

Morden Mount

WHISTLEBLOWING POLICY

(Confidential Reporting)

Introduction

1. Employees are well positioned to know when something wrong is taking place within the school/Local Education Authority and therefore feel concerned. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or the LA. They may also fear harassment or victimisation. In these circumstances, they may find it easier to ignore their concern rather than report the matter with a view to remedying the situation. This policy provides a framework for all employees to raise their concerns 'in-house' and in good faith without fear of victimisation, subsequent discrimination or disadvantage.
2. The governing body and the LA is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the governing body and the LA encourages employees and others with serious concerns about any aspect of their work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis so that the position of the whistleblower can be protected. This policy is intended to encourage and enable people to raise serious concerns within the school or LA rather than overlooking a problem or "blowing the whistle" outside.

Aims of this Policy

3. This Policy aims to:
 - Encourage employees to feel confident in raising concerns and to question and act upon their concerns;
 - Provide avenues for employees to raise concerns and receive feedback on any action taken;
 - Allow employees to take the matter further if they are dissatisfied with the governing body's/LA's response, and
 - Reassure them that they will be protected from reprisals or victimisation for whistleblowing in good faith in accordance with this procedure.

Application and Scope

4. This policy applies to all employees and those contractors working for the school or LA on school or LA premises. This includes employees working on a temporary basis, casual or sessional workers and trainees. It also covers agency workers and suppliers and those providing services under a contract with the school or LA in their own premises.
5. This policy is in addition to and distinct from the school's/LA's complaints procedure that provides a facility to those not employed by the school or LA (e.g. service users, advocates, family members and members of public) to raise any concerns.
6. This policy is not intended to cover concerns that can be progressed under existing HR procedures. There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. Where employees' concerns relate to their own employment, either in terms of the treatment afforded to them or their terms and conditions of employment these should normally be raised through either the Fair Treatment at Work or Grievance procedures.
7. Some departments of the Council have separate procedures specifically relating to departmental functions. For example, the Directorate of Children's and Young People's Services and Social Services and Housing has adopted multi-agency child protection procedures and procedures for the protection of vulnerable adults. All acts of whistleblowing can be raised under this policy and employees shall have the full protection of the policy.

However, where the matter for investigation is covered by separate procedures these will be applied as appropriate.

8. This policy is intended to cover reasonably serious concerns that may fall outside the scope of other procedures, and include the following:
- Failure to comply with a legal obligation to which a person is subject (this may include breaches of statutory codes of practice); or
 - Conduct which is an offence or a breach of the law; or
 - Conduct that is contrary to the Council's Standing Orders or Policies (this may include conduct that falls below established standards or practice); or
 - Disclosures relating to possible miscarriages of justice or
 - Sexual or physical abuse of pupils where referral under Child Protection Procedures is not appropriate; or
 - Conduct that endangers the health and safety of other employees or members of the public. (This would include abuse - whether physical, verbal or sexual - or ill treatment of any service user, family member, friend or advocate); or
 - Conduct that involves damage to the environment; or
 - The unauthorised use of public funds.

The above does not represent an exhaustive list of areas covered by this policy. Any serious concerns that employees may have about any aspect of service provision or the conduct of schools staff, governors, officers or members of the LA or others acting on behalf of the school and the LA can be reported under this policy.

Safeguards against harassment or victimisation

11. The governing body and the LA is committed to good practice and high standards and wants to be supportive of all its employees.
12. The governing body and the LA recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the subject that gives rise to the concern. If concerns are raised in good faith, there will be nothing to fear because employees will be doing their duty to the employer and to those for whom they are providing a service.
13. Whistleblowers raising matters of concern internally are protected from harassment, victimisation, disciplinary action or dismissal or any other disadvantage at work (even if their disclosure of any wrongdoing or malpractice is not substantiated after investigation), provided they raise/disclose issues in good faith.
14. The governing body and the LA will not tolerate harassment or victimisation and will take such action as is necessary to protect employees when they raise concerns in good faith under this policy.

Confidentiality

15. The governing body and the LA will use its best endeavours to protect an employee's identity when he/she raises a concern and does not want his/her identity disclosed.
16. If whistleblowers are required to give evidence in criminal or disciplinary proceedings, the governing body and the LA will arrange for them to receive advice and support.

