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step by step
into the future

Whistle Blowing Policy

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Sub-Committee responsible	Full Governing Body
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Code of Conduct for Employees in Educational Establishments

INTRODUCTION

1. The purpose of this Code is to give all employees guidance on how the County Council and the public in general expects them to behave. High standards are expected of all council staff including those working in separate establishments, such as teachers and support staff in Schools. It is recognised that the employment relationships and responsibilities of school based employees are different from those of staff in other parts of the Council. This version of the Code is produced by the County Council as the Local Education Authority and takes account of these differences. If the Code is followed then staff should not find themselves in a situation where their conduct could create an impression of conflict of interest or corruption in the minds of the public. If staff are unsure of the standards expected of them guidance should be sought from their Head Teacher or, in the case of Head Teachers, the Executive Director of Education Services.

2. The areas covered by this Code are as follows:
 - Standards
 - Personal Appearance
 - Use of School Facilities and Equipment
 - Fraud and Corruption
 - Gifts, Hospitality and Sponsorship
 - Register of Gifts and Hospitality
 - Disclosure and Use of Information
 - Political Neutrality
 - Relationships
 - Appointments and Other Employment Matters
 - Undertaking Additional Outside Work
 - Membership of a Secret Society
 - Equality Issues
 - Confidential Reporting Procedure (Whistle-blowing)
 - Breaches of the Code of Conduct.

STANDARDS

3. Employees are expected to give the highest possible standard of service to the public and to provide, when required, advice to Governors and fellow employees with impartiality. The highest standard of probity must apply and employees must report any suspected unlawfulness, mal-administration, impropriety or breach of procedure of which they are aware to their Head Teacher or the Executive Director of Education Services. (See also paragraph 79 and Appendix 1 of this Code).
4. The Council, for its part, considers it has a duty to protect employees against unjustified allegations of wrong doing.

PERSONAL APPEARANCE

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

USE OF SCHOOL FACILITIES AND EQUIPMENT

6. Any facilities, property or equipment provided by the Council or otherwise for school use should only be used in connection with official duties except where the Head Teacher or Governors have agreed to private use. There are arrangements for the use of some services for private purposes on the payment of approved charges e.g. private telephone calls and photocopies, etc. You should always ensure that there is either general or specific agreement to private use of any facility or equipment.

FRAUD AND CORRUPTION

Culture of the Organisation

7. Although the Council believes that Governors, employees and organisations associated with the Council and schools will act with honesty and integrity it recognises that problems may arise. The Council's culture is one of honesty and opposition to fraud and corruption.

8. Employees should make themselves aware as appropriate to their job of the following key documents which set out various standards of behaviour and procedures which must be adopted in addition to those mentioned in this Code:-

Financial Regulations/Accounting Instructions

Powers of Committees and Officers

Computer/Internet Policy

Standing Orders

Contract Guidance Manual

Personnel Handbook

Purchasing Guide

9. Employees must use public funds entrusted to them in a responsible and lawful manner and ensure that value for money is achieved. They must comply at all times with the Council's Financial Regulations and associated Accounting Instructions.
10. It is a criminal offence for employees corruptly to receive, or give, any *gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour or disfavour to any person. If an allegation is made it is for the employee to demonstrate that any rewards received have not been corruptly obtained. (* see paragraph 34 relating to gifts of a trivial nature).
11. The absence of actual corruption is not, in itself, sufficient and avoidance of any grounds for suspicion of corruption is also important. Where **contracts are being negotiated** employees should avoid negotiating with a potential contractor, supplier or purchaser on a one-to-one basis. Where one-to-one negotiations are unavoidable the employee must ensure that all steps in the contract negotiations are recorded and that their manager has approved, in writing, those steps. Standing Orders, Financial Regulations, the Contract Guidance Manual, the Purchasing Guide and the policies of both a school and the Council must always be followed; an adequate audit trail must be maintained.

