

Reason for this Report

1. The Standards and Ethics Committee has, as part of its terms of reference, a responsibility to oversee and monitor the Council's Whistleblowing Policy. In order to fulfil this responsibility, the Committee asked Internal Audit to undertake a review of the Policy, and to determine the level of staff awareness. The aim of this report is to provide Members of the Committee with details of the findings of the recently completed Whistleblowing review.

Background

2. Whistleblowing has been defined as:

“The disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees”. (Public Concern at Work Guidelines).

3. There is statutory protection for workers who whistleblow under the Public Interest Disclosure Act 1998. This Act protects workers against victimisation if they make a 'protected disclosure' and speak out about corruption or malpractice at work. The term 'worker' has a wider meaning than 'employee', and it includes, for example, contractors, suppliers and agency workers.
4. The Public Interest Disclosure Act 1998 defines 'protected disclosure' as any disclosure which in the reasonable belief of the worker making the disclosure tends to show one or more of the following matters is happening now, took place in the past, or is likely to happen in the future:
 - A criminal offence;
 - The breach of a legal obligation;
 - A miscarriage of justice;
 - A danger to the health or safety of an individual;

- Damage to the environment;
- Deliberate covering up of information tending to show any of the above matters.

5. The report on 'Standards in Public Life' (the Nolan Report) recognised the important contribution which whistleblowing could make in countering inappropriate behaviour and ensuring high standards of probity. The report recommended that every local authority should introduce a procedure for whistleblowing.

6. Whilst whistleblowing procedures are primarily intended to reassure, and if necessary, protect workers, they also provide protection for the employer. Malpractice may well take place before managers become aware of it. Encouraging a culture of openness can enable management to intervene at an early stage. The lack of a clear whistleblowing policy can place staff in position where they feel unable to report issues of concern. If they lack confidence in internal procedures, they may feel that they have to approach the media to raise their concerns.

7. At the last meeting of the Standards and Ethics Committee on 5th October 2006, Internal Audit outlined the approach to the review, and reported on progress to date.

8. The main objectives of the review were defined as:-

Objective 1: To ascertain the level of staff awareness and understanding;

Objective 2: To ascertain whether Cardiff schools have adopted the Council's Whistleblowing Policy, or have created their own;

Objective 3: Scope of the Policy;

Objective 4: To undertake a comparison of the Council's Whistleblowing Policy with a sample of other local authorities;

Objective 5: To ascertain how the Council ensure that agency staff, suppliers, contractors and subcontractors used by the Council are made aware of the Policy;

Objective 6: To ascertain whether there is any overlap of Council policies available to people, in particular, the Whistleblowing, Disciplinary, Complaints, and Anti- Fraud and Anti Corruption Policies.

Main Findings

Objective1: To ascertain the level of staff awareness and understanding

9. In order to assess staff awareness and understanding of the Policy, two questionnaires were issued via email to Council staff in September 2006. The first questionnaire was issued to a sample of thirty-four Operational Managers (two from each service area). The second questionnaire was issued to a sample of fifty-one staff below Operational Manager level (three from each service area). The former included additional questions of a qualitative nature.

10. The results of the two staff questionnaires have now been collated and analysed. The questions asked, and a summary of responses received, are provided at Appendices A and B. The response rate to the questionnaires was:

OM's - 59%

Staff below this level - 45%

11. The main results, based on returned questionnaires, are as follows:-

- 95% of OM's and 91% of staff below this level were aware that a Policy existed, and knew where to find a copy;
- 85% of OM's and 65% of staff below this level could describe the main aims of the Policy;
- Staff had been made aware of the Policy by a variety of different methods, including staff induction, corporate email, team briefing, corporate newsletter and word of mouth. Some long serving staff could not recall how they had been made aware;
- 83% of staff below OM level knew that the Policy applied to temporary staff (it does);
- 70% of OM's and 52% of other staff knew that the Policy applies to Subcontractors employed by the Council (it does).
- 65% of OM's and 52% of other staff knew whether the Policy applies to Consultants employed by the Council (it does).
- 20% of OM's and 39% of other staff thought that the Policy applied to Members of the Public, and 35% of OM's, and 26% of other staff "did not know" (the Policy is not clear on this issue).
- 80% of OM's said that they had made their permanent staff aware of the Policy, and 60% had made their temporary staff aware.
- None of the OM's who had used Subcontractors and Consultants had made them aware of the Policy.

12. Staff were asked for any comments on the Policy. Comments made included the following:-

“Not very well publicised, too much reliance on email communication and briefing sessions”.

“I deal with many of the Council Policies and frequently give advice on interpretation. The Whistleblowing Policy does not seem to be particularly user friendly, in terms of language and content”.

“I do not believe that staff trust that they would be protected from victimisation if they made disclosures”.

13. The Policy states that new employees should be advised of the Policy when they commence employment with the Council. HR has confirmed that an overview of the Whistleblowing Policy is now included in a corporate staff induction process. Long serving staff may not, however, have been subject to this process. Whatever means of initially communicating awareness to staff, awareness is likely to wane over the years, and there is a need for staff to be reminded about the Policy on a periodic basis. It is clear from the results of the questionnaires that staff understanding of the Policy could be improved.

14. It is important that staff can gain easy access to the Policy. Although a copy of the Policy has been placed on the internal 'intranet' system, not all staff within the Council have access to this system.

15. In conclusion:

- Although the majority of staff surveyed were generally aware of the Policy, a number did not appear to know its main aims, or to whom it applied. There appears to be a lack of understanding of the principles of the Policy by some staff. Therefore, there is a risk that staff may not use the Policy;
- There was evidence that some staff felt that the Policy was not particularly 'user friendly' in terms of language and content;
- Some staff did not feel confident that the Council Policy would protect them if they made a disclosure;
- There is scope to improve staff awareness and publicity of the Policy;
- When improving staff awareness, it needs to be remembered that staff who do not have access to the intranet system may not be able to view a copy of the Policy.

The Committee may wish to consider:

- *Recommending that the wording of the Policy be amended to make it more 'user friendly';*
- *Recommending that staff awareness be increased by regularly reminding staff of the Policy's existence and its' main principles. This process should take into account the fact that not all staff have access to email, and so could include, for example;*
 - *Including a leaflet, summarising the main aspects of the Policy periodically with payslips;*
 - *Posters advertising the Policy could be displayed at all council buildings.*

Objective 2: To ascertain whether Cardiff schools have adopted the Council's Whistleblowing Policy, or have created their own

16. In the 'Clywch' report of 2004, the Children's Commissioner for Wales recommended that all schools should have a Whistleblowing Policy in place. In his 2005 report, 'Children Don't Complain', he stressed that Local Authorities should ensure that Whistleblowing policies are more focussed on the needs of children and young people. The Commissioner commented that he would not expect children to be 'whistleblowers', but that if they had concerns, children and young people need to know that if they ask an employee of the Council to raise an issue on their behalf, that person will not be victimised. The report also highlighted the need for 'child friendly' policies, and the Commissioner recommended that Councils should publish their Whistleblowing Policies so that children and young people are aware of them.
17. The autonomy of schools is such that the Council cannot insist that schools adopt a Whistleblowing Policy, and there is no formal requirement for schools to have such a Policy in place. The Council can, however, recommend to school governing bodies that they adopt a Whistleblowing Policy, and commend an appropriate Policy for this purpose, but they have not done so to date. Any Whistleblowing Policy would need to be approved by each board of school Governors before it could be used by a school.
18. During this review a questionnaire was issued to a sample of 20 Cardiff schools (including primary, special and high schools) to ascertain whether they had adopted a Whistleblowing Policy. The results from the returned questionnaires have now been collated. Thirteen responses were received (65% return rate), and all schools stated that they did not have a Whistleblowing Policy in place. Therefore, within these schools, there is no formal mechanism for staff and governors to raise concerns that fall within the whistleblowing criteria.
19. It was noted during this review that a number of other Local Authorities had included school governors and staff in their Whistleblowing Policies. Other Local Authorities had devised a separate Whistleblowing Policy especially for schools.

20. In response to the 'Clywch' report, the Welsh Assembly Government (WAG) gave a commitment to consult on and issue 'best practice' guidance to assist school governing bodies to put in place whistleblowing procedures. In October 2006, the WAG issued a consultation document to all Welsh LEA's, and a sample of school governing bodies, inviting comments on proposed guidance for school governing bodies on Whistleblowing procedures, and a draft model policy for whistle blowing. A copy of this is attached as Appendix C. This document is currently being reviewed by Schools Services, with comments due back to the WAG by 14th January 2007. The WAG intends to issue a formal guidance document and Model Policy to school governing bodies.
21. In conclusion:
- It is generally regarded to be best practice for schools to have a Whistleblowing Policy in place;
 - School Policies should be 'child friendly', and well publicised to both staff and children;
 - All of the Cardiff schools who responded to the survey had not adopted a Whistleblowing policy.

The Committee may wish to consider:

- *Responding to the WAG Consultation on Draft Guidance for School Governing Bodies on Procedures for Whistleblowing in Schools and a Model Whistleblowing Policy, attached as Appendix C to this report;*
- *Recommending that the Council advise school governing bodies to adopt a Whistleblowing Policy;*
- *Recommending that the Council produce a model Policy for schools, for approval by school governing bodies. The model Policy should:-*
 - *take account of any guidance issued by the WAG;*
 - *be consistent (where applicable) with the 'principles' of the main Council Policy (after the suggested review of its format has been undertaken).*
 - *be written in a 'child friendly' manner to enable children to easily understand its content;*
- *Recommending that the Council advise school governing bodies to widely publicise their Whistleblowing Policy within the school environment so that staff and children are aware of it.*

- *Recommending that the Council advise school governing bodies to put in place a process to ensure that staff and children are regularly reminded of the Policy's existence and its' main principles.*

Children and Young People – Outside the School Environment

22. In addition to the school environment, children and young people attending other Council establishments, such as youth and community centres, may have concerns that they wish to raise. The Council's main Whistleblowing Policy would apply if the matter was raised on the child or young person's behalf by a member of staff, and it fell within the Whistleblowing criteria. It would be advisable therefore, to ensure that the Council's main Whistleblowing Policy is well publicised within all Council locations (outside the school environment) attended by children and young people so that they can be assured that the person to whom they confide in will not be victimised if the matter is formally disclosed.

The Committee may wish to consider:

- *Recommending that the Council's Whistleblowing Policy be made 'child friendly' in its format;*
- *Recommending that the main Policy be publicised at Council locations attended by children and young people (outside the school environment) so that they are aware of it.*

Objective 3: Scope of the Policy – Who does it Apply To?

Workers (employees, contractors, suppliers and agency staff)

23. Advice was sought from Legal Services during the review regarding the scope of the Policy. The view of Legal Services is that the scope is limited to 'qualified disclosures' as defined in the Public Interest Disclosure Act 1998. The purpose of this legislation is to protect 'workers', who make qualified disclosures concerning their employers or other 'workers' within the organisation. This legislation ensures that 'workers' will not face action against them for breach of the employees' duty of confidence, and will not be subject to dismissal as a result of their disclosure.

The legislation has a wide definition of the term 'worker'. This includes employees, contractors, suppliers and agency staff.

Legal Services' view, therefore, is that the purpose of the Policy, as it is presently drafted, is to protect those 'within' the organisation from being penalised as a result of disclosing wrong-doing within the organisation.

Members of the public

24. Legal Services' interpretation of the legislation is that this is not intended to cover members of the public, who can raise any concerns they may have through the Council's complaints procedures. However, the wording of the Council's Policy is unclear at present, as to whether it covers members of the public. Paragraph four of the Policy states that:-

"The Council wants it to be known that no councillor, employee, worker or member of the public will not be subject to any detriment from the Council, or anyone acting on its behalf, only of their having made or proposing to make a disclosure in good faith under the procedure set out in this document".

25. The referral forms mentioned in the Policy are only available on the Council's internal intranet site.
26. No referrals appear to have been made by a member of the public under the Council's Whistleblowing Policy.