Anonymous allegations

17. This policy encourages employees to put their names to any allegation. A concern expressed anonymously is much less powerful and it is often difficult to gather sufficient evidence and check its veracity. It is perhaps more likely that malicious allegations will be made anonymously. It is possible to keep one's identity confidential without being anonymous.
18. Anonymous allegations, however, may be considered at the discretion of the governing body or the LA. In exercising the discretion, the governing body or LA will take account of all relevant factors which will include:
 - the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from other attributable sources.

Rights and Responsibilities of Employees

19. All employees are required to report any issue of concern regarding the provision of services or management of those services. In the majority of cases, this will be done through the usual line management channels.
20. Employees are expected to report concerns as soon they arise and avoid any unnecessary delay in doing so.
21. Other than raising concerns in good faith, employees are not required to 'prove' the truth of any allegation. However, a complainant will need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.
22. When any meeting or interview is arranged, employees may, if they so wish, be accompanied by a trade union representative or a workplace colleague.

How to raise concerns

23. As a first step, employees should normally raise concerns with their immediate manager, head teacher or chair of governors. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the alleged wrongdoing or malpractice. For example, if the employee believes that senior management of the school is involved they should approach the Principal Adviser (HR). If an employee believes officers of the LA more generally are involved, the concern may be raised directly with the Chief Executive, the Chief Executive and Director of Corporate Resources, the Director of Law and Administration/Monitoring Officer, or the Head of Internal Audit.

24. Preferably concerns must be raised in writing without undue delay setting out the background and history of the concern, giving names, dates and places where possible, and the reason for the employee's particular concern. If an employee feels that he/she is not able to raise the concern in writing at this point, he/she may personally raise the matter with the appropriate Officer. However, at some stage the concern will need to be put in writing although this may be done through his/her representative.
25. Employees can obtain advice and guidance on how matters of concern may be pursued from:
 - Director of Law and Administration who is also the Monitoring Officer;
 - Assistant Director of HR.

How the governing body/LA will respond

26. Within ten working days of a concern being received, the governing body/LEA will write to the employee:
 - acknowledging that the concern has been received;
 - indicating how it proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - telling the employee whether any initial enquiries have been made, and
 - telling the employee whether further investigations will take place, and if not, why not.

Employees will also be provided with details of support available which will include access to counselling facilities.

27. The action taken by the governing body/LA will depend on the nature of the concern. The matters raised may:
 - be investigated internally;
 - be referred to the Police;
 - be referred to the external auditor; or
 - form the subject of an independent inquiry
28. In order to protect individuals and those accused of possible wrongdoing or malpractice, initial enquiries will be made by the relevant senior officer to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of any other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. The overriding principle which the governing body/LEA will have in mind is the public interest.
29. Some concerns may be resolved by agreed action without the need for formal investigation. If urgent action is required this will be taken before any investigation is conducted.
30. The amount of contact between those considering the issues and the complainant employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

31. The governing body/LEA will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if it becomes necessary to give evidence in criminal or disciplinary proceedings, the Council will provide the necessary advice about the procedure and give whatever practical support that is possible.
32. The governing body/LA accepts that employees need to be assured that the matter has been properly addressed.
33. Subject to legal constraints, employees will normally receive feedback about the outcomes of any investigations.
34. The Director of Law and Administration, in conjunction with the Director who has responsibility for the relevant department of the Council, will be responsible for monitoring the outcome of concerns raised through this policy.

Taking the concerns externally

35. This policy is intended to provide employees with an avenue to raise concerns within the school or LEA. It is hoped that employees will be satisfied with any action taken under this policy.
36. There may be circumstances where an employee considers that he/she needs to raise the matter externally. This may be because, for example, the need to involve the appropriate external regulatory body, or consider that the matter has not been properly addressed, or that an employee reasonably believes that the matter will be covered up.
37. If employees feel it is right to take the matter outside the school or Council, the following are possible contact points:
 - local council member (if the employee lives in the area of the Council);
 - the external auditor;
 - employee's relevant professional bodies or regulatory organisation;
 - employee's trade union;
 - employee's solicitor;
 - the Police;
 - a relevant voluntary organisation; or Public Concern at Work
38. If an employee is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.org.uk. Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice at work.
39. In circumstances where an employee decides to raise the matter externally, he/she will only be protected under this procedure, and under employment law, where the disclosure is made in accordance with the Public Interest Disclosure Act 1998. This means that the disclosure must fall under one of the categories listed in paragraph 9 above and must be made in one of the following ways:
 - in the course of obtaining legal advice;
 - to a prescribed regulatory body (listed in Appendix A) provided the disclosure is made in good faith and you reasonably believe the prescribed body is responsible for the matter of concern and that the information and allegation/s are substantially true;
 - to other third parties (including the media) where the employee makes the disclosure:
 - in good faith, with reasonable belief that the information and allegations are substantially true, and
 - does not make the disclosure for personal gain, and
 - has already raised the matter with the Council or prescribed regulator, unless you reasonably believe that you will suffer a detriment, or there is no prescribed