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

Personal Interests

13. Any personal interests, financial or otherwise, must be registered (see paragraph 17) when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties. Each Head Teacher will be responsible for ensuring that their personal interests are registered in accordance with this Code and that all of their employees are aware of the need to register personal interests. In certain other circumstances even though a conflict of interest is not anticipated (e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Authority, involvement with an organisation or pressure group which may seek to influence the Authority's policies) employees should register their interests.
14. Section 117 of the Local Government Act 1972 requires all employees to give written notice of any contract or proposed contract in which the Council or a school is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest is a criminal offence and may result in prosecution.
15. A direct financial interest arises where an employee or their partner, family member or close friend has a financial interest in a contract or proposed contract whether to their advantage or disadvantage, in which the Council or a school is involved. An indirect financial interest may arise where an employee, their nominee or employee's partner holds securities or shares in a company which exceed £5,000 or 1/100th of the nominal issued share capital of a company which has a direct financial interest, whichever is the lesser amount.

16. A non-financial interest may occur when an employee or their partner, family member or close friend has membership or association in a company, society, club or other body, trade union or voluntary body, or is employed by another person or company which has direct financial interests in any matter which is the subject of discussions/negotiations with the school or Council.
17. Details of interests must be made in writing and sent to the Head of Legal and Democratic Services, who will record it in a register and acknowledge receipt of the declaration. Employees should ensure that they receive an acknowledgement back from the Head of Legal and Democratic Services. The declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services.
18. Employees with a financial or non-financial interest in any matter should not only declare that interest but also seek to distance themselves from involvement in that matter. Employees must be open and up front about their interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Committee/Governor meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.
19. Employees involved in the award or management of contracts shall declare in writing to their Head Teacher (or in the case of Head Teachers the Executive Director of Education Services) any association or friendship with any contractor on any part of the Council's select list of contractors and should take no part in the tender process without their written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to the Head Teacher (or in the case of Head Teachers to the Executive Director of Education Services) any association with any person or body who is an applicant in the field of work in which that employee is engaged.

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

Rules Governing Purchasing by Employees

21. Employees must follow Financial Regulations, Standing Orders, the Council's Purchasing Guide, Contract Guidance Manual (when appropriate) and Accounting Instructions whenever any goods or services are purchased.
22. Employees may not order, in the name of the Council or the school, equipment or goods, whether with a discount or not, from official Council suppliers for their own personal use even if the cost is reimbursed in full to the Council.
23. Where appropriate, copies of the Purchasing Guide and the Council's Contract Guidance Manual should be issued to those staff who are or become involved in purchasing supplies and services.

Separation of Roles During Tendering

24. Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both client and contractor responsibilities must be aware of the need for accountability and openness.
25. Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorized person or organization or use it for any unauthorized purposes.
26. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

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

Reporting a Concern

28. "Whistleblowing" by employees of the Council is fully supported and encouraged. Where concerns exist these should be brought to the attention of management at all times. In Appendix I of this Code a procedure is described for employees who wish to report serious concerns relating to any suspicions or allegations of fraud and corruption or any mal-practice or maladministration.

Investigation

29. Allegations and concerns relating to fraud or corruption will normally be investigated by the Head of Audit and Consultancy for a report to the Chief Executive, the Head of Legal and Democratic Services and the Executive Director (Resources).
30. The Chief Executive after consultation with the Head of Legal and Democratic Services will then decide whether there are grounds for the matter to be reported to the Police. The Council will normally wish the Police to be made aware of, and investigate independently, offences where financial impropriety appears to have been discovered.
31. The Council's Disciplinary Procedures will be used where the outcome of an Audit Investigation indicates improper behaviour by an employee.

GIFTS, HOSPITALITY AND SPONSORSHIP

32. The best general advice which can be given about offers of gifts, hospitality or sponsorship (other than that mentioned in paragraph 34) is that employees should seek the advice of the Head Teacher or, in the case of Head Teachers, the Executive Director of Education Services. When in doubt the employee should always refuse such gifts.

33. When hospitality or gifts have to be declined the person making the offer should be informed of the procedures and standards operating within the Council.

