

9. The School will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees, when they raise a concern in the public interest, from suffering a detriment (including bullying or harassment) either from the employer or from co-workers.

10. Any investigation under this procedure, into allegations of potential malpractice will be dealt with separately to any grievance, disciplinary or redundancy procedure concerning an employee. Equally, any investigation will not be influenced by any such procedures involving an employee. However the outcome of the investigation may lead to action under other school's procedures.

CONFIDENTIALITY

11. All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. However this cannot be guaranteed if say

following an investigation a case is taken to Court, where the employee may need to be called as a witness.

ANONYMOUS ALLEGATIONS

12. In order to ensure that employees receive protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are sometimes less credible. Anonymous concerns and allegations, whether made to the Head Teacher or the Governing Body, will therefore be investigated at the discretion of the School.

13. In exercising this discretion the factors to be taken into account would include:

    - the seriousness of the issues raised
    - the credibility of the concern; and
    - the likelihood of confirming the allegation from attributable sources' factual evidence.

UNTRUE ALLEGATIONS

14. If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, the allegation is frivolous, malicious or for personal gain, disciplinary action may be taken against them.

HOW TO RAISE A CONCERN

15. Employees who wish to raise a serious concern should do so verbally or in writing (marked 'Confidential') to the Head Teacher or Chair of Governors

    Alternatively the concern can be raised by writing to
    Monitoring Officer
    Gloucestershire County Council
    Shire Hall
    Gloucester GL1 2TZ

    Or employees may wish to use the Council's 24 hour "whistle blowing" answerphone service on Gloucester 01452 - 427052 to report any concern relating to possible fraud, corruption, conduct or mal-practice/administration

    .

16. Employees who wish to make a written statement/report are invited to set out:

    - the background and history of the concern
    - relevant dates, person involved
    - details of supporting evidence

17. Although employees are not expected to prove an allegation they will need to demonstrate that the disclosure is in the public interest.

HOW THE SCHOOL/COUNCIL WILL RESPOND

18. **In all cases** in order to protect individuals and those involved in the concern, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the School/ Council will take into account is public interest; however, there is a zero tolerance attitude to any fraudulent activity. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

19. Within 10 working days of a concern being raised, the employee will be contacted at their private address:-

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- telling the employee whether any initial enquiries have been made
- telling the employee whether further investigations will take place and, if not, why not

Investigation

Allegations reported to the school will normally be investigated by the Head Teacher/Governing Body. However in some circumstances, sometimes to avoid contaminating evidence which may then go to a criminal investigation, they may decide to involve external investigators.
Advice/support on investigation can be obtained from Theresa Mortimer: Chief Internal Auditor on 01452 328883 or e-mail theresa.mortimer@gloucestershire.gov.uk or Janet Bruce: Counter Fraud Specialist on 01452 328889 or e-mail janet.bruce@gloucestershire.gov.uk

20. The monitoring officer will arrange investigation of allegations reported to the Council. The Monitoring Officer will respond to such concerns and, where appropriate, the matters raised may be:

- investigated by school management, Internal Audit
- referred to the Police
- referred to the District Auditor
- the subject of an independent enquiry.

21. The School's Conduct Procedures will be used where the outcome of an investigation indicates improper behaviour by an employee.

22. A representative of a trade union recognised by the School/Council or work place colleague may accompany an employee during any stage of an investigation conducted under this Procedure.

23. The School/Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the School/Council will arrange for them to receive advice about the procedures involved.

24. The School/Council accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.

FURTHER ACTION

25. This Procedure is intended to assist employees who wish to raise concerns within the School/Council and it is hoped that employees will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the Council, the following organisations are possible contact points:

- Health & Safety Executive
- Environment Agency
- External Auditors
- The Financial Conduct Authority/Prudential Regulation Authority
- Department of Work & Pensions
- Serious Fraud Office
- Trade Union
- Her Majesty's Revenue & Customs
- Relevant Voluntary Organisation
- Charity Commission
- Police
- 'Public Concern at Work' (tel: 0207 404 6609)

26. If employees do decide to take the matter outside the School/Council, they must ensure that they do not disclose to a third party any School/Council confidential information. If employees are in any doubt, they are strongly advised to seek the confidential advice before taking any action to ensure that they are not putting themselves in a vulnerable position.