- regulator and you reasonably believe that evidence will be concealed or destroyed if s/he makes the initial disclosure to the Council; and
- in all of the circumstances it is reasonable to make the disclosure;
- the disclosure is of an exceptionally serious nature and the Whistleblower makes the disclosure:
 - in good faith, with reasonable belief that the information and allegations are substantially true, and
 - does not make the disclosure for personal gain, and
 - in all of the circumstances in it reasonable to make the disclosure.

The Officer Responsible

40. The Director of Law and Administration, who is the Council's Monitoring Officer, has overall responsibility for the maintenance and operation of this policy. A record of all concerns raised and the outcomes will be maintained. The Director of Law and Administration will report as necessary on the operation of the policy, but not on individual cases, to the Council's General Purposes Committee.

41. The Council's Whistle blowing Procedure and Confidential Reporting Hotline

The council hopes that you will be able to mention to your line manager anything about work which is troubling you.

If not, the Council has in place a Confidential Reporting Hotline where you can report your concerns in the strictest confidence. The council will ensure that your concerns are investigated promptly and efficiently and, wherever possible, you will be advised of the outcome.

The council's whistleblowing policy was drafted in consultation with staff and the trade unions. The policy commits the Council to ensuring that you will not suffer any victimisation or be dismissed for raising a genuine concern. Copies of the policy are available from your personnel department.

What should You Do?

If there is something troubling you, then please raise it with the Council. You should either speak to your manager or call:

The Confidential Hotline 0800-169-6975 (24-hour service)
Or email fraud@royalgreenwich.gov.uk

Alternatively you can contact the following in writing or by telephone:

The Head of Internal Audit and Fraud,
3rd Floor
Woolwich Centre
35 Wellington Street
London SE18 6HQ
Telephone 020 8921 5269

All communications will be dealt with in the strictest of confidence and all reasonable steps will be taken to protect your identity if you so wish.

A Word of Warning

There is no legal protection if you make a malicious allegation. As you will understand, such allegations cause unnecessary harm to those accused and wastes time and money that that could be spent investigating genuine concerns.

Please note that any reports that prove to be deliberately malicious or misleading will be treated as a serious breach of the Council's disciplinary code.

I hope that you will co-operate fully with this important policy

Policy statement on Equality and Community Cohesion

Working within this policy we aim to make sure that no-one experiences less favourable treatment or discrimination because of their 'protected characteristics' as follows:

- Their age
- A disability
- Their ethnicity, colour or national origin
- Their gender
- Their gender identity (they have reassigned or plan to reassign)
- Their marital or civil partnership status
- Being pregnant or having recently had a baby
- Their religion or belief
- Their sexual identity and orientation

(Equality act 2010)

APPENDIX A

LIST OF PRESCRIBED REGULATORY BODIES

THE AUDIT COMMISSION FOR ENGLAND AND WALES (INCLUDING AUDITORS APPOINTED BY THE COMMISSION)

For the proper conduct of public business, value for money, fraud and corruption in local government and health service bodies

Contact:

The Audit Commission
1 Vincent Square, London SW1P 2PN
Tel: 020 7630 1019

THE CERTIFICATION OFFICER

For fraud, and other irregularities, relating to the financial affairs of trade unions and employer's associations

Contact:

Certification Officer
Brandon House, 180 Borough High Street
London SE1 1LW
Tel: 020 7210 3734/3712 Fax: 020 7210 3612

HER MAJESTY'S COMMISSIONERS OF THE INLAND REVENUE

For income tax, corporate tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.