Gifts (including bequests)

34. The general rule is that gifts offered by persons who are providing, or seeking to provide, goods or services to a school or the Council, or who are seeking decisions from a school or the Council, should be refused and returned. So should gifts (other than those of a trivial nature e.g. calendars, diaries, desk sets) offered by those receiving services from a school or the Council. Gifts, provided they are not of significant monetary value, given for example by pupils or parents to their teachers, may be accepted within this Code. Also, similar gifts given to teachers during, for example, school exchange visits may be acceptable.
35. It is wise to err on the side of caution in respect of the receipt of gifts: an obviously expensive gift must be tactfully declined or, if appropriate, donated to the Council/School for official use, and the Head Teacher or Executive Director of Education Services should be advised of the action taken. If a gift is simply delivered it must be returned to the donor or, if appropriate, be donated to the Council/School for official use, and the Head Teacher or Executive Director of Education Services must be advised of the action taken. All such gifts must be registered in accordance with paragraph 47 of this Code.
36. On occasions an employee may become a beneficiary of a Will of a client; this may be the way a client wishes to express gratitude for the service he or she has received.
37. Those departments which provide personal services to clients have written policies concerning the receipt of bequests by employees - such policies have been drawn up to protect the interests of both clients and members of staff. Staff should ensure that they have read and comply with such policies.

Hospitality

38. Employees may only accept offers of hospitality if there is a genuine need to exchange information or represent the Council or school in the community. Offers to attend purely social or

sporting functions should be accepted only when these are part of the life of the community within Gloucestershire and where the Council or school should be seen to be represented. All such hospitality must be properly authorised and recorded by Head Teachers or, in the case of Head Teachers, the Executive Director of Education Services. Exceptions to this rule must be properly authorised and recorded by Head Teachers or the Executive Director of Education Services.

39. Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, or where the Head Teacher (or Executive Director of Education Services in the case of Head Teachers) gives consent in advance and where it is clear that any purchasing decisions are not compromised.
40. An offer of hospitality to individual employees calls for special caution particularly if the host is doing, or trying to do, business with the Council or school or hoping to obtain a decision from it. It is very important to avoid any suggestion of improper influence.
41. A working lunch of modest standards to allow the parties to discuss business would normally be acceptable; this is a case where the modest hospitality is secondary to a specific working arrangement. On the other hand, it would not be acceptable conduct for an employee to accept such things as:-
 - a holiday*
 - tickets for concerts, theatre or sporting events*
 - the use of a company flat or hotel suite
 - expensive meals or entertainment

(* This condition would not apply to those teachers who, as part of their approved teaching duties, are required with the approval of the Head Teacher/Governing Body to accompany pupils or undertake risk assessment etc. relating to school trips/visits)
42. Hospitality must not be accepted unless the acceptance can be readily acknowledged in public or is similar to that which the Council would provide in similar circumstances.

43. There are occasions when an offer of hospitality of any kind must be declined e.g. when the person offering the hospitality has a matter currently at issue with the Council or school such as a tender under consideration or is involved in a contract dispute.
44. Offers of hospitality accepted or rejected must be registered by employees to their Head Teacher or, in the case of Head Teachers to the Executive Director of Education Services. The details to be registered must be in accordance with that shown in paragraph 47 of this Code.

Sponsorship

45. Where outside organisations, contractors or potential contractors wish or seek to sponsor a Council or a school activity, the basic conventions concerning acceptance of gifts or hospitality apply.
46. Where the Council or a school acts as a sponsor for an event or service, neither an employee or any partner or relative must benefit from such sponsorship without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council or school through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

REGISTER OF GIFTS AND HOSPITALITY

47. A register will be maintained by every Head Teacher detailing all offers of gifts or hospitality made to employees in their school. The following information will be recorded, based on information reported by employees:
 - the person or body making the offer
 - the member of staff to whom the offer was made
 - the gift or hospitality offered
 - the circumstances in which the offer was made
 - the action taken by the member of staff concerned
 - the action taken (if any) by the Head Teacher (or in the case of Head Teachers the Executive Director of Education Services)

A similar register will be maintained by the Executive Director of Education Services in relation to Head Teachers.

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

DISCLOSURE AND USE OF INFORMATION

49. The Council believes that, subject to the content of paragraphs 50 to 56 below information should normally be disclosed unless it is in the public interest not to do so. Employees will be advised by their Head Teacher of the information in their school which the Council or Governing Body does not wish to be disclosed without specific written permission of their Head Teacher.
50. Many employees obtain information which has not been made public and/or is confidential. Employees may also have access to personal information about other employees or clients. This information must only be disclosed to a third party where there is a legal responsibility to provide it, or where the employee or client provides a written authority for the information to be provided.
51. The restrictions in paragraph 50 apply equally to information which an employee may obtain from their employment about a contractor, debtor or creditor of the Council or school.
52. No employee, unless specifically authorised to do so, may communicate to the public or press any information about the discussions of the County Council or any of its Boards or Governing Bodies taken following the exclusion of public and press, with the exception of information which is required to be published by law.
53. As a general rule employees must not enter into any public correspondence or debate on a matter related to their official duties or in respect of which they hold official information, unless this is done with the consent of their Head Teacher . Similar considerations exist covering the position of employees invited to participate in press interviews, radio or television programmes, etc., where the subject relates directly or indirectly to their work

for the Council or school. Employees invited to take part in such programmes are advised to discuss the position with their Head Teacher before replying to the invitation.