Council Members

27. Under the Council's 'Code of Conduct for Members', Members have a duty to report to the Local Commissioner for Local Administration in Wales and to the Council's Monitoring Officer, any conduct by another Member which they believe involves, or is likely to involve, a failure to comply with the Code of Conduct for Members. Any such referral received by the Monitoring Officer would be dealt with under the Members' Code of Conduct.

If a Member wishes to raise a concern which falls within the scope of the Whistleblowing Policy, and which relates to an officer of the Council, the Member / Officer protocol should be followed. It is unclear at present whether Members can use the Whistleblowing Policy to do so. Although Members are mentioned in the 'Purpose of the Document' and 'Aims of the Policy' sections of the Policy, the 'Scope of the Policy' section states that the Policy covers qualified disclosures as defined in the Public Interest Disclosure Act. As mentioned above, this legislation only applies to 'workers' within an organisation.

There is no reference to the Policy in the Member's Handbook, and Members do not appear to have been made aware of the Policy during their induction training provided by the Council following the 2004 elections.

28. In conclusion:
- There is lack of clarity to the scope of the current policy;
 - The policy does not appear to be used at present by members of the public;
 - Members appear to be unclear as to the scope of the Policy, and it is unclear as to whether it should apply to them.

The Committee may wish to consider:

- *Recommending the scope of the Policy is clarified, i.e. who it applies to, particularly members of the public, and Members of the Council;*
- *Recommending that the Council increase Member awareness of the Policy, and the correct process to follow where they have concerns.*

Objective 4: To undertake a comparison of the Council's Whistleblowing Policy with a sample of other local authorities

29. A sample of other local authorities' Whistleblowing Policies was obtained during this review and compared with the Council's. This revealed a number of interesting points:-

- Most of the other Policies were much shorter in length than the Council's Policy, with an average length of seven pages, and were more 'user friendly' in the way they were written. The Council's Policy is nineteen pages long, which includes an eight page extract from the Public Disclosure Act 1998, although a separate three page 'Simple Guide' to the Policy has also been produced.
- It was much clearer in some of the other Policies as to who could use the Policy, as the various categories of potential users were quoted, e.g.:-
 - employees of the Council, (including permanent, temporary, and agency staff);
 - councillors;
 - members of the public;
 - contractors, and subcontractors working for the Council;
 - Suppliers and those providing a service under a contract with the Council;
 - Voluntary workers working with the Council.
- Statements were often included in other Policies to the effect that any victimisation of a whistleblower or an attempt to prevent concerns being raised may result in disciplinary action where appropriate. This is not included in the Council's Policy.
- Once a concern had been raised, some Authorities quoted a timescale in the Policy (usually five working days) by which the whistleblower's concern would be acknowledged in writing. No timescales for dealing with a disclosure are currently provided in the Council's Policy.

30. In conclusion:

- The Council's Policy is much longer, and does not appear to be as 'user friendly' as some of the other Local Authority Whistleblowing Policies examined during this review;
- Other Policies often gave timescales to deal with a disclosure, which the Council does not.

The Committee may wish to consider:

- *Recommending that the clarity of the Policy be improved, and its' length reduced to make it more 'user friendly';*
- *Recommending that the issues mentioned at paragraph 31 of this report are addressed in any revised Policy.*

Objective 5: To ascertain how the Council ensure that agency staff, suppliers, contractors and subcontractors used by the Council are made aware of the Policy

31. Agency staff, Suppliers, and Contractors and Subcontractors working for the Council are all included in the definition of the term 'worker', according to the Public Interest Disclosure Act 1998, and are, therefore, legally protected should they wish to make a 'qualified disclosure' under the Council's Whistleblowing Policy.

32. Enquiries were made during the review to see how the above had been made aware of the Council's Whistleblowing Policy, and of their rights under the Policy. A sample of OM's were asked during the staff survey whether they had made temporary staff, subcontractors and consultants used within their service area aware of the Council's Whistleblowing Policy.

- None of the OM's who had used Subcontractors and Consultants had made them aware of the Policy;
- Only 60% of OM's had made their temporary staff aware of the Policy.

33. Enquires were made with Human Resources and Procurement and Supplies to see whether steps are being taken to make agency staff, suppliers, contractors and subcontractors aware of the Policy.

34. Agency Staff

Human Resources have confirmed that they do not make external Agency staff employed by the Council, or 'Cardiff Works' staff aware of the Whistleblowing Policy.

35. Suppliers, Contractors and Subcontractors

Enquiries made with Procurement and Supplies has revealed that the above are not made aware of the Whistleblowing Policy.

36. In conclusion:

- Agency Staff, Suppliers, Contractors and Sub-Contractors used by the Council may not be aware of the Council's Whistleblowing Policy.

The Committee may wish to consider:

Recommending that steps be taken within the Council to ensure that Agency staff, Suppliers, Contractors and Subcontractors used by the Council are made aware of the Council's Whistleblowing Policy in future.

Objective 6: To ascertain whether there is any overlap of Council policies available to people, in particular, the Whistleblowing, Disciplinary, and Complaints Policies, and Anti Fraud and Anti Corruption Strategy.

37. An examination of the above policies was undertaken during the review, along with relevant policies created by Children's Services, to determine whether there was any crossover of processes. The following observations were made.

38. There does appear to be an overlap of processes within Council Policies, which may lead to confusion over which Policy should be applied, particularly in relation to matters concerning financial irregularities and child protection issues.

39. Financial Irregularities

The Whistleblowing Policy only applies to allegations of 'wrongdoings' made by workers. Should a member of the public wish to report a fraud being committed by a Council employee, this would probably be treated as a referral under the Council's Anti Fraud and Anti Corruption Strategy, as it is not clear, at present, whether the Council's Whistleblowing Policy applies to members of the public.

If a fraud, reported by a member of the public, is being committed by an external person, such as a housing benefit fraud, then the Anti Fraud and Corruption Strategy will apply, rather than the Whistleblowing Policy, as the referral relates to an act outside the Council, rather than being caused by an officer of the Council.

It is possible that a member of the public may first view the Council's Complaints Policy, if he/she has a financial irregularity to report. This Policy should only be used by a member of the public to express dissatisfaction about the standard of service, action or lack of action by the Council or its staff, which affect the complainant as an individual, or as one of a group of people receiving a service

from the Council. The Complaints Policy lists the type of complaints which are not covered by the Policy. These include allegations of financial impropriety, which the Policy states "will be referred to the Audit Section". However, the Policy does not mention how this referral should be made, and does not mention the Council's Whistleblowing Policy, and Anti Fraud and Anti Corruption Strategy.

Internal fraud referrals have been received by Internal Audit from service area managers, relating to frauds being committed by Council employees, and these have not been treated as 'Whistleblowing', but compliance with the Council's Anti Fraud and Corruption Strategy, which states that all cases of suspected fraud should be reported to Internal Audit.

It is clear that all fraud referrals need to be passed to Internal Audit. However, under which Policy the referral is being made is less clear. Further clarification on this matter is therefore required.

40. Child Protection Issues

Children's Services has devised a Policy for dealing with complaints received within this service area. This is titled '*Procedure for Responding to Comments, Compliments and Complaints*'. This Policy was created as a result of the Children's Act 1989, which placed upon Local Authorities a duty to establish a representative procedure in relation to the provision of services for children and their families. Children in the care of the Council can use the Policy, as well as people representing the child, including, for example, foster carers, or relatives of the child. The Policy states that a service user or child making a complaint should not suffer discrimination, disadvantage, withdrawal or reduction of any service as a result of making a complaint.

A dedicated Complaints Officer, based at County Hall, deals with all complaints under this Policy.

The Policy does not distinguish between different types of complaints. It is quite possible, therefore, that complaints relating to the health and safety of a child in Council care, involving a member of Council staff, could be made under this Policy.

Halfway through the Policy it states that if the matter raised relates to a child's welfare, then it may be more appropriate to use child protection procedures. A separate process has been created within Children's Services to deal with such matters. This procedure is titled '*Allegations of Abuse against a professional, staff member or volunteer in contact with Children*'. This process details the steps to be followed on the receipt of an allegation by the Child Protection Officer. It was noted that the process does not refer to the Council's Whistleblowing Policy as being a means of referral.

Enquires were made during this review to ascertain the level of child protection referrals received by the Child Protection Unit, in relation to children in Council care or at school. All involved allegations against local authority staff, school staff and foster carers. Figures provided by the Child Protection Unit showed that in the twelve month period 1/10/05 to 30/9/06, sixty-five such referrals had been received.

What cannot be easily determined without further analysis by Children's Services is who made the referral. If they were made by Council staff, then the Whistleblowing Policy would definitely apply; if they were made by members of the public, the matter is more uncertain, as it is not clear whether the public can use the Whistleblowing Policy.

When Legal Services carried out a survey for this Committee in February 2006 of whistleblowing disclosures received by service areas, Children's Services did not provide any figures. It may be that the child protection referrals received by Children's Services are not being regarded to be 'whistleblowing' referrals in accordance with this Policy.

The Council's Whistleblowing Policy states that all Child Protection referrals should be reported to the Monitoring Officer, in addition to the Child Protection Officer. The requirement to report to the Monitoring Officer is not included in Children's Services procedure for handing allegations of abuse. This requirement has not been complied with in respect of the sixty-five referrals mentioned above. Ultimately, the most important consideration is that the Child Protection Officer is informed, so that action can be taken. However, there does appear to be some overlap of Policies, and confusion as to which one should be applied.

41. In conclusion:

- There is some 'crossover' of Policies within the Council in respect of whistleblowing issues, particularly the Anti Fraud and Anti Corruption Strategy, the 'Allegations of abuse against a professional, staff member or volunteer in contact with children' Policy, and the Whistleblowing Policy.
- There may be confusion as to which Policy should be applied.

The Committee may wish to consider:

- *Recommending that all Policies that have Whistleblowing implications are reviewed alongside each other, and reworded if necessary, in order to clarify which policy should be applied.*
- *Recommending that additional guidance is given to the public to ensure that it is clear which of the Council Policies apply to the different types of referral.*
- *Recommending that the Council ensures that staff dealing with referrals of a Whistleblowing nature understand the nature of the referral, so that they can ensure that the correct Policy is applied.*

Other Observations

42. There is no central record of Whistleblowing allegations and action taken within the Council. This makes it difficult to assess the level of usage of the Policy, and for the

Standards and Ethics Committee to ensure that the requirements of the Policy have been complied with.

43. The Council's Whistleblowing Policy does not place a duty on employees to report malpractice. This issue was raised by the Children's Commissioner for Wales in his report 'Children Don't complain'.

The Council's 'Code of Conduct for Employees', which is statutorily deemed to be incorporated into employees' contracts of employment, imposes an obligation upon employees to report any matter which is illegal, improper, unethical or otherwise inconsistent with the Code. This obligation should be replicated in the Council's Whistleblowing Policy.

The Committee may wish to consider:

- *Recommending that a central record of whistleblowing referrals and action taken is maintained;*
- *Recommending that the wording of the Policy be revised to say that it is a duty of employees to report malpractice, or any other issue of concern, in accordance with Council's 'Code of Conduct for Employees'*

Legal Implications

The Committee is authorised to 'oversee and monitor the Council's Whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints'. Any consequent recommendations that the Committee may wish to make should be made to the appropriate decision making authority within the Council.

The Whistleblowing Policy falls outside of the Council's formal Policy Framework, and accordingly, the approval of any recommended amendments to this Policy, and associated recommendations, including any advice and guidance to be issued to LEA schools on this matter, are matters for the Executive to determine. The Committee should therefore make any such recommendations it may consider appropriate to the Executive.

There are no legal impediments to the recommendations within the report.

Financial Implications

The report refers to some recommendations which if the Committee decide to progress, will result in costs being incurred. These should not be substantial and will be met from within the Legal Services budget.

Recommendations

44. Panel Members should note the content of the report, and consider the recommendations detailed within, and summarised at Appendix D.

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December 2006

Background Papers

Minutes and Report to the Standards & Ethics Committee meeting on 5th October 2006.