Contact:

Inland Revenue
Cross-Cutting Policy, West Wing
Somerset House
London WC2R 1LB

COMPTROLLER AND AUDITOR GENERAL OF THE NATIONAL AUDIT OFFICE

For the proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services.

Contact:

The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
Victoria, London SW1W 9SP
Tel: 020 7798 7999

THE DIRECTOR OF THE SERIOUS FRAUD OFFICE

For serious or complex fraud

Contact:

The Director of the Serious Fraud Office
Elm House
10-16 Elm Street
London WC1X OBJ
Tel: 020 7239 7272 Fax: 020 7837 1689

THE ENVIRONMENT AGENCY

For acts or omissions which have an actual or potential effect on the environment of the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout.

Contact:

The Environment Agency
Rio House
Waterside Drive, Aztec West
Almondsbury
Bristol BS12 4UD
Tel: 0800 807060 (24 hour line) or enquiries 01454 624400
Fax: 01454 6244089

FOOD STANDARDS AGENCY

For matters which may affect the health of any members of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.

Contact:

HR and Establishment Division
Food Standard Agency
Room 111C, Aviation House
125 Kingsway
London WC2B 6NH
Tel: 020 7276 8120 Fax: 020 7276 8132

GENERAL SOCIAL CARE COUNCIL

For matters relating to the registration of social care workers under the Care Standards Act 2000.

Contact:

General Social Care Council
Goldings House
2 Hays Lane
London SE1 2HB
Tel: 020 7397 5100 Fax: 020 7397 5145 www.gsc.org.uk

HEALTH AND SAFETY EXECUTIVE

For matters which may affect the health and safety of any individual at work; matters which may affect the health and safety of any members of the public arising out of, or in connection with, the activities of persons at work.

Contact:

Health and Safety Executive
Information Centre
Broad Lane
Sheffield S3 7HQ
Tel: 0541 545500 (HSE Infoline) Fax: 0114 2892323

HOUSING CORPORATION

For the registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.

Contact:

Assistant Director Supervision
Housing Corporation
149 Tottenham Court Road
London W1T 7BN
Tel: 020 7393 2000

INFORMATION COMMISSIONER

For compliance with the requirements of legislation relating to data protection and to freedom of information

Contact:

The Office of the Information Commissioner
Wycliffe House
Water Lane, Wilmslow
Cheshire SK9 5AF
Tel: 01625 545700 Fax: 01625 524510 Email: mail@ico.gsi.gov.uk

NATIONAL CARE STANDARDS COMMISSION

For matters relating to provision of regulated care services, as defined in the Care Standards Act 2000

Contact:

The Customer Service Manager
National Care Standards Commission
St Nicholas Building
Newcastle
NE1 1NB
Tel: 0191 233 3556 Email: enquiries@ncsc.gsi.gov.uk

THE OCCUPATIONAL PENSIONS REGULATORY AUTHORITY

For matters relating to occupational pension schemes and other private pension arrangements

Contact:

The Occupational Pensions Regulatory Authority
Invicta House, Trafalgar Place
Brighton BN1 4DW
Tel: 01273 627600 Fax: 01273 627688 Email: helpdesk@opra.gov.uk

OFFICE OF FAIR TRADING

For matters concerning the sale of goods or the supply of services, which adversely affects the interests of consumers. Competition affecting markets in the United Kingdom.

Contact:

Office of Fair Trading
Fleetbank House, 2-6 Salisbury Square
London EC4Y 8JX
Tel: 020 7211 8000 Fax: 020 7211 8800

STANDARDS BOARD FOR ENGLAND

For breaches by a member or co-opted member of a relevant authority (as defined in section 49(6) of the Local Government Act 2000) of that authority's code of conduct

Contact:

The Standards Board for England
1st Floor
Cottons Centre, Cottons Lane
London SE1 2QL
Tel: 0845 078 8181

SECRETARY OF STATE FOR TRADE AND INDUSTRY

For fraud and other misconduct in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing.

Consumer safety

Contact:

Vetting Section
Companies Investigation Branch
Department of Trade and Industry
10 Victoria Street, London SW1H 0NN
Tel: 020 7215 3120 Fax: 020 7215 3112

Consumer Affairs Directorate
V418
Department of Trade and Industry
1 Victoria Street, London SW1H 0ET
Tel: 020 7215 5496 Fax: 020 7215 0339