54. Employees must adhere to the Council's published employee guidelines relating to confidential information, as covered by current Data Protection legislation. In particular, information must not be disclosed to unauthorised people or organisations.
55. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
56. Employees must comply with published policies and codes of practice relating to the secure use of ICT systems, including the use of the Internet and E-mail and the acquisition and use of software. A serious breach of the rules is likely to lead to disciplinary action.

POLITICAL NEUTRALITY

57. Employees, whether or not politically restricted under the terms of the Local Government and Housing Act 1989, must follow every policy of the Council/Governors and must not allow their own personal or political opinions to interfere with their work.

Politically Sensitive Posts

58. The Local Government and Housing Act 1989 has the effect of imposing restrictions on public political activity by certain staff of local authorities in politically sensitive posts.
59. The effect of the inclusion of a post in a list of sensitive posts is that the postholder will be prevented from becoming a member of a local authority (except a Town or Parish Council), or a member of the House of Commons or the European Parliament. In addition, regulations prevent them from:
 - (a) holding office in a political party
 - (b) canvassing at elections
 - (c) speaking or writing publicly on matters on party political lines.

RELATIONSHIPS

Councillors

60. Mutual respect between employees and Councillors or Governors is essential to good local government. However, familiarity can possibly damage working relationships and prove embarrassing.

Contractors

61. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's immediate line manager. Orders and contracts must be awarded on merit, through fair competition, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.
62. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had, or currently have, a relationship in a private or domestic capacity with such contractors, must declare that relationship to their Head Teacher, or in the case of Head Teachers to the Executive Director of Education Services.
63. No employee shall purchase for private purposes goods or services from a firm which has dealings with the Council or school where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the Council or school. This rule equally applies to the ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the contract price, particularly if the employee is aware that the price is not available to the ordinary customer. It would also apply to the use of services of a contractor with whom employees have official contacts as part of their employment with the school . It also precludes employees from using, for private purposes, any special trading cards which the Council or school may hold for business. It does not, however, preclude employees benefiting from general discounts offered by suppliers to all Council employees or made available by the Council or Unions on behalf of staff generally.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

64. It is contrary to the Council's personnel policies for an employee to make an appointment/engagement which is based on anything other than the ability of the individual to undertake the duties of the post. Employees must not be involved in an appointment/engagement where they are related to an applicant, or have any personal or business relationship outside work with them.
65. Employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.
66. Employees of a school shall inform their Head Teacher or, in the case of Head Teachers the Executive Director of Education Services, of any relationship known to them to exist between themselves and a candidate for an appointment/engagement in which they are directly involved. If a candidate deliberately omits to disclose a relationship they will be disqualified. If the omission is discovered after appointment or engagement they shall be liable to dismissal.
67. Employees involved in appointments/engagements must, where practicable, ensure that references are obtained from the current and previous employer of the candidate to whom they wish to formally offer a post. Ideally both referees should be senior persons, one from the candidate's present employer and the other from their previous employer. In the case of applicants leaving full-time education or not having worked since doing so, the Head of School, College, University etc. should be named as one of the referees.

UNDERTAKING ADDITIONAL WORK OUTSIDE

68. Full-time employees shall devote their whole time service to the work of the school, and shall not engage in any other business, including self-employment, or take up any other additional appointment without informing in writing their Head Teacher or, in the case of Head Teachers, the Executive Director of Education Services. The Head Teacher or the Executive Director of Education Services reserve the right to withdraw such consent at any time.