Appendices

- Appendix A - Summary of Results of Operational Managers Questionnaire
- Appendix B - Summary of Results of Staff Below Operational Manager Level Questionnaire
- Appendix C - Welsh Assembly Government Consultation on Draft Guidance for School Governing Bodies on Procedures for Whistleblowing in Schools and a Model Whistleblowing Policy
- Appendix D - Summary of Recommendations

WHISTLEBLOWING QUESTIONNAIRE (OPERATIONAL MANAGERS)

Number of Questionnaires Issued - 34. Number of Questionnaires Returned - 20 (59%)

Summary of Results

1. **Are you aware that the Council has a Whistleblowing Policy?**

19 people (95%) said 'Yes'.

1 person (5%) said 'No'.

2. **How were you made aware of the Policy's existence?**

8 people (40%) said by corporate email.

3 people (15%) said via team briefing.

2 persons (10%) said by word of mouth.

1 person (5%) was aware through their work in HR.

1 person (5%) said whilst drafting their service area handbook.

3 people (15%) could not recall.

1 person (5%) said through action taken in relation to a member of staff in social services.

1 person (5%) was unaware of the policy.

3. **Where can you view the Policy?**

13 people (65%) said CIS.

6 people (30%) said intranet.

1 person (5%) was unaware of the policy.

4. **Could you describe the main aims of the Policy?**

3 people (15%) could not describe the main aims of the Policy.

17 people (85%) could.

5. **Does the Policy apply to:-**

- **Permanent Council Employees?**

19 people (95%) said 'Yes'.

1 person (5%) did not respond, as unaware of the Policy.

- **Temporary Council Employees?**

19 people (95%) said 'Yes'

1 person (5%) did not respond, as unaware of the Policy.

- **Council Subcontractors?**

14 people (70%) said 'Yes'.

5 people (25%) 'Did not know'.

1 person (5%) did not respond, as unaware of the Policy.

- **Consultants Employed by the Council?**

13 people (65%) said 'Yes'.

6 people (30%) 'Did not know'.

1 person (5%) did not respond, as unaware of the Policy.

- **Members of the Public?**

4 people (20%) said 'Yes'.

8 people (40%) said 'No'.

7 people (35%) 'Did not know'.

1 person (5%) did not respond, as unaware of the Policy.

6. **Within your area of responsibility, have the following been made aware of the Policy and where to find it? How was this achieved?**

- **Permanent Staff?**

16 people (80%) said 'Yes'. Via team briefings (35%), staff induction (27%), corporate email (32%), paper copy given when policy first issued (6%).

2 people (10%) said 'No'

1 person (5%) said 'probably only those long standing are aware of Policy'.

1 person (5%) did not respond, as unaware of the Policy.

- **Temporary Staff?**

12 people (60%) said 'Yes'. Via team briefings (33%), staff induction (33%), corporate email (26%), and unsure (8%).

4 people (20%) said 'No'.

3 person (15%) said 'n/a'.

1 person (5%) did not respond, as unaware of the Policy.

- **Subcontractors?**

11 people (55%) said 'No'.

8 people (40%) said 'n/a'.

1 person (5%) did not respond, as unaware of the Policy.

- **Consultants Used?**

11 people (55%) said 'No'.

8 people (40%) said 'n/a'.

1 person (5%) did not respond, as unaware of the Policy.

7. **Do you have any views on the way the policy is written? e.g. are the requirements under the policy clear?**

10 people (50%) had no views.

7 people (35%) thought the Policy was easy to understand and clearly written.

2 people (10%) made other comments as follows:-

"Have not read the Policy, have never been given a copy of it, or made aware of it other than word of mouth".

"I know I read the Policy when it was introduced 4 or 5 years ago. I have never had occasion to look at it since, and I cannot remember its content".

1 person (5%) did not respond, as unaware of the Policy.

8. **Are you aware of any disclosures under the Policy within your area of responsibility in the last two years? If yes, could you provide brief details?**

18 people (90%) said that no disclosures had been made.

1 person (5%) said that 1 disclosure had been made which resulted in an internal investigatory.

1 person (5%) did not respond, as unaware of the Policy.

9. **Are there any other comments you would like to make about the Council's Whistleblowing Policy?**

17 people (85%) had no other comments.

2 people (10%) had comments as follows:-

"I do not believe that staff trust that they would be protected from victimisation if they made disclosures".

"It should only be used as a last resort when the normal methods of confronting a problem have failed, or if there is good reason why they cannot be used. Consequently, its use should be extremely rare – it is a final safeguard for a desperate situation".

1 person (5%) did not respond, as unaware of the Policy.

WHISTLEBLOWING QUESTIONNAIRE (STAFF BELOW OM LEVEL)

Number of Questionnaires Issued - 51. Number of Questionnaires Returned – 23 (45%)

Summary of Results

1. Are you aware that the Council has a Whistleblowing Policy?

21 people (91%) were aware of the Policy.

2 people (9%) were not aware.

2. How were you made aware of the Policy's existence?

7 people (31%) said via corporate email.

4 people (18%) said through Induction process.

2 people (9%) said via Team Briefing.

1 person (4%) said via corporate newsletter.

1 person (4%) said via Council report.

1 person (4%) worked on original document.

1 person (4%) through work in HR.

1 person (4%) said a paper copy was given by person's Team Leader.

3 people (13%) could not recall.

2 people (9%) were not aware of the Policy.

3. Where can you view the Policy?

13 people (56%) knew that it could be found on CIS.

8 people (35%) said that it could be found on the Council's intranet site.

2 people (9%) did not know.

4. **Could you describe the main aims of the Policy?**

8 people (35%) did not know the main aims of the Policy.

15 people (65%) had a reasonable understanding of the aims of the Policy.

5. **Does the Policy apply to:-**

- **Permanent Council employees?**

*20 people (87%) said 'Yes'.
3 people (13%) 'Didn't know'.*

- **Temporary Council employees?**

*19 people (83%) said 'Yes'.
4 people (17%) 'Didn't know'.*

- **Council Subcontractors?**

*12 people (52%) said 'Yes'
1 person (4%) said 'No'
10 people (44%) 'Didn't know'*

- **Consultants employed by the Council?**

*12 people (52%) said 'Yes'
1 person (4%) said 'No'
10 people (44%) 'Didn't know'*

- **Members of the Public?**

*9 people (39%) said 'Yes'
8 people (35%) said 'No'
6 people (26%) 'Didn't know'*

6. **Do you have any comments you would like to make about the Whistle Blowing Policy?**

18 people made no comment.

5 people made comments as follows:-

“Not very well publicised, too much reliance on email communication and briefing sessions”.

“I don’t feel that there is any intent within the Policy to protect the individual who feels that they have a legitimate concern about the Council. The spirit of the guidance seems to be purely in place to protect the Council”.

“I deal with many of the Council’s Policies and frequently give advice on interpretation. The Whistleblowing Policy does not seem to be particularly user friendly, in terms of language and content”.

“Having now looked at the Policy on the Intranet, the full document is quiet long and detailed. However, abridged 'simple guide' to the Policy provides useful introduction to how the Policy works and some key contacts”.

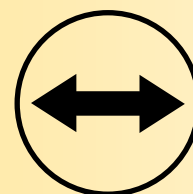
“Although I am aware that it exists, I don’t actually know the details of the Policy, but I would know where to find the Policy should I require it”.

Consultation on Draft Guidance for School Governing Bodies on Procedures for Whistleblowing in Schools and Model Whistleblowing Policy

Date of Issue: 18 October 2006

Action Required: Responses by 14 January 2007

**Consultation
Document**



**School
Governance &
Management**



- Title of document:** Consultation on Draft Guidance for School Governing Bodies on Procedures for Whistleblowing in Schools and Model Whistleblowing Policy.
- Audience:** 10% sample of governing bodies of maintained schools; local education authorities; teaching and other unions; diocesan authorities; Governors Wales; The Children's Commissioner for Wales and other statutory and voluntary bodies concerned with children's rights and local and national education organisations.
- Overview:** This document consults on proposed guidance for governing bodies on developing whistleblowing procedures for school staff and on a model policy for governing bodies to adopt.
- Action required:** Consultees to respond to this draft guidance by **14 January 2007**. Responses should be made on the enclosed proforma and returned to the address below or electronically to: **SMD2Consultations@wales.gsi.gov.uk** or completed on the Assembly's website: **www.new.wales.gov.uk**
- Further information:** Enquiries about this document should be directed to:
Tel: 029 2082 6051
Fax: 029 2082 6109
E-mail: **SMD2Consultations@wales.gsi.gov.uk**
- Hard copies:** Hard copies of the electronic document can be obtained from:
Tel: 029 2082 6051
Fax: 029 2082 6109
E-mail: **SMD2Consultations@wales.gsi.gov.uk**
or in writing from the address below.
- Related Guidance:** The Clywch Inquiry – Report of the Examination of the Children's Commissioner for Wales into allegations of child sexual abuse in a school setting, June 2004.
- Postal address:** Schools Management Division 2
Department for Education, Lifelong Learning and Skills
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

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CONSULTATION ON DRAFT GUIDANCE FOR GOVERNING BODIES ON THE PROCEDURES FOR WHISTLEBLOWING IN SCHOOLS

SUMMARY

The Children's Commissioner for Wales in his Clywch Inquiry report published in June 2004 made the following recommendation:

Recommendation 21.5 - 'I recommend that the Welsh Assembly Government issues guidance, within 6 months of the publication of this report, which requires the governors of all schools, whether they be community, voluntary aided, voluntary controlled, foundation or independent schools and further education colleges to have a whistleblowing policy in place and that all teachers and non teaching staff are informed as to its operation'.

In response the Welsh Assembly Government gave a commitment in relation to maintained schools to consult on and issue 'best practice' guidance to assist governing bodies to put in place whistleblowing procedures for all school staff.

This consultation invites comments on proposed guidance for governing bodies of maintained schools in Wales on whistleblowing procedures for school staff and on a draft model policy for whistleblowing. The draft guidance covers the legal framework and the aim, scope and content of a whistleblowing procedure so as to allow teaching and non teaching staff in maintained schools to raise concerns about illegality or improper practice or unethical conduct in a safe and professional way.

SECTION 1: INTRODUCTION AND LEGAL BACKGROUND

Introduction

1.1 The Children's Commissioner for Wales set out a number of recommendations in his Clywch Inquiry report, published in June 2004, directed at the Welsh Assembly Government. One was that:

Recommendation 21.5 - '... the Welsh Assembly Government issues guidance, within 6 months of the publication of this report, which requires the governors of all schools, whether they be community, voluntary aided, voluntary controlled, foundation or independent schools and further education colleges to have a whistleblowing policy in place and that all teachers and non teaching staff are informed as to its operation'.

1.2 The Children's Commissioner also recommended that

Recommendation 21.6 - '... on appointment in any school or further education college in Wales, every teacher and member of non teaching staff should receive written and oral instruction on whistleblowing procedures and how to operate them. This should be reinforced on a regular basis'.

Legal Background

1.3 Whistleblowing is the means by which an employee can raise concerns with his or her employer about the actions of a fellow employee. In a maintained school this should mean that members of staff, both teaching and non-teaching, are able to raise concerns about practice within the school which is illegal, improper or unethical and could therefore have a damaging effect on the employer, other members of staff or pupils; and are able to do so without fear of victimisation and with confidence that their concerns will be dealt with properly.

1.4 Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 (PIDA)**. The Act protects employees against victimisation if they make a protected disclosure and speak out about corruption or malpractice at work.

1.5 The PIDA defines protected disclosure to mean a qualifying disclosure. Qualifying disclosure is in turn defined as any disclosure which in the reasonable belief of the member of staff making the disclosure tends to show one or more of the following:

- a criminal offence has, is or is likely to be committed;
- a person has, is or is likely to fail to comply with a legal obligation;
- that a miscarriage has or is likely to occur;
- the health or safety of any individual has or is likely to be endangered;

- the environment has been or is likely to be endangered; or
- that information tending to show any matter falling within any of the above paragraphs has been or is likely to be deliberately concealed.

