

HOVE JUNIOR SCHOOL

WHISTLEBLOWING POLICY



Updated Spring Term 2019

School Whistleblowing Policy

(Raising Concerns in the Public Interest)

A Confidential Reporting Policy for All Employees

1 Independent Advice

- 1.1 If you are unsure whether to use this policy you should seek advice either from Human Resources or Internal Audit.
- 1.2 If you would like independent advice at any stage, you may contact:
 - your trade union representative;
 - professional associations;
 - the independent charity Public Concern at Work (www.whistleblowing.org.uk) on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

2 Introduction

- 2.1 Hove Junior School and Brighton & Hove City Council operate within legal requirements and regulations and are committed to the highest standards of openness, honesty and accountability.
- 2.2 The Whistleblowing Policy is an integral part of and should be read in the context of the Council's and School's corporate values.
- 2.3 The school therefore expects its employees to behave appropriately by adhering to all relevant laws, regulations, policies and procedures. In line with that commitment, the school expects and encourages any employee becoming aware of another employee acting corruptly, illegally or contrary to agreed practice to come forward and voice those concerns.
- 2.4 The Policy incorporates the provisions that are required from the Public Interest Disclosure Act 1998 (as amended by the Enterprise & Regulatory Reform Act 2013), which protects members of staff against detrimental treatment or dismissal for disclosing normally confidential information because they reasonably believe it is in the public interest to do so. This is known as a "qualifying disclosure".
- 2.5 It is unlawful for anyone working for, or on behalf of, the school to subject an individual to detrimental treatment on the grounds that they have made a "qualifying disclosure". The school would also be liable for such acts committed by those working for it or acting on its behalf.

3 Benefits of this policy

3.1 The Whistleblowing Policy aims to:

- encourage and enable individuals to feel confident in raising concerns and to question and act upon any concerns;
- provide avenues for individuals to raise concerns and receive feedback on any action taken;
- ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied and
- reassure individuals that they will be protected from reprisals or victimisation for raising concerns in good faith;
- ensure that all those working for, or on behalf of, the council are aware that it is unlawful for them to treat individual(s) detrimentally because they have made a “qualifying disclosure” under the Act (see also paragraph 2.4 & 2.5 above)

4 Scope

4.1 This policy applies to all employees and contractors, consultants and agency workers working on the school’s premises.

4.2 The Governing Body have adopted the LA’s model policy.

4.3 This procedure outlines a separate route through which employees can raise concerns that fall outside the scope of the school’s other Complaints Procedures. It is distinct from the School’s Grievance Procedure which enables employees to lodge a grievance relating to their employment, and the Dignity & Respect at Work Policy which includes a procedure for dealing with claims of harassment and bullying. The types of concern covered by the Whistleblowing Policy 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
- damage to the environment
- the unauthorised use of school funds
- action that is contrary to the School’s Financial Procedures or contract regulations
- possible fraud, corruption or financial irregularity
- practice which falls below established standards or practice
- sexual or physical abuse of clients
- other unethical conduct.

4.4 If you work for a company that has a contract with the school then you can also raise concerns under this policy.

4.5 Employees will not be able to raise concerns relating to alleged breaches of their own contracts of employment under this Policy as such concerns are unlikely to meet the “public interest” requirement. Therefore, complaints of this nature should be raised using the School’s Grievance Procedure. The school will respond to concerns relating to bullying or harassment using the Schools’ Disciplinary Procedure.

5 Supporting you to raise a concern

5.1 **Harassment or Victimisation:** The school will not tolerate harassment or victimisation and will take action to protect individuals who raise concerns that they reasonably believe to be in the public interest. This protection is in addition to the legal protection provided by the Public Interest Disclosure Act 1998 (as amended by the Enterprise & Regulatory Reform Act 2013).

5.2 **Confidentiality:** Individuals are encouraged to put their name to any allegation. However, if you ask us not to reveal your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

5.3 **Raising Genuine Concerns:** The school is committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result provided that:

- you reasonably believe the disclosure to be in the public interest, it does not matter if you are mistaken;
- you reasonably believe that information, and any allegations contained in it, are substantially true and
- you raised your concerns through one of the channels named in the policy.