69. All prospective employees shall, prior to appointment, provide details on the Council's standard application form of any other employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. (This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the Council and whether, in overall terms, the total hours of all the employment's exceed 48 per week - as per the Working Time Regulations 1998.) Also, existing part-time employees must declare any other employment to the Council or school in order that the latter can ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.
70. Employees should avoid situations whereby their work and personal interests conflict or may appear to conflict.
71. Undertaking unpaid activities outside normal employment may, on occasions, be detrimental to the schools interests. Employees should be mindful of any potential conflict of interests in such situations.
72. No personal business activity or outside work of any sort may be undertaken by an employee during their normal working hours for the school.

Consultancy, Lecturing, Fee Paying Work

73. Where a request is received for any employee to make a presentation, speak at a seminar or lecture on a course, within their normal field of work and during their normal working hours the work will be undertaken on behalf of the school and any fee will be treated as income for the school.
75. 74. Where an employee is approached to undertake fee paying work the Council has determined that the fee is to be treated as income for the employee if all the work, including preparation, is undertaken outside normal work hours. In the case of activities which are prepared and/or take place partly during normal working hours, the Council has agreed that half the fee is to be treated as income for the employee and the remainder paid to the

Council. All consultancy, lecturing and other fee paying work must be approved by the employee's Head Teacher or, in the case of Head Teachers, the Executive Director of Education Services.

Intellectual Property

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

MEMBERSHIP OF A SECRET SOCIETY

76. All employees must declare, on a form held by each Head Teacher, any membership of any organisation classed as a secret society.
77. The definition of a secret society used and accepted by the Council is as follows:

Any lodge, chapter, society, trust or regular gathering or meeting, which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

EQUALITY ISSUES

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

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE-BLOWING)

79. In Appendix I of this Code a procedure has been produced for employees wishing to report, in strict confidence, their serious concerns about any aspect of the Council's work or the behaviour or standard of conduct of other employees or anyone associated with the work and services provided by the Council.

BREACHES OF THE CODE OF CONDUCT

80. Any suspected breach of this Code must be:-
- (a) immediately reported to the Head Teacher and to the Executive Director of Education Services or, in the case of Head Teachers , to the Executive Director of Education Services,
- OR
- (b) be reported through the confidential reporting procedure for employees, detailed at Appendix 1.
81. Where a suspected breach has been reported, a formal investigation into that suspected breach will be undertaken.
82. Failure to comply with any of the standards detailed in this Code may result in formal disciplinary action, including dismissal.

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES IN EDUCATIONAL ESTABLISHMENTS (WHISTLE BLOWING)

PREAMBLE

1. Employees are often the first to realise that there may be something seriously wrong within the Council or school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council or school. They may also fear harassment or victimisation and it may be easier, therefore, to ignore the concern rather than report what may just be a suspicion of malpractice.
2. The Council is committed to the highest standards of openness, probity and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. The word 'whistle-blowing' in this procedure refers to the disclosure internally or externally by employees of malpractice as well as illegal acts or omissions at work.
3. This Procedure makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the Council, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the Council who speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

AIMS AND SCOPE OF THIS PROCEDURE

4. This Procedure aims to:
 - encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments
 - provide alternative avenues for raising concerns
 - ensure that responses to concerns are made

- reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have raised a concern in good faith.
5. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. This procedure is intended to cover major concerns that fall outside the scope of other procedures and include:
- conduct which is an offence or a breach of law
 - disclosures related to miscarriages of justice
 - health and safety risks, including risks to the public as well as other employees (where the concerns raised have not been addressed through normal departmental procedures)
 - damage to the environment
 - the unauthorised use of public funds including fraud and corruption
 - sexual or physical abuse
 - other unethical or unprofessional conduct
 - notification of any suspicions of price-fixing cartels providing services/goods to the Council/school
6. The Council fully understands that employees who are members of a Trade Union recognised by the Council may, in the first instance, wish to see advice and guidance from their Union on the application of this Procedure (see paragraph 23).
7. Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the Council/school or others acting on behalf of the Council/school, can be reported under this Procedure. This may be about something that:
- makes an employee feel uncomfortable in terms of apparent non adherence to known standards
 - appears to be contrary to the requirements of the Council's Standing Orders and Code of Conduct
 - falls below established standards of practice
 - may amount to improper conduct
 - appears to be an attempt to mislead

SAFEGUARDS

Harassment or Victimisation

8. The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is the subject of the complaint. However, if employees state the truth they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.
9. The Council will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees when they raise a concern in good faith.
10. Any investigation into allegations of potential malpractice will be separate from any grievance, disciplinary or redundancy procedure that already affects an employee. Equally, any investigation will not be influenced by any such procedures involving an employee.