1.6 However, the PIDA states that a disclosure of information cannot be a qualifying disclosure if the person making it commits an offence in disclosing it. The Act makes it clear that it would be automatically unfair to dismiss or make any employee/member of staff redundant because they had made a protected disclosure; and that it would be unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action an Employment Tribunal has the power to order re-instatement, re-engagement or order the award of compensation to successful claimants. However PIDA also clarifies that public disclosure of information can only occur in certain circumstances and there is no automatic right for an employee/member of staff to 'go public'.

1.7 A disclosure of information is not a protected disclosure:

- if the person making it commits an offence by doing so, or
- if it is made by a person to whom the information has been disclosed in the course of obtaining legal advice and a claim to legal professional privilege could be maintained in legal proceedings.

1.8 Whilst the responsibility for establishing a whistleblowing procedure is a matter for each employer, section 40 of the Government of Wales Act 1998 enables the Assembly to do anything to facilitate or is conducive to, or incidental to the exercise of any of its functions. The Assembly Government is seeking to assist governing bodies in the effective discharge of their duties and this guidance is issued in accordance with section 40. In addition the Assembly Government has the power under section 10 of the Education Act 1996 to promote the education of the people in Wales.

1.9 The local education authority (LEA) is the employer of staff in community, community special and voluntary controlled schools, but the regulation of conduct and discipline in relation to the staff of such schools is the responsibility of the governing body where the school has a delegated budget. The governing bodies of such schools are to be treated as the employer of staff for the purposes of employment law. Where such a school does not have a delegated budget, staffing/employment matters are the responsibility of the LEA. In foundation, foundation special and voluntary aided schools, the governing body is the employer of most staff.

1.10 The Staffing of Maintained Schools (Wales) Regulations 2006 set out the framework for staff appointment, performance/capability, discipline and dismissal for all categories of maintained schools. School whistleblowing policies need to have regard to the existing governing body procedures in accordance with the regulations.

1.11 All local authorities in Wales have a whistleblowing or similar policy in place for their employees. Some have issued their policy to the governing

bodies of community schools they maintain though it is not known to what extent governing bodies of those schools have adopted such policies. There is no available information as to whether governing bodies of voluntary aided and foundation schools have whistleblowing policies and procedures in place for their staff.

Q1. Has your governing body adopted a whistleblowing policy for staff? If so please would you provide a copy with your response to this consultation.

SECTION 2: WHAT IS WHISTLEBLOWING

Definition of Whistleblowing

2.1 Whistleblowing has been defined as:

'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997)

2.2 Whistleblowing can therefore be described as giving information (usually to a public body) about potentially illegal, corrupt or improper practice or unethical conduct.

2.3 Members of staff are often the first to realise that there is something seriously wrong within a school; or to see the signs of illegal, fraudulent or improper practice or unethical conduct; or to perceive that things are not as they should be. However they may not be prepared to express their concerns because they feel that speaking up would be disloyal to their colleagues, the governing body or to the LEA. They may also fear victimisation or harassment. As a result a member of staff could decide to ignore the concern rather than report it.

2.4 It is important that schools establish a supportive culture in which members of staff can express their concerns, confident that the governing body or headteacher will investigate and take action. The governing body should establish a whistleblowing procedure to ensure that members of staff are aware of the appropriate channels to raise a concern; should give members of staff an assurance that they can raise such concerns without fear of reprisal; and, wherever possible, to ensure that the procedure is confidential.

2.5 If a member of staff becomes aware of activities which he or she considers are illegal, or fraudulent; constitute improper practice or unethical conduct; or are otherwise inconsistent with the standards set within the school, the member of staff should report the matter in accordance with the whistleblowing procedure.

2.6 The whistleblowing procedure should be separate and distinct from procedures that a governing body has in place for complaints, staff performance and capability, staff grievance and disciplinary action against staff. Whistleblowing procedures are additional to such procedures but need to take account of the existence of those procedures.

SECTION 3 – PRINCIPLES OF A WHISTLEBLOWING PROCEDURE

Aims and Scope of a Whistleblowing Procedure

3.1 The aim of a whistleblowing procedure should be to:

- give confidence to members of staff about raising concerns about illegal, corrupt or improper practices or unethical conduct inconsistent with school standards and policies so that s/he is encouraged to act on those concerns.
- provide a member of staff with avenues to raise concerns.
- ensure that a member of staff receives a response to the concerns they have raised and feedback on any action taken.
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith.

3.2 The procedure should apply to all teaching and non teaching staff and to casual or temporary staff and to individuals undertaking work experience in the school.

3.3 The procedure should cover whistleblowing about:

- conduct which is unlawful
- disclosures relating to miscarriage of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- mistreatment of any person
- action likely to cause physical danger to any person or risk serious damage to school property
- sexual or physical abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment
- any attempt to prevent disclosure of any of the issues listed.

3.4 In considering whether to whistleblow, the member of staff needs to arrive at a judgment that allowing the situation to continue unchecked would damage the interests of the school, its pupils or the maintaining local authority and therefore be contrary to public interest.

Q2. Are there any other matters that should be added to the list of issues that a school whistleblowing procedure should cover?

Whistleblower's Safeguard Against Harassment and Victimisation

3.5 A governing body needs to recognise that the decision to whistleblow can be a difficult one for a member of staff but that it is in the long term interests of the school that concerns are addressed. PIDA protects employees from reprisals as long as they follow the procedures and rules set out in the Act.

3.6 The procedures and rules vary according to whether the disclosure is made to the employer, a legal advisor, a Minister of the Crown, a prescribed person or to any other person not falling in one of the above categories. For example if the disclosure is made to the employer or responsible person the disclosure will be a qualifying disclosure if:

- It is made to his/her employer; or
- the member of staff/employee reasonably believes that the failure relates solely or mainly to the conduct of a person other than his or her employer or any other matter for which a person other than his or her employer has legal responsibility.

3.7 Where the disclosure is made to any other person not falling within any of the other categories to qualify as a qualifying disclosure the rules state that the disclosure must:

- be made in good faith;
- be believed by the member of staff to be substantially true;
- not be made by the member of staff with a view to seeking personal gain;
- in all the circumstances be reasonable for the member of staff to make the disclosure;
- in addition the member of staff must satisfy one of the following 3 conditions:
 - he/she reasonably believes that he will be subject to a detriment by his employer if discloses to the employer;
 - where there is no other prescribed person to whom the disclosure should be made, the member of staff reasonably believes that the evidence will be concealed or destroyed if disclosed to the employer; or
 - the member of staff has previously made a disclosure of substantially the same information to his employer or to a prescribed person.

3.8 Governing bodies must not tolerate harassment or victimisation and the procedures should protect members of staff when matters are raised in accordance with the PIDA provisions. They should make it clear that any member of staff who victimises or harasses a member of staff as a result of their having raised a concern under the whistleblowing policy will be dealt with under the governing body's staff disciplinary procedures.

Links to Other Procedures

3.9 If the member of staff who raises the concern is already the subject of disciplinary or redundancy procedures or staff grievance procedures or has made a complaint which is being considered by the governing body, those

procedures need not necessarily be halted in light of the whistleblowing. The position must be reviewed to see if there is a link between the whistleblowing issue and the other action. This review could conclude that the action should continue because there is no link or that the case should be put 'on hold' whilst the whistleblowing concerns raised by the member of staff are investigated.

Confidentiality

3.10 The governing body should do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However the whistleblower will need to understand that investigation into the concern could reveal them as the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the whistleblower is unwilling to give a statement because of fear of disclosure of their identity but the chair of governors or headteacher remains concerned about the seriousness of the allegation they should discuss this with the member of staff and ask them to reconsider so that the matter can be taken forward. However the member of staff should not be placed under undue pressure.

Q3. Do you consider that a whistleblower's details should remain confidential even if this meant an investigation into the concern could not proceed without revealing the source of that concern?

Anonymous Allegations

3.11 Governing bodies should encourage members of staff to put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless wherever possible anonymous allegations should be considered under the whistleblowing procedure taking the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources and obtaining information from them.

Q4. Do you agree that anonymous allegations should be considered in this way?

Untrue and Malicious/Vexatious Allegations

3.12 If an allegation is made in good faith but it is not confirmed by further inquiry the matter should be closed and no further action taken. If, however, the inquiry shows that the allegations were malicious and/or vexatious or made for personal gain then disciplinary action may be taken against the member of staff who made them.

Q5. Do you agree with the approach to handling untrue/ malicious allegations?

Allegations Concerning Child Protection Issues

3.13 If the concern raised relates to a child protection issue the headteacher or chair of governors must report the matter to the LEA officer responsible for child protection matters who will contact the statutory authorities so that the action for the handling of such allegations under the procedures established by the Local Safeguarding Children Boards (LSCB) can be initiated. If the LEA officer is not available the designated manager in the authority's social services department should be contacted.

SECTION 4 – PROCESSES FOR RAISING AND ENQUIRING INTO A CONCERN

How to Raise a Concern

4.1 As a first step, a member of staff should normally raise a concern with his or her immediate line manager, the headteacher, the chair of governors or another governor. The person to be approached depends to an extent on the seriousness and sensitivity of the issue and who is thought to be involved. For example, if the concern involves the headteacher, the member of staff should approach the chair of governors.

Q6. Do you agree the points of contact for raising a concern as set out in paragraph 4.1?

Q7. Are there situations where someone not listed above should be the first point of contact for the whistleblower?

4.2 The sooner a concern is raised the easier it is to take action. Concerns are better raised in writing for the avoidance of doubt. The member of staff should set out the background and history to the concern, giving names, dates and places where possible, and the reason why they are concerned. If the member of staff feels unable to put the matter in writing they should telephone or arrange to meet the appropriate person. They may also ask their Trade Union or professional association to raise the matter on their behalf or to support them in raising the concern.

4.3 Although members of staff are not expected to prove the truth of an allegation, they need to demonstrate to the person contacted that there are grounds for the concern. In determining what action to take the person who receives the member of staff's concern needs to assess whether there are sufficient grounds for the headteacher or governing body to act.

Response Following the Raising of a Concern

4.4 The action to be taken will depend on the seriousness of the concern. The matters raised may:

- need inquiry internally in the school
- need to be passed to the Police if they relate to alleged criminal activity
- need to be passed to the named person within the LEA who deals with complaints about financial management or financial propriety in schools if there is concern relating to financial impropriety (see paragraph 4.5)
- need to be referred to the local authority for consideration under child protection procedures if there is concern relating to child protection.

4.5 Regulation 4 (26) of the Education (LEA Financial Schemes) (Wales) Regulations 2004 requires that LEAs must include in their scheme for financing schools:

- details of the person or persons in the authority to whom complaints must be made by persons working at a school or by school governors about financial management or financial propriety;
- how such complaints should be dealt with.

Governing bodies should consider making available to all members of staff the contact details of the person within the LEA who deals with complaints about financial management.

4.6 For matters not requiring referral to the Police or the LEA at the outset, initial enquiries should determine whether a formal procedure is needed for considering the concerns raised. Allegations which fall to be dealt with under existing governing body procedures, such as staff disciplinary or staff grievance, should normally be referred for consideration under those procedures. It may be possible to resolve some whistleblowing concerns without the need for any formal inquiry or further process.

4.7 Where any meeting is arranged with the member of staff who is the subject of a whistleblowing allegation, he/she has the right to be accompanied by a Trade Union or professional association representative or a person not involved in the area of work to which the concern relates.

4.8 The governing body's whistleblowing procedure should provide support for a member of staff raising a whistleblowing concern, particularly if the member of staff is required to give evidence in criminal or disciplinary proceedings.

Timescale for Response

4.9 The person receiving the whistleblowing allegation needs to respond to concerns raised. It should be made clear to the whistleblower that it is necessary to look into the concerns; and that at this stage the concerns/allegations are neither accepted or rejected.

4.10 The Assembly Government considers it good practice that the person appointed to deal with the concern raised (excluding anonymous concerns) should provide a written response to the whistleblower **within 5 school days**.