5.4 **Malicious Allegations:** However, we cannot give such assurance if you raise a concern maliciously or the information you have used to trigger a concern has been obtained unlawfully, for example:

- legal requirements have not been followed, e.g. the Data Protection Act has been breached or
- through unauthorised access to records, e.g. computer hacking.

6 How to raise a concern

6.1 As soon as you become reasonably concerned, we hope you will feel able to raise it first with your Line Manager. Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the school, usually the person to whom they directly report.

6.2 If you want to raise the matter with someone other than your immediate manager, for whatever reason, please raise the matter with: the Headteacher, a member of SLT or the Chair of Governors.

Or:

Lead Commissioner Schools, Skills & Learning, Tel: 293514

Head of Human Resources & Organisational Development, Tel 293629

Head of Audit & Business Risk, Tel 291323

Executive Director of Finance & Resources, Tel 291333 or

Head of Law (The Monitoring Officer), Tel 291500.

These people will also be able to advise on confidentiality and further action required. Alternatively, the generic Council Corporate Fraud team can be reached on Tel: 01273 291700 or 291847 or email:

anti-fraud@brighton-hove.gcsx.gov.uk

6.3 If these channels have been followed but you still have concerns or if you feel that the matter is so serious that you cannot discuss it with any of the above, you may, as a last resort, contact:

Chief Executive Tel: 291132.

6.4 Concerns may be raised orally or in writing. Members of staff who wish to raise the concern in writing should use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why they are particularly concerned about the situation.

6.5 When raising the concern you may wish to be assisted, or accompanied by either your trade union representative or a colleague who works for the school.

6.6 Although the individual raising the concern is not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

7 How the school will respond

7.1 Once a concern is raised, the appropriate school manager will make initial enquiries, taking advice from the Head of HR & Organisational Development if necessary, to help decide if an investigation is appropriate and if so, what form it should take. The person receiving the concern will ensure the Head of Law, as the City Council's Monitoring Officer, is provided with sufficient details to be aware of the concern raised. As soon as possible, and in any case within 10 working days of a concern being raised, the person handling the matter will write to the individual raising the concern acknowledging that it has been raised and indicating how, as far as possible, it will be dealt with. The individual will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

- 7.2 When you raise the concern(s) you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, we ask that you tell us this at the outset. If your concerns would be more appropriately dealt with under another policy of the School (for example, the Anti Fraud & Corruption Strategy, Grievance Procedure or Dignity & Respect at Work Policy), we will tell you.
- 7.3 While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can.
- 7.4 Concerns or allegations that fall within the scope of specific procedures (for example Child Protection) will normally be referred for consideration under the relevant procedure. Some concerns may be resolved by agreeing action with you without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 7.5 Where appropriate, the matters raised may:
- be investigated by management, internal audit, the Monitoring Officer or through the disciplinary process;
 - be referred to the Police;
 - be referred to the external auditor or
 - form the subject of an independent inquiry.

Subject to any legal constraints, you will normally be informed of the final outcome of any investigation.

- 7.6 The School will take all reasonable steps to minimise any difficulties to employees or others raising concerns and provide advice and support should they be required to give evidence, e.g. at a disciplinary hearing by:
- providing extra support for witnesses or
 - offering counselling services where they may be beneficial etc.

8 How the matter can be taken further

- 8.1 This policy is intended to provide individuals with an avenue to raise concerns within the school. The school hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if you are not satisfied and feel it is right to take the matter outside the school, the Head of HR & Organisational Development can provide advice as to other options. Alternatively, you may contact an outside body to take the matter further. The following are examples of some of the possible contact points:
- the Audit Commission
 - relevant professional bodies or regulatory organisations
 - a solicitor
 - the Police.

8.2 If you do take the matter outside the school, you need to ensure that confidential information is not disclosed.

9 Corporate recording, monitoring and reviewing

9.1 The Head of Law has overall responsibility for the maintenance and operation of this policy and for ensuring it is reviewed every two years by involving key stakeholders in the process.

9.2 A record of all concerns raised and the outcomes (in a form which respects the individual's confidentiality) will be kept by the Head of Audit & Business Risk.

10 If you are dissatisfied

10.1 If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this policy.

10.2 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly.