CONFIDENTIALITY

11. All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

ANONYMOUS ALLEGATIONS

12. In order to ensure that employees receive protection of the Public Interest Disclosure Act 1998 employees should put their name to their allegation. Concerns expressed anonymously are much less powerful. Anonymous concerns and allegations, whether made to the Head of Legal and Democratic Services or Head of Audit and Consultancy, will therefore be investigated at the discretion of the Council.
13. In exercising this discretion the factors to be taken into account would include:
 - the seriousness of the issues raised

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

UNTRUE ALLEGATIONS

14. If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

HOW TO RAISE A CONCERN

15. Employees who wish to raise a serious concern should do so verbally or in writing (marked 'Confidential') to the:

Head of Legal and Democratic Services
 Gloucestershire County Council
 Shire Hall
 Gloucester GL1 2TZ

Telephone: (01452) 425201

The Head of Legal and Democratic Services will refer all concerns in relation to possible financial impropriety to the Executive Director (Resources) and/or the Head of Audit and Consultancy.

16. **Alternatively employees may wish to use the Council's 24 hour "whistleblowing" Answerphone service on Gloucester (01452) 427052 to report a serious concern relating to possible fraud, corruption, conduct or mal-practice/administration..**
17. Employees who wish to make a written statement/report are invited to set out:
- the background and history of the concern (giving relevant dates)
 - the reason why there is particular concern about the situation

18. Although employees are not expected to prove, beyond doubt, the truth of an allegation they will need to demonstrate that there are reasonable grounds for their concerns.

HOW THE COUNCIL WILL RESPOND

19. The Council will respond to such concerns and, where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process
 - be referred to the Police
 - be referred to the District Auditor
 - form the subject of an independent inquiry
20. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.
21. Within 10 working days of a concern being raised, the Head of Legal and Democratic Services will write to the employee concerned at their private address:
- acknowledging that the concern has been received
 - indicating how he proposes to deal with the matter
 - telling the employee whether any initial enquiries have been made
 - telling the employee whether further investigations will take place and, if not, why not
22. If the matter is subject to further investigation the employee will be kept informed of the progress and will be told of the timescale for the investigation. The amount of contact between the officers considering the issues and the employee having a concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If

necessary, the Council will seek further information from the employee raising the concern.

23. A representative of a Trade Union recognised by the Council or work place colleague may accompany an employee during any stage of an investigation conducted under this procedure.
24. The Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedures involved.
25. The Council accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.

THE RESPONSIBLE OFFICER

- 26 The Head of Legal and Democratic Services has overall responsibility for the maintenance and operation of this Procedure. He will ensure that a record of concerns raised and the outcomes recorded is maintained in a form that does not endanger confidentiality.

HOW THE MATTER CAN BE TAKEN FURTHER

- 27 This Procedure is intended to provide employees with an avenue within the Council to raise concerns. The Council hopes employees will be satisfied with any action taken. If they are not, and if they feel it is right to take the matter outside the Council, the following are possible contact points:

- Health and Safety Executive
- the District Auditor/ Audit Commission
- DSS Benefits/Contributions Agencies
- a Trade Union
- a relevant Voluntary Organisation
- the Police
- Customs & Excise
- the organisation known as 'Public Concern at Work'
(tel: 0207 404 6609)
- Environment Agency
- Financial Services Authority
- Serious Fraud Office
- Inland Revenue
- Charity Commission

- 28 If employees do decide to take the matter outside the Council, they must ensure that they do not disclose to a third party any of the Council's confidential information. If employees are in any doubt, they are strongly advised to seek the confidential advice of the Head of Legal and Democratic Services before taking any action to ensure that they do not inadvertently put themselves in a position where they will be criticised.

Personnel Division
Resources Directorate
Shire Hall
Gloucester

May 2002



GLOUCESTERSHIRE
COUNTY *Property Services* COUNCIL

**CODE OF CONDUCT
AND
CONFIDENTIAL REPORTING
PROCEDURE
(WHISTLE-BLOWING)
FOR EMPLOYEES
IN
EDUCATIONAL ESTABLISHMENTS**

**Personnel Division
Resources Directorate
Shire Hall
Gloucester
GL1 2TG**