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- informing them of whether any enquiries have been made;
- informing them whether further enquiries will take place; and
- giving information on support available to them whilst matters are looked into.

Q8. Is 5 days to respond a reasonable timescale?

Q9. Is the list of issues to be covered in the reply appropriate?

The Inquiry Process

4.11 The governing body should not consider whistleblowing allegations since it might need to institute staff disciplinary proceedings at a later stage. It should appoint someone – this could be the headteacher, a governor or another person to look into matters raised under the whistleblowing procedure. The person should not be the chair of governors. The appointed person should:

1. Look into the allegation - seeking evidence and interviewing witnesses as necessary.
2. Maintain confidentiality as far as possible.
3. If appropriate, bring the matter to the attention of the LEA appointed person dealing with complaints about financial management of schools.
4. If appropriate, ie for allegations of criminal behaviour report the matter to the Police; or for child protection allegations, report the matter to the LEA officer for child protection/social services manager for child protection (see NAW Circular 45/2004).

4.12 The inquiry should normally be completed within 10-15 school days following the initial response to the whistleblower.

Q10. Is the description of the inquiry process adequate? Should anything be added?

Q11. Is the timescale for the completion of the inquiry reasonable?

4.13 The person appointed to conduct the inquiry should keep all notes of telephone and face to face discussions, records and documents reviewed, tests undertaken and results in date order and in a safe place. He/she should ensure that the correct form of evidence is obtained and appropriately kept including prime documents; certified copies of papers; physical objects; secondary evidence (e.g. discussions); circumstantial and hearsay evidence.

The Inquiry Report

4.14 Following completion of the inquiry process a written report should be made by the person appointed to undertake the enquiries to the chair of the governing body.

4.15 The report should set out:

- how the inquiry arose
- who the concerns are raised against
- their position in the school and their responsibilities
- how the inquiry was undertaken
- the facts and evidence which were identified
- a summary of the findings and recommendations in respect of the concern itself and any work required on system weaknesses identified during the inquiry.

4.16 Following receipt of the inquiry report, the chair of governors should convene a committee of at least 3 governors to consider the concern and the inquiry report and decide on the action to be taken. The committee should determine:

- the need for disciplinary action or other appropriate action to be taken under a governing body procedure eg staff performance, grievance etc;
- the further action to be taken and the reasons why.

The committee should notify the chair of governors of the outcome immediately.

4.17 Following notification of the committee's decision, the chair of governors should notify the staff member of the outcome within **5 school days**. This should set out the action to be taken or if no further action is to be taken the reasons why.

Q12. Are the matters to be covered in the inquiry report comprehensive and acceptable?

Q13. Is the timescale for the completion of the inquiry report and issue of response reasonable? If not, what would be reasonable timescales?

Q14. Is the proposal for a governing body committee appropriate?

Taking the Matter Further

4.18 If no action is to be taken following the raising of a concern and the member of staff is not satisfied with the way the matter has been dealt with, the member of staff can make a complaint under the governing body's complaints procedure.

4.19 It is also open to a staff member to take concerns to other organisations such as:

- the local authority
- a local councillor
- a relevant professional body or regulatory organisation
- the Public Services Ombudsman
- a solicitor
- the Police
- a trade union or professional association
- the Citizen's Advice Bureau
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone on 0207 404 6609 or www.pcaaw.co.uk).

Q15. Are there any other contacts that ought to be added to this list?

4.20 Members of staff should be informed that if the matter is taken to another organisation they must take care not to disclose privileged confidential information.

GUIDANCE NOTE FOR MEMBERS OF STAFF

This guidance should be followed if you suspect any illegal, fraudulent or improper practice, or other unethical conduct in any area of the school's activities.

DO

- Make an immediate note of your concerns.
- Note all relevant details such as what was said in telephone or other conversations, the date, time and the names of any parties involved; or any action observed.
- Convey your suspicions to someone with the appropriate authority and experience e.g. your line manager, a member of the senior management team, the headteacher, chair of governors.
- Deal with the matter promptly.

DO NOT

- Do nothing.
- Be afraid of raising your concerns. You must not suffer any recrimination as a result of voicing a reasonably held suspicion. The headteacher and/or chair of governors will treat any matter you raise sensitively and confidentially.
- Approach or accuse any individuals directly.
- Try to investigate the matter yourself. There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by people who are unfamiliar with these rules may destroy the case.

- Convey your suspicions to anyone other than those with the proper authority.

Remember the Public Interest Disclosure Act 1998 protects you from victimisation by dismissal, redundancy or any other detrimental action provided you:

- Have disclosed the information in good faith.
- Believe it to be substantially true.
- Have not acted maliciously or made a false allegation.
- Are not seeking any personal gain.

DRAFT MODEL WHISTLEBLOWING POLICY FOR SCHOOL STAFF

SCHOOL NAME.....

Introduction

Whistleblowing has been defined as:

'the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees' (Public Concern at Work Guidelines 1997)

Whistleblowing is a matter between employers and employees. The statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 (PIDA)**. The Act protects employees against victimisation if they make a protected disclosure and speak out about corruption or malpractice at work.

The PIDA defines protected disclosure to mean a qualifying disclosure. Qualifying disclosure is in turn defined as any disclosure which in the reasonable belief of the member of staff making the disclosure tends to show one or more of the following:

- a criminal offence has, is or is likely to be committed;
- a person has, is or is likely to fail to comply with a legal obligation;
- that a miscarriage has or is likely to occur;
- the health or safety of any individual has or is likely to be endangered;
- the environment has been or is likely to be endangered; or
- that information tending to show any matter falling within any of the above paragraphs has been or is likely to be deliberately concealed.

However, a disclosure cannot be a qualifying disclosure if the person making it commits an offence in doing so. The Act makes it clear that it would be automatically unfair to dismiss or make any employee redundant because they had made a protected disclosure; that it would be unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action, an Employment Tribunal has the power to order re-instatement, re-engagement or to order the award of compensation to successful claimants.

This policy applies to all teaching and non teaching staff and to casual or temporary staff and to individuals undertaking work experience in the school.

Aims and Scope of Policy

This policy aims to:

- give confidence to members of staff about raising concerns about illegal, corrupt or improper practices or unethical conduct inconsistent with school standards and policies so that s/he is encouraged to act on those concerns.
- provide a member of staff with avenues to raise concerns.
- ensure that a member of staff receives a response to the concerns they have raised and feedback on any action taken.
- offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith.

This policy covers whistleblowing relating to:

- conduct which is unlawful
- disclosures relating to miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- mistreatment of any person
- action likely to cause physical danger to any person or risk serious damage to school property
- sexual or physical abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment
- any attempt to prevent disclosure of any of the issues listed.

Safeguard Against Harassment and Victimisation

The Public Interest Disclosure Act 1998 (PIDA) protects you from any reprisals as long as you comply with the rules and procedures set out in PIDA. The rules and procedures vary according to whether the disclosure is made to the employer, a legal advisor, a Minister of the Crown, a prescribed person or to any other person not falling in one of the above categories. For example if the disclosure is made to the employer or responsible person the disclosure will be qualifying disclosure if:

- It is made to his/her employer; or

- the member of staff reasonably believes that the failure relates solely or mainly to the conduct of a person other than his or her employer or any other matter for which a person other than his or her employer has legal responsibility.

Where the disclosure is made to any other person not falling within any of the other categories, to qualify as a qualifying disclosure the rules state that the disclosure must:

- be made in good faith;
- be believed by the member of staff to be substantially true;
- not be made by the member of staff with a view to seeking personal gain;
- in all the circumstances be reasonable for the member of staff to make the disclosure;
- in addition the member of staff must satisfy one of the following 3 conditions:
 - he/she reasonably believes that he will be subject to a detriment by his employer if discloses to the employer;
 - where there is no other prescribed person to whom the disclosure should be made, the member of staff reasonably believes that the evidence will be concealed or destroyed if disclosed to the employer; or
 - the member of staff has previously made a disclosure of substantially the same information to his employer or to a prescribed person.

The governing body will not tolerate harassment or victimisation and members of staff who raise matters in accordance with the PIDA provisions. Any member of staff who victimises or harasses another member of staff as a result of that member of staff raising a concern under this whistleblowing policy will be dealt with in accordance with the governing body's staff disciplinary procedures.

Confidentiality

The governing body will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However the investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If a whistleblower is unwilling to give a statement because of fear of disclosure of their identity but the chair of governors or headteacher remains concerned about the seriousness of the allegation they will discuss this with the member of staff and ask him/her to reconsider so that the matter can be taken forward.

Anonymous Allegations

Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful. Nonetheless wherever possible anonymous allegations will be considered under this whistleblowing procedure taking into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources and obtaining information provided.

Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then disciplinary action may be taken against the member of staff.

Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the headteacher or chair of governors will report the matter to the LEA officer responsible for child protection matters in accordance with the arrangements for handling such allegations under the schools disciplinary procedure for staff.

What to do if you want to make a Whistleblowing Allegation

Raise your concern with your line manager, the headteacher, or *[named person]*.

If possible put your concern in writing setting out the background and history of the concern; giving names, dates and places where possible, and explaining the reason why for your concerns. If you feel unable to put the matter in writing then telephone or arrange to meet the appropriate person. They can also ask your Trade Union or professional association to raise the matter on your behalf or to support you in raising the concern.

Response To Whistleblowing

The matter raised may:

- need inquiry internally in the school
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the person in the LEA who deals with complaints about financial management or financial propriety in schools
- need to be referred to the local authority for consideration under child protection procedures.

At this stage concerns/allegations are neither accepted nor rejected.

Timescale for Response

The person *[name/status]* appointed by the governing body to look into whistleblowing allegations will provide a written response to you within **5 school days**:

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- advising whether any enquiries have been made;
- advising whether further enquiries will take place; and
- informing you of support available whilst matters are looked into.

The Inquiry Process

The appointed person *[name/status]* will:

1. Look into the allegation - seeking evidence and interviewing witnesses as necessary.
2. Maintain confidentiality as far as possible.
3. If appropriate, bring the matter to the attention of the LEA appointed person dealing with complaints about financial management of schools.
4. Talk to the LEA officer for child protection/social services manager for child protection about any allegations involving child protection issues.

If the person appointed by the governing body needs to talk to you, you have the right to be accompanied by a Trade Union or professional association representative or a person not involved in the area of work to which the concern relates.

The target is to complete the inquiry within 10-15 school days from the date of the initial written response.

The Inquiry Report

The person appointed *[name/status]* will make a written report to the chair of the governing body, setting out:

- how the inquiry arose
- who the concerns are raised against
- their position in the school and their responsibilities
- how the inquiry was undertaken
- the facts and evidence which were identified
- a summary of the findings and recommendations in respect of the concern itself and any work required on system weaknesses identified during the inquiry.

The chair of governors will convene a committee of at least 3 governors to consider the inquiry report and decide on the action to be taken. The committee will determine:

- the need for disciplinary action or other appropriate action to be taken under a governing body procedure for staff performance, grievance etc;
- the further action to be taken, and the reasons why.

The committee will notify the chair of governors of the outcome immediately.

Following notification of the committee's decision, the chair of governors will notify you of the outcome within **5 school days**, setting out the action to be taken or that no further action is to be taken and the reasons why.

Taking the Matter Further

If no action is to be taken and you are not satisfied with the way the matter has been dealt with, you can make a complaint under the governing body's complaints procedure.

You can also take your concerns to:

- the local authority
- a local councillor
- a relevant professional body or regulatory organisation
- the Public Services Ombudsman
- a solicitor
- the Police
- a trade union or professional association
- the Citizen's Advice Bureau
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone on 0207 404 6609 or www.pcaw.co.uk).

CHAIR OF GOVERNORS

CONTACT TELEPHONE NUMBER.....