Guidance for Managers on how to handle a concern raised under the Whistleblowing Policy

(This guidance should be read alongside the Schools' Whistleblowing Policy which can be found on the School/Council's intranet/website)

What is Whistleblowing?

This is when an employee or someone who works closely with an organisation such as an agency worker or contractor raises a concern about a danger, breach of the law or some other form of serious malpractice that they consider is in the public interest to disclose.

What is the difference between “blowing the whistle” and raising a complaint?

When someone “blows the whistle” they are raising a concern about wrongdoing that affects others, for example members of the public, service users or their employer. The key point here is that the person “blowing the Whistle” is usually not personally affected by the malpractice and therefore they do not have a personal interest in the outcome of any investigation into their concern – they are simply trying to alert others to the malpractice so that it can be addressed. For this reason the “whistleblower” needs only have suspicions of wrongdoing, not proof.

This is a very different complaint or grievance. When someone complains or raises a grievance they are saying that they have personally been poorly treated and they are seeking redress for themselves. Concerns of this nature should therefore be raised as a grievance under the Grievance Procedure rather than as a “whistleblowing” concern.

Why does the school view “whistleblowing” as a positive act?

All organisations are at risk of, or can be affected by, bribery, fraud, corruption or other serious malpractice despite having robust policies, procedures and practices in place.

The school is no different and we recognise that our employees and others such as agency workers and contractors who work closely with us are in a good position to know if something wrong is happening within the organisation.

This is why the school encourages anyone, but particularly its employees, who have any concerns about malpractice going on within the organisation to “whistleblow” by following the procedure set out in the Whistleblowing Policy.

Only if individuals speak up when something is wrong can the school continue to maintain the highest standards of openness, integrity and accountability.

Your responsibilities

As a manager, you are responsible for promoting a workplace culture that is in keeping with the school's values and behaviours – that is one based on openness, transparency and integrity in which staff and others who work closely with the school such as contractors can feel confident to raise any concerns of malpractice or serious wrongdoing they may have.

You should encourage all your staff, including casual and agency workers, to remain vigilant for any malpractice within your service and to make sure that they, and the contractors you work with, are aware of the Whistleblowing Policy and the procedure to follow if they have concerns.

You should also make sure that information about the school's "whistleblowing" arrangements is included as part of local staff induction programmes for all new recruits (including those transferring from other teams or service areas) and agency and casual workers.

You also have a personal responsibility to familiarise yourself with the schools' Whistleblowing Policy so that you are aware of the types of concern covered by the Policy and are well equipped to deal with them in the event they are reported to you.

Checklist for handling a "whistleblowing" concern

The action that you take when you are first made aware of suspected malpractice may be crucial in determining the success of any subsequent investigation.

The following simple rules should help to ensure that matters are handled properly.

- Be responsive to the individual's concerns. Thank the individual for raising the matter, treat it seriously and deal with the issue sensitively and promptly.
- Make a note of all relevant details including:
 - the background details and nature of the suspicions (including relevant names, dates and locations)
 - details of the job and responsibilities of the individuals involved
 - the reasons why the individual is raising the concern
 - details of any supporting documentary evidence the individual might have
 - action, if any, that has already been taken before the concern was raised.
- Assess whether the concern is a "whistleblowing" matter. If you are unclear whether the concern is covered by the Whistleblowing Policy or not, take advice immediately from the Monitoring Officer, Head of Internal Audit or the Head of HR & Organisational Development.
- If it is not a whistleblowing matter, explain how the individual can take the matter forward by referring them to the correct procedure, for example the grievance or disciplinary procedure.