Sector	LEA	School	SA SCHOOL
Nursery	665	1008	Erddig Nursery School
Nursery	672	1022	Sarn Nursery School
Nursery	678	1013	Two Locks Nursery School
Primary	660	2134	Ysgol Gymuned Bodorgan
Primary	660	2148	Ysgol Gynradd Llanddeusant
Primary	660	2157	Ysgol Gymuned Llanerchymedd
Primary	660	2161	Ysgol Gymuned Pentraeth
Primary	660	2172	Ysgol Gynradd Niwbwrch
Primary	661	2009	Ysgol Gynradd Abersoch
Primary	661	2035	Ysgol Gynradd Cwm-y-Glo
Primary	661	2059	Y.G. Llanaelhaearn
Primary	661	2089	Ysgol Bro Lleu
Primary	661	2112	Ysgol Gynradd Tudweiliog
Primary	661	2127	Ysgol Gynradd Y Felinheli
Primary	661	2187	Ysgol Dinas Mawddwy
Primary	661	2199	Ysgol O.M. Edwards
Primary	661	2213	Ysgol Bro Hedd Wyn
Primary	661	3004	Ysgol Pont Y Gof
Primary	661	3037	Ysgol Machreth
Primary	662	2012	Ysgol Betws-y-Coed
Primary	662	2064	Ysgol Maelgwn
Primary	662	2112	Ysgol Glan Morfa
Primary	662	2148	Ysgol Bro Cernyw
Primary	662	2271	Ysgol Bro Gwydir
Primary	662	3040	Ysgol Eglwysbach
Primary	663	2066	Ysgol Dewi Sant
Primary	663	2135	Ysgol Bryn Clwyd
Primary	663	2215	Ysgol Gynradd Carrog
Primary	663	2255	Rhos Street C.P. School
Primary	663	3020	Ysgol Tremeirchion
Primary	663	3316	Ysgol Trefnant
Primary	664	2013	Ysgol Bryn Garth
Primary	664	2027	Llanfynydd C.P. School
Primary	664	2046	Ysgol Bryn Pennant C.P.
Primary	664	2065	Brynford C.P. School
Primary	664	2084	Abermorddu C.P. School
Primary	664	2237	Ysgol Gronant
Primary	664	3312	Ven. Edward Morgan R.C. Primary School
Primary	665	2145	Ceiriog Junior School
Primary	665	2173	Alexandra School
Primary	665	2187	Black Lane C.P. School
Primary	665	2203	Borras Park Infants School
Primary	665	2224	Ysgol Bryn Tabor
Primary	665	3341	St Mary's Primary (Ruabon) School
Primary	666	2000	Aberhafesp C.P. School
Primary	666	2019	Ysgol Llanbryn-mair
Primary	666	2044	Ysgol Dyffryn Trannon
Primary	666	2055	Ysgol Maesydre
Primary	666	2068	Llanbister C.P. School
Primary	666	2089	Builth Wells C.P. School
Primary	666	2105	Glanrhyd C.P. School
Primary	666	2123	Bronllys C.P. School
Primary	666	3026	Gladestry C.I.W. School
Primary	666	3046	Llangedwyn Primary School

Primary	666	3318	Priory C.I.W. School
Primary	667	2286	Ysgol Gynradd Cribyn
Primary	667	2295	Ysgol Gynradd Cei Newydd
Primary	667	2307	Y.G. Llangynfelyn
Primary	667	2317	Ysgol Gynradd Talybont
Primary	667	2329	Ffynnon Bedr C.P. School
Primary	667	2342	Ysgol Gynradd Pontsian
Primary	667	2353	Y.G. Pontrhydfendigaid
Primary	668	2243	Ysgol Bro Ingli
Primary	668	2261	Templeton C.P. School
Primary	668	2270	Croesgoch C.P. School
Primary	668	2384	Coastlands County Primary
Primary	668	2388	Ysgol Gelli Aur Golden Grove
Primary	668	3310	Ysgol Bro Dewi V.A.
Primary	668	3321	St Oswalds VA School
Primary	669	2007	Ysgol Gynradd Gorslas
Primary	669	2034	Bancyfelin C.P. School
Primary	669	2049	Ysgol Cefnbrynbrain
Primary	669	2065	Talley C.P School
Primary	669	2109	Ysgol G. Llanpumsaint
Primary	669	2158	Morfa Infants & Nursery School
Primary	669	2172	Ysgol Gynradd Llanarthne
Primary	669	2182	Ysgol Gynradd Hafodwenog
Primary	669	2193	Penygroes C.P. School
Primary	669	2375	Stebonheath C.P. School
Primary	669	2384	Ysgol Gruffydd Jones
Primary	669	3003	Laugharne V.C.P. School
Primary	669	3300	St Mary's R.C. Primary School
Primary	670	2017	Danygraig Primary School
Primary	670	2032	Hafod Primary School
Primary	670	2050	Pentrepoeth Infant School
Primary	670	2069	Clwyd Community Primary School
Primary	670	2112	Clydach Junior School
Primary	670	2157	Llangyfelach Primary School
Primary	670	2211	Tre Uchaf Primary School
Primary	670	2232	Ysgol Gynradd Gymraeg Gellionnen
Primary	670	3306	Christchurch (C.I.W.) V. A Primary School
Primary	671	2119	Baglan Primary School
Primary	671	2134	Crymlyn Primary School
Primary	671	2148	Glyncorwg Primary School
Primary	671	2166	Mynachlog Nedd Junior School
Primary	671	2191	Blaenbaglan Primary School
Primary	671	2207	Crynallt Infant School
Primary	672	2117	Cwmfelin Primary School
Primary	672	2172	Nantyllyn Primary School
Primary	672	2220	Penybont Primary School
Primary	672	2294	Bryntirion Junior School
Primary	672	2358	Ysgol Y Ferch O'r Sger
Primary	672	3315	St Robert's Primary Catholic School
Primary	673	2117	Fairfield Primary School
Primary	673	2134	Romilly Junior School
Primary	673	2152	Ysgol Pen Y Garth
Primary	673	3365	Llansannor C.I.W. Primary School

Primary	674	2047	Aberllechau Primary School
Primary	674	2070	Blaengwawr Primary School
Primary	674	2104	Hawthorn Primary School
Primary	674	2127	Hafod Primary School
Primary	674	2150	Penrhiwfer Infants School
Primary	674	2169	Pentre Primary School
Primary	674	2218	Perthcelyn Community Primary School
Primary	674	2234	Tonypandy Primary School
Primary	674	2251	Treorchy Primary School
Primary	674	2373	Penrhys Primary School
Primary	674	2378	Ynysgir Primary School
Primary	674	3317	Aberdare Town C.I.W. Primary School
Primary	675	2002	Cyfarthfa Junior School
Primary	675	2028	Troedyrhiw Infant School
Primary	676	2078	Markham Primary School
Primary	676	2095	Pentwynmawr Primary School
Primary	676	2145	Hendre Infants School
Primary	676	2224	Tiryberth Primary School
Primary	676	2262	Ysgol Ifor Bach
Primary	676	2296	Ynysddu Primary School
Primary	676	2339	Cwm Glas Infant School
Primary	676	2379	Blackwood Primary School
Primary	677	2179	Sofrydd C.P. School
Primary	677	2253	Cwm Primary School
Primary	677	2309	Glyncoed Primary School
Primary	678	2197	Croesyceiliog North Rd Infants
Primary	678	2239	Coed Eva Infant School
Primary	678	2298	Cwmffrwdroer Primary School
Primary	678	3332	Ponthir Voluntary Aided Primary School
Primary	679	2229	Caldicot Sandy Lane Infants School
Primary	679	2319	Cantref Primary
Primary	679	2320	Deri View Primary
Primary	679	3326	St Mary's R.C. Primary
Primary	680	2008	Durham Road Infant School
Primary	680	2030	Somerton Primary School
Primary	680	2041	Milton Junior School
Primary	680	2224	Llanmartin Primary School
Primary	680	3001	Malpas C.I.W. Infant School
Primary	681	2019	Gabalpa Primary School
Primary	681	2031	Kitchener Primary School
Primary	681	2056	Windsor Clive Junior School
Primary	681	2071	Rumney Infant School
Primary	681	2096	Springwood Primary School
Primary	681	2147	Llysfaen Primary School
Primary	681	2174	Willowbrook Primary School
Primary	681	2310	Glan-Yr-Afon Primary
Primary	681	3000	St Mellons C.I.W. Primary School
Primary	681	3336	St Cadoc's Primary School
Primary	681	3357	All Saints C.I.W. Primary School
Secondary	660	4029	Ysgol Uwchradd Bodedern
Secondary	661	4004	Ysgol Brynrefail
Secondary	662	4038	Ysgol Y Creuddyn

Secondary	663	4601	Blessed Edward Jones R.C. School
Secondary	664	4013	St David's High School
Secondary	665	4048	Ysgol Rhosnesni
Secondary	666	4014	John Beddoes School
Secondary	667	4044	Cardigan County Secondary
Secondary	669	4024	Ysgol Gyfun Pantycelyn
Secondary	669	4050	Coedcae School
Secondary	670	4031	Cefn Hengoed Community School
Secondary	670	4600	Bishop Vaughan R.C. School
Secondary	671	4601	St Joseph's Catholic school and Sixth Form centre
Secondary	672	4059	Cynffig Comprehensive School
Secondary	673	4066	Ysgol Bro Morgannwg
Secondary	674	4053	Mountain Ash Comprehensive School
Secondary	674	4101	Aberdare Girls' Comprehensive School
Secondary	676	4032	Pontllanfraith Comprehensive School
Secondary	677	4074	Abertillery Comprehensive School
Secondary	679	4065	Chepstow Comprehensive School
Secondary	681	4600	St Illtyds R.C. High School
Secondary	681	4607	Mary Immaculate R.C. High School
Special	661	7010	Ysgol Hafod Lon
Special	666	7002	Ysgol Cedewain
Special	672	7003	Heronbridge School
Special	675	7013	Greenfield Special School
Special	681	7008	Riverbank Special School

SA_SCHOO_1	SA_SCHOO_2	SA_SCHOO_3	SA_SCHOO_4
Erddig Road	Wrexham		
Heol Canola	Sarn	Bridgend	
Two Locks Road	Cwmbran	Torfaen	
Bodorgan	Ynys Môn		
Llanddeusant	Caergybi	Ynys Môn	
Llanerchymedd	Ynys Môn		
Pentraeth	Ynys Môn		
Niwbwrch	Llanfairpwll	Ynys Môn	
Pwllheli	Gwynedd		
Cwm-y-Glo	Caernarfon	Gwynedd	
Llanaelhaearn	Caernarfon	Gwynedd	
Penygroes	Caernarfon	Gwynedd	
Tudweiliog	Pwllheli	Gwynedd	
Felinheli	Gwynedd		
Dinas Mawddwy	Machynlleth	Gwynedd	
Llanuwchllyn	Bala	Gwynedd	
Trawsfynydd	Blaenau Ffestiniog	Gwynedd	
Botwnnog	Pwllheli	Gwynedd	
Llanfachreth	Dolgellau	Gwynedd	
Bro Gethun	Betws-Y-Coed	Conwy	
Broad Street	Cyffordd Llandudno	Conwy	
Ffordd y Morfa	Abergele	Conwy	
Llangernyw	Abergele	Conwy	
Heol Watling	Llanrwst		
Eglwysbach	Bae Colwyn	Conwy	
Ffordd Rhuddlan	Rhyl	Denbighshire	
Llandyrnog	Sir Ddinbych		
Carrog	Nr Corwen	Denbighshire	
Rhos Street	Ruthin	Denbighshire	
Tremeirchion	Llanelwg	St Asaph	Sir Ddinbych
Henllan Road	Trefnant	Nr Benbigh	
Ffynnongroew	Holywell	Flintshire	
Llanfynydd	Wrexham	Flintshire	
Ffordd Pennant	Mostyn	Nr. Holywell	Flintshire
Brynford	Holywell	Flintshire	
Cymau Road	Caergwrle	Nr. Wrexham	Flintshire
Nant Y Gro	Gronant	Nr. Prestatyn	Flintshire
Caernarfon Close	Shotton	Flintshire	
Lloyds Lane	Chirk	Wrexham	
Park Avenue	Wrexham		
Long Lane	Pentre Broughton	Wrexham	
Borras Park Road	Wrexham		
Heol Maelor	Coedpoeth	Wreccsam	
Park Street	Ruabon	Wrexham	
Aberhafesp	Newtown	Powys	
Llanbrynmair	Powys		
Trefeglwys	Newtown	Powys	
Severn Road	Welshpool	Powys	
Llanbister	Llandrindod Wells	Powys	
Hospital Road	Builth Wells	Powys	
Wind Road	Ystradgynlais	Swansea	
Bronllys	Talgarth	Powys	
Gladestry	Kington	Herefordshire	
Llangedwyn	Oswestry	Salop	

Pendre Close	Brecon	Powys	
Cribyn	Llanbedr Pont Steffan	Ceredigion	
Maes Yr Ysgol	Cei Newydd	Ceredigion	
Taliesin	Machynlleth	Powys	
Talybont	Ceredigion		
Heol Y Bryn	Llanbedr Pont Steffan	Ceredigion	
Pont-Sian	Llandysul	Ceredigion	
Pontrhydfendigaid	Ystrad Meurig	Ceredigion	
Long Street	Newport	Pembrokeshire	
School Road	Templeton	Narberth	Pembrokeshire
Llanrhian Road	Croesgoch	Haverfordwest	Pembrokeshire
St Ishmael's Base	Trewarren Road	Haverfordwest	Pembrokeshire
Orange Way	Pembroke		
Nun Street	St David's	Haverfordwest	Pembrokeshire
Presselly	Kilgetty	Pembrokeshire	
Heol Y Llew Du	Gorslas	Llanelli	Sir Gaerfyrddin
Bancyfelin	Carmarthenshire		
Heol Y Ysgol	Cefnbrynbrain	Cwmllynfell	Sir Gaerfyrddin
Talley	Llandeilo	Carmarthenshire	
Llanpumsaint	Carmarthen	Carmarthenshire	
New Street	Morfa	Llanelli	Carmarthenshire
Llanarthne	Caerfyrddin	Sir Gaerfyrddin	
Trelech	Caerfyrddin	Sir Gaerfyrddin	
Waterloo Road	Penygroes	Llanelli	Carmarthenshire
Marble Hall Road	Llanelli	Carmarthenshire	
Heol Yr Osaf	San Cler	Sir Gaerfyrddin	
Orchard Park	Laugharne	Carmarthenshire	
Havard Road	Llanelli	Carmarthenshire	
Ysgol Street	Port Tennant	Swansea	
Odo Street	Hafod	Swansea	
School Road	Morrison	Swansea	
Eppynt Road	Penlan	Swansea	
Twynybedw Road	Clydach	Swansea	
Pengors Road	Llangyfelach	Swansea	
Heol Cae Ty Newydd	Loughor	Swansea	
Gellionnen Road	Clydach	Swansea	
Rodney Street	Swansea		
Elmwood Road	Baglan	Port Talbot	
School Road	Jersey Marine	Neath	
Bridge Street	Glyncorwg	Port Talbot	
St John's Terrace	Neath Abbey	Neath	
Maes-Ty-Canol	Baglan	Port Talbot	
Afan Valley Road	Cimla	Neath	
Maesteg Road	Cwmfelin	Maesteg	Bridgend
Garnwen Terrace	Nantyffyllon	Maesteg	Bridgend
Minerva Street	Bridgend		
Llangewydd Road	Bridgend		
Greenfield Terrace	North Corneily	Bridgend	
Danylan	Aberkenfig	Bridgend	
Dryden Road	Penarth		
Romilly Road	Barry	Vale of Glamorgan	
1 Heol Tircoch	Penarth		
Llansannor	Ystradowen	Cowbridge	

Victoria Terrace	Wattstown	Porth	Rhondda, Cynon, Taff
Gwawr Street	Aberaman	Aberdare	Rhondda, Cynon, Taff
School Lane	Hawthorn	Pontypridd	
Wayne Street	Trehafod	Pontypridd	
Ardwyn Terrace	Penrhiwfer Penygraig	Tonypandy	
Upper Alma Place	Pentre		
Glamorgan Street	Perthcelyn	Mountain Ash	
Primrose Street	Tonypandy		
Glyncoli Road	Treorchy	Rhondda	
Penrhys	Tylorstown	Ferndale	
Llanwonno Road	Ynyshir	Porth	Rhondda Cynon Taff
Wind Street	Aberdare	Rhondda, Cynon, Taff	
Cyfarthfa Park	Merthyr Tydfil		
The Square	Troedyrhiw	Merthyr Tydfil	
Pantycfefn Road	Markham	Blackwood	
Tonypistyll Road	Pentwynmawr	Newbridge	
St Cenydd Road	Trecenydd	Caerphilly	
New Road	Tiryberth	Hengoed	
Upper Brynhyfrydd Terrace	Senghenydd	Caerphilly	
High Street	Ynysddu	Newport	
Pant Glas	Llanbradach	Caerphilly	
Apollo Way	Blackwood		
Sofrydd Road	Crumlin	Newbridge	Blaenau Gwent
Canning Street	Cwm	Ebbw Vale	Blaenau Gwent
Badminton Grove	Ebbw Vale	Blaenau Gwent	
North Road	Croesyceiliog	Cwmbran	Torfaen
Teynes	Coed Eva	Cwmbran	Torfaen
Waunddu	Pontnewynydd	Pontypool	Torfaen
Caerleon Road	Ponthir	Torfaen	
Sandy Lane	Caldicot	Newport	Monmouthshire
Harold Road	Abergavenny		
Llwynu Lane	Abergavenny	Monmouth	
Bulwark Road	Chepstow	Monmouthshire	
Durham Road	Newport		
Hawthorn Fosse	Newport		
Hendre Farm Drive	Newport		
Waltwood Road	Llanmartin	Newport	
Yewberry Close	Malpas	Newport	
Colwill Road	Gabalfa	Cardiff	
Kitchener Road	Canton	Cardiff	
Grand Avenue	Ely	Cardiff	
Wentloog Road	Rumney	Cardiff	
Pennsylvania	Llanedeyrn	Cardiff	
Rowan Way	Lisvane	Cardiff	
Sandbrook Road	St Mellons	Cardiff	
Browing Close	Llanrumney	Cardiff	
Dunster Road	Llanrumney	Cardiff	
Shaw Close	Llanrumney	Cardiff	
Ael-Y-Bryn	Llanedeyrn	Cardiff	
Bodedern	Bro Alaw	Ynys Môn	
Llanrug	Caernarfon	Gwynedd	
Ffordd Dderwen	Bae Penrhyn	Llandudno	

Cefndy Road	Rhyl	Denbighshire	
St David's Terrace	Saltney	Chester	Flintshire
Rhosnesni Lane	Wrexham		
Broadaxe Lane	Powys		
Park Place	Aberteifi	Ceredigion	
Cilycwm Road	Llandovery	Carmarthenshire	
Trostre Road	Llanelli	Carmarthenshire	
Caldicot Road	Winch Wen	Swansea	
Mynydd Garnlwyd Road	Morrison	Swansea	
Newton Avenue	Port Talbot		
East Avenue	Kenfig Hill	Bridgend	
Colcot Road	Barry	Vale of Glamorgan	
New Road	Mountain Ash		
Cwmbach Road	Aberdare	Rhondda, Cynon, Taff	
Coed Caeddu Road	Pontllanfraith	Blackwood	
Alma Street	Abertillery	Blaenau Gwent	
Welsh Street	Chepstow	Monmouthshire	
Newport Road	Rumney	Cardiff	
Caerau Lane	Wenvoe	Cardiff	
Y Ffor	Pwllheli	Gwynedd	
Maesyrrhandir	Newtown	Powys	
Eweny Road	Bridgend		
Duffryn Road	Pentrebach	Merthyr Tydfil	
Vincent Road	Ely	Cardiff	

SA POST OU	SA POST IN	SA STD COD	SA PHONE N
LL13	7DN	01978	356140
CF32	9NU	01656	720978
NP44	7HQ	01633	483136
LL62	5AB	01407	840386
LL65	4AD	01407	730467
LL71	8DP	01248	470466
LL75	8UP	01248	450315
LL61	6TE	01248	440651
LL53	7EA	01758	712764
LL55	4DE	01286	870860
LL54	5AL	01758	750263
LL54	6RE	01286	880883
LL53	8ND	01758	770669
LL56	4TZ	01248	670748
SY20	9LN	01650	531321
LL23	7UB	01678	540242
LL41	4SE	01766	540247
LL53	8RA	01758	730318
LL40	2DY	01341	423036
LL24	0BP	01690	710581
LL31	9HG	01492	584631
LL22	7NU	01745	832922
LL22	8PP	01745	860238
LL26	0EY	01492	640342
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LL16	4EY	01824	790324
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LL11	5HG	01978	760351
CH8	9NU	01745	560274
CH8	8AD	01352	713184
LL12	9DH	01978	760647
LL19	9YP	01745	856119
CH5	1EB	01244	830408
LL14	5NH	01691	772331
LL12	7AZ	01978	315120
LL11	6BT	01978	757959
LL12	7TH	01978	352106
LL11	3RU	01978	757893
LL14	6LE	01978	820979
SY16	3HT	01686	688463
SY19	7AB	01650	521339
SY17	5PH	01686	430644
SY21	7SU	01938	552971
LD1	6TN	01597	840258
LD2	3GA	01982	553600
SA9	1AA	01639	844481
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HR5	3NR	01544	370207
SY10	9LB	01691	780264

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SA45	9TE	01545	560363
SY20	8JG	01970	832458
SY24	5HE	01970	832276
SA48	7EF	01570	422461
SA44	4UB	01545	590658
SY25	6BL	01974	831641
SA42	0TL	01239	820682
SA67	8RS	01834	860657
SA62	5JT	01348	831461
SA62	3SZ	01646	636340
SA71	4DP	04646	682605
SA62	6NU	01437	720565
SA68	0SP	01646	651409
SA14	7LA	01269	842929
SA33	5ND	01267	211276
SA9	2WF	01639	830322
SA19	7YH	01558	685356
SA33	6BY	01267	253446
SA15	2BR	01554	772945
SA32	8HJ	01558	668570
SA33	6RU	01944	484427
SA14	7NT	01269	844477
SA15	1NB	01554	758603
SA33	4BT	01994	230589
SA33	4TE	01994	427228
SA14	8SD	01554	759178
SA1	8LE	01792	650946
SA1	2LT	01792	461356
SA6	6HZ	01792	771831
SA5	7AZ	01792	588673
SA6	5ET	01792	843231
SA5	7JE	01792	771497
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SA6	5HE	01792	845489
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CF41	7DG	01443	435435
CF45	3RJ	01443	473296
CF40	1BQ	01443	433006
CF42	6SA	01443	773084
CF43	3PL	01443	730037
CF39	0HU	01443	685208
CF44	7HF	01685	871520
CF47	8RE	01685	723640
CF48	4EB	01443	690252
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NP11	6HJ	01495	243400
CF83	2RP	02920	852519
CF82	8AU	01443	875526
CF83	4GL	02920	830375
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CF83	3PD	02920	852515
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NP23	5UL	01495	302211
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NP44	4TG	01633	484139
NP4	6QZ	01495	752393
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NP7	6HF		
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CF5	5AQ	02920	563860

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**CONSULTATION ON DRAFT GUIDANCE FOR SCHOOL
GOVERNING BODIES ON PROCEDURES FOR
WHISTLEBLOWING IN SCHOOLS AND MODEL
WHISTLEBLOWING POLICY**

CONSULTATION RESPONSE PROFORMA

Name:

Organisation:

Address:

Please tick one of the following boxes that best describes you as a respondent:

School Governing Body []

Headteacher []

School Staff []

Teacher Union []

LEA []

Diocesan Body []

Parent []

Pupil []

Other [] Please specify:

Responses to the consultation may be made public. Normally, the name and address (or part of the address) of the author are published along with the response unless you indicate otherwise. Would you prefer that your response is kept confidential.