- If you consider it is a “whistleblowing” concern, then you need to:
 - reassure the “whistleblower” that they will not suffer reprisals from having raised a genuine concern in the public interest. This is important as the individual may be worried that they may be labelled a trouble-maker, consider disloyal, risk losing their job or suffer some other form of retribution for having come forward
 - make sure the individual understands the Whistleblowing Policy, how the matter will be taken forward and how they will be kept informed of progress
 - reassure any whistleblower requesting anonymity, that their identity will not be disclosed without their prior consent. To do so would be viewed as a serious disciplinary offence
 - complete the “Raising a Whistleblowing Concern” form (see Appendix 3 and separate form on Wave) promptly, preferably with the individual concerned. If the individual is unable to meet you, then you should ask them to put their concerns in writing to you
 - notify the Monitoring Officer immediately that a “whistleblowing” concern has been raised by sending him a copy of the completed “Raising a Whistleblowing Concern” form. If it is not possible to contact the Monitoring Officer, you must inform one of the other senior managers listed in the Whistleblowing Policy. Any delay in dealing with the concern may cause the school to suffer further financial or reputational loss and could make further enquiry more difficult
 - decide, depending upon the nature and potential seriousness of the concern, whether you need to refer it to a senior manager or specialist function such as HR, health and safety or internal audit for investigation. If you are in any doubt about what to do, you must seek advice from the Monitoring Officer, Head of Internal Audit or the Head of HR & Organisational Development
 - keep the records you have made and any other documents associated with the concern, confidential and secure.

- If you are required to investigate a whistleblowing concern, you must also ensure that you:
 - write to the individual as soon as possible (but in any event within 10 working days of the concern being raised), to acknowledge receipt of the concern and to give an indication of how the concern will be dealt with
 - discuss with the “whistleblower” the support that would be available to them throughout the process. Encourage them to contact you if they have any questions, find more evidence or are experiencing victimisation as a result of coming forward
 - let the individual know that they can be accompanied by a trade union representative or friend who works for the school at any meetings they may be asked to attend
 - share information about the case with others only on a strictly “needs to know” basis. You must therefore be extremely careful when discussing or corresponding with other parties about the concerns. Particular care should be taken when sending emails. These should always be protectively marked “RESTRICTED” and you need to be

- sure that the emails are not going to be read by others who have been delegated access to the intended recipients' email accounts
- document all contact with the “whistleblower” including summaries of all conversations and the findings from your investigations and make sure they are stored confidentially and securely. Take particular care to prevent unauthorised access where the information is scanned and stored electronically
 - keep the “whistleblower” regularly informed throughout the investigation and, afterwards, provide them with a full and final response, subject to legal constraints
 - seek advice from the Head of HR & Organisational Development if, following the investigation, you consider the concern was raised maliciously or that the information used to trigger the concern had been obtained unlawfully.

Guidance for staff on how to raise a concern under the Whistleblowing Policy

(This guidance should be read alongside the Schools' Whistleblowing Policy which can be found on the School/Council's intranet/website). If you don't have access you can ask your manager or HR for a copy).

What is Whistleblowing?

This is when an employee or someone who works closely with an organisation such as an agency worker or contractor raises a concern about a danger, breach of the law or some other form of serious malpractice that they consider is in the public interest to disclose.

What is the difference between “blowing the whistle” and raising a complaint?

When someone “blows the whistle” they are raising a concern about wrongdoing that affects others, for example members of the public, service users or their employer. The key point here is that the person “blowing the Whistle” is usually not personally affected by the malpractice and therefore they do not have a personal interest in the outcome of any investigation into their concern – they are simply trying to alert others to the malpractice so that it can be addressed. For this reason the “whistleblower” needs only have suspicions of wrongdoing, not proof.

This is a very different complaint or grievance. When someone complains or raises a grievance they are saying that they have personally been poorly treated and they are seeking redress for themselves. Concerns of this nature should therefore be raised as a grievance under the Grievance Procedure rather than as a “whistleblowing” concern.

Why does the school view “whistleblowing” as a positive act?

All organisations are at risk of, or can be affected by, bribery, fraud, corruption or other serious malpractice despite having robust policies, procedures and practices in place.

The school is no different and we recognise that our employees and others such as agency workers and contractors who work closely with us are in a good position to know if something wrong is happening within the organisation.

This is why the school encourages anyone, but particularly its employees, who have any concerns about malpractice going on within the organisation to “whistleblow” by following the procedure set out in the Whistleblowing Policy.

Only if individuals speak up when something is wrong can the school continue to maintain the highest standards of openness, integrity and accountability.

What types of issues can I raise?

It is difficult to provide a comprehensive list of every issue that might be raised as a concern under the Whistleblowing Policy, but here are some examples:

Fraud and theft

Is someone claiming something that they are not entitled to? This could be an employee of the Council or a customer. Examples include housing benefits, council tax discounts, Council grants, housing, contracts, taking the Council's income or obtaining a position with false information.

Danger to the health and safety of people of council is responsible for

This includes danger to our workforce, our customers, children or vulnerable older people in our care.

Environmental damage – relating to Council property and buildings.

Criminal activities

This includes bribery, corruption and 'back handers' involving people associated with, or working for, us.

People or companies **failing to comply** with a legal duty.

What support will the school give me if I raise a concern under the Whistleblowing Policy?

We understand that the decision to report a concern can be a difficult one to make. You may feel that you:

- are being disloyal to colleagues, your manager or the school
- only have suspicions rather than hard evidence to prove what is happening
- fear you will not be believed
- will suffer reprisals for having raised concerns

Whilst these feelings are natural, please do not let them stop you speaking up. We would rather that you raised the matter when it is just a concern rather than wait for proof.

As long as you honestly believe what you are saying is true, and you are raising the concern in the public interest, then you have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service. You will not be at risk at losing your job or suffering any form of punishment as a result, even if it turns out later that you were mistaken. Not only is the school committed to this but you also have legal protection under the Public Interest Disclosure Act 1998 in these circumstances.

Any investigations into allegations of potential malpractice raised by you will not influence, or be influenced by, other procedures such as investigations and

hearings under the disciplinary, sickness, capability, redundancy or any other procedures that already affect you may affect you in the future.

At all times during the raising and investigation of your concerns:

- you will be given full support from senior management
- your concerns will be taken seriously
- any meetings can be arranged away from your workplace, if you wish, and you may invite a union or professional association representative or a friend who works for the school to accompany you for support
- the school will do all it can to help you throughout the investigation
- the school will protect you from suffering discrimination, harassment or victimisation (including informal pressures) from your colleagues, peers, managers, or from external sources and will take appropriate action, including disciplinary action, against any perpetrators.

Also, if appropriate, the school will consider, after consultation with you, temporarily re-deploying you, or others, for the period of the investigation.

If, as a result of the investigation, you are asked to give evidence in subsequent criminal or disciplinary proceedings, the school will arrange for you to receive appropriate advice and support.

Will you safeguard my confidentiality?

We recognise that you may want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because you are needed to come forward as a witness or your evidence is needed in court), we will discuss with you whether and how we can proceed.

Can I raise concerns anonymously?

Yes, but remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

If your concern is related to a safeguarding issue, it is crucial that you report it immediately as a child, young person or vulnerable adult may be at risk.

What do I need to do before I raise my concern?

If you suspect inappropriate behaviour affecting the school, you should make an immediate note of your concerns and record as many relevant details as possible, ideally:

- the background and history of the concern (giving relevant dates, names, positions and job responsibilities of those you think are involved)

- details of what has occurred including what was said in telephone or other conversations and when
- the reason why you are particularly concerned about the situation

Do not:

- approach or accuse any individuals directly. You may have misinterpreted a perfectly genuine situation
- try to investigate the matter yourself. There are rules concerning the gathering of evidence for use in criminal cases. Proper investigative procedures must be followed
- convey your suspicions to anyone other than those named as having proper authority in the Whistleblowing Policy

You may wish to consider discussing your concern with a trusted colleague and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

Although there is no time limit for raising a concern, we would prefer you to report it as soon as you are aware of an issue rather than waiting until you have proof. The earlier you tell us about it, the easier it will be for the school to take action.

Where can I go for advice?

If you are unsure whether to use this Policy or want independent advice at any stage, you can contact the independent charity Public Concern at Work on 020 7404 6609. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

Alternatively, you can talk to your local trade union/professional organisation representative.

How should I raise my concern?

Concerns may be raised orally or in writing using the Whistleblowing Statement of Concern Form which can be found on the Wave or obtained from HR (or see Appendix 3 of the School Whistleblowing Policy).

The Whistleblowing Policy provides details of other people you can raise your concerns with. Alternatively, you can ring the Whistleblowing helpline on: (01273) 291700 or email anti-fraud@brighton-hove.gov.uk

What should I do if the concern involves a Councillor?

You should contact the Council's Monitoring Officer on (