Yes []

No []

Please comment as fully as possible to help us with the guidance. Responses should be returned by **14 January 2007**.

SECTION 1: INTRODUCTION AND LEGAL BACKGROUND

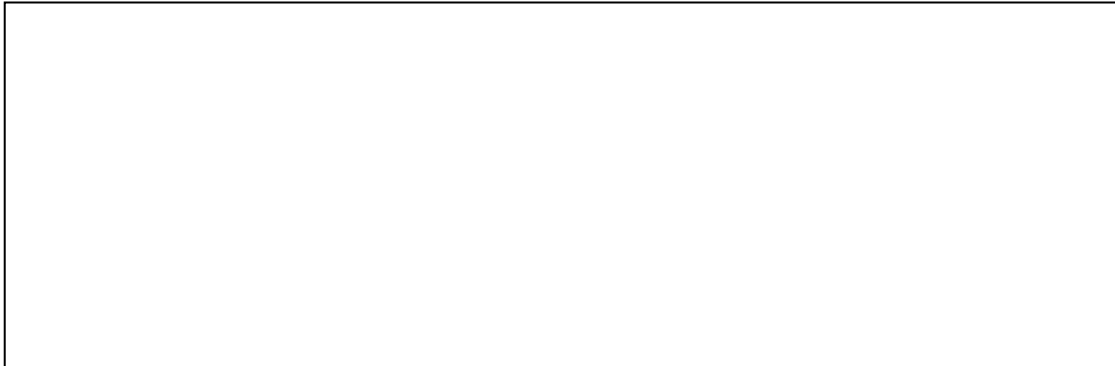
Q1. Has your governing body adopted a whistleblowing policy for staff? If so please would you provide a copy with your response to this consultation.

SECTION 3: PRINCIPLES OF A WHISTLEBLOWING PROCEDURE

Q2. Are there any other matters that should be added to the list of issues that a school whistleblowing procedure should cover?

Q3. Do you consider that a whistleblower's details should remain confidential even if this meant an investigation into the concern could not proceed without revealing the source of that concern?

Q4. Do you agree that anonymous allegations should be considered in this way?



Q5. Do you agree with the approach to handling untrue/ malicious allegations?

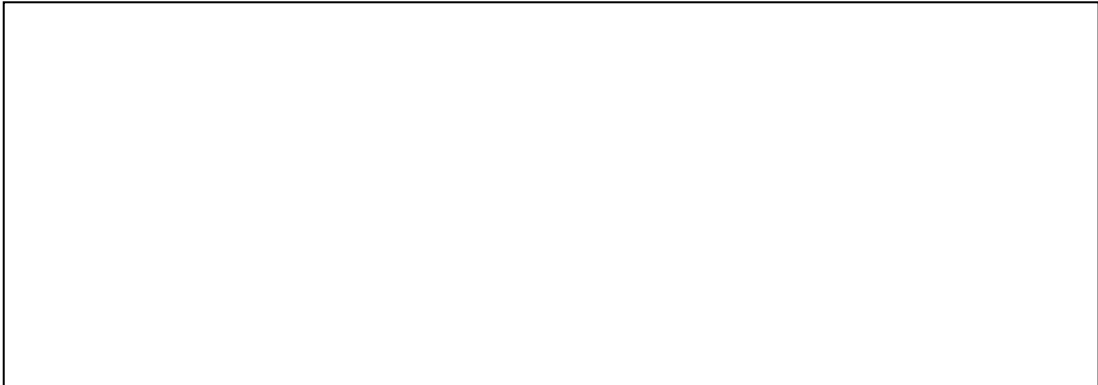


SECTION 4: PROCESSES FOR RAISING AND ENQUIRING INTO A CONCERN

Q6. Do you agree the points of contact for raising a concern as set out in paragraph 4.1?



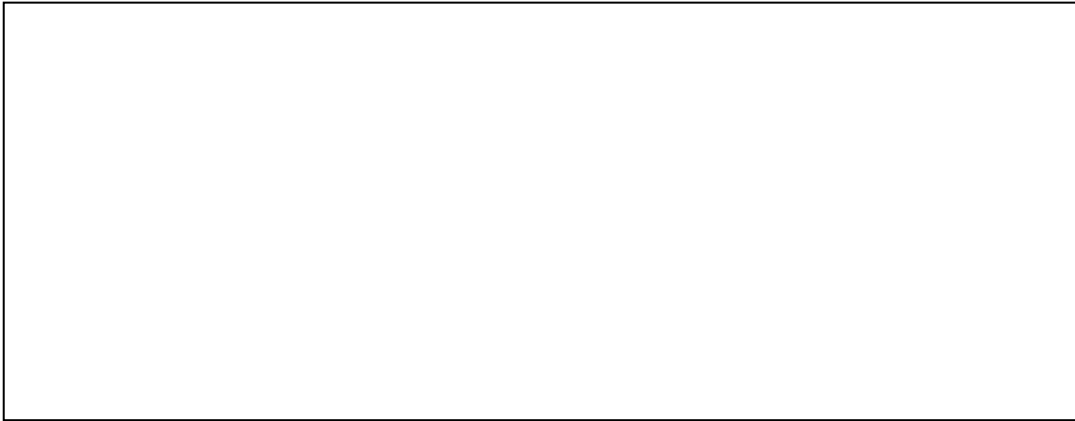
Q7. Are there situations where someone not listed above should be the first point of contact for the whistleblower?

A large, empty rectangular box with a thin black border, intended for the respondent to provide an answer to question Q7.

Q8. Is 5 days to respond a reasonable timescale?

A large, empty rectangular box with a thin black border, intended for the respondent to provide an answer to question Q8.

Q9. Is the list of issues to be covered in the reply appropriate?

A large, empty rectangular box with a thin black border, intended for a written response to question Q9.

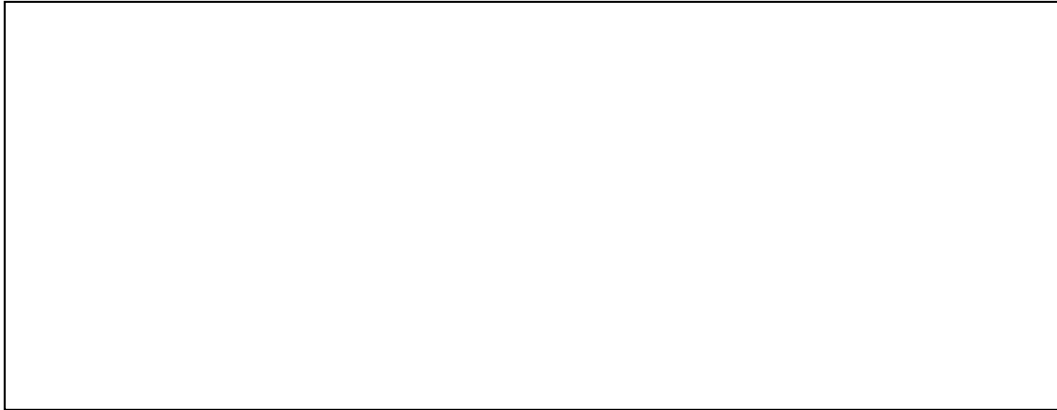
Q10. Is the description of the inquiry process adequate? Should anything be added?

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Q11. Is the timescale for the completion of the inquiry reasonable?

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Q12. Are the matters to be covered in the inquiry report comprehensive and acceptable?



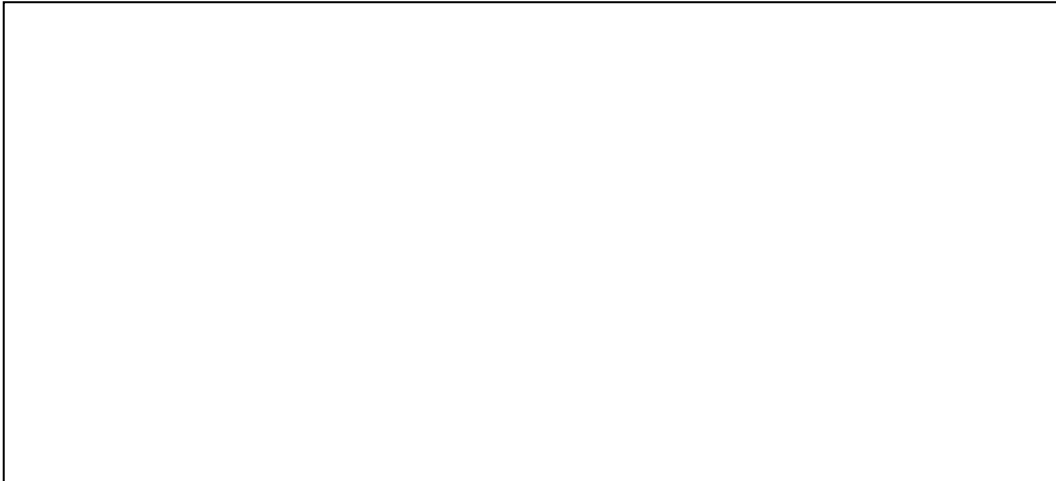
Q13. Is the timescale for the completion of the inquiry report and issue of response reasonable? If not, what would be reasonable timescales?



Q14. Is the proposal for a governing body committee appropriate?



Q15. Are there any other contacts that ought to be added to this list?

A large, empty rectangular box with a thin black border, intended for the user to provide their answer to the question above. The box is currently blank.

REVIEW OF THE COUNCIL'S WHISTLEBLOWING POLICY - RECOMMENDATIONS

The Committee may wish to consider recommending that:

- The wording of the Policy be amended to make it more 'user friendly';
 - Staff awareness be increased by regularly reminding staff of the Policy's existence and its' main principles. This process should take into account the fact that not all staff have access to email, and so could include, for example;
 - Including a leaflet, summarising the main aspects of the Policy periodically with payslips;
 - Posters advertising the Policy could be displayed at all council buildings;
 - A response be made by the Committee to the WAG Consultation on Draft Guidance for School Governing Bodies on Procedures for Whistleblowing in Schools and a Model Whistleblowing Policy, attached as Appendix C to this report;
 - The Council advise school governing bodies to adopt a Whistleblowing Policy;
 - The Council produce a model Policy for schools, for approval by school governing bodies. The model Policy should:-
 - take account of any guidance issued by the WAG;
 - be consistent (where applicable) with the 'principles' of the main Council Policy (after the suggested review of its format has been undertaken);
 - be written in a 'child friendly' manner to enable children to easily understand its content;
 - The Council advise school governing bodies to widely publicise their Whistleblowing Policy within the school environment so that staff and children are aware of it;
 - The Council advise school governing bodies to put in place a process to ensure that staff and children are regularly reminded of the Policy's existence and its' main principles;
 - The Council's Whistleblowing Policy be made 'child friendly' in its format;
 - The main Policy is publicised at Council locations attended by children and young people (outside the school environment) so that they are aware of it;
 - The scope of the Policy is clarified, i.e. who it applies to, particularly whether it applies to members of the public, and Members of the Council;
-

- The Council increase Member awareness of the Policy, and the correct process to follow where they have concerns;
 - The clarity of the Policy be improved, and its' length reduced to make it more 'user friendly';
 - The issues mentioned at paragraph 31 of this report are addressed in any revised Policy;
 - Steps be taken within the Council to ensure that Agency staff, Suppliers, Contractors and Subcontractors used by the Council are made aware of the Council's Whistleblowing Policy in future;
 - All Policies that have Whistleblowing implications are reviewed alongside each other, and reworded if necessary, in order to clarify which policy should be applied;
 - Additional guidance is given to the public to ensure that it is clear which of the Council Policies apply to the different types of referral;
 - The Council ensures that staff dealing with referrals of a Whistleblowing nature understand the nature of the referral, so that they can ensure that the correct Policy is applied;
 - A central record of Whistleblowing referrals and action taken is maintained;
 - The wording of the Whistleblowing Policy be revised to say that it is a duty of employees to report malpractice, or any other issue of concern, in accordance with the Council's 'Code of Conduct for Employees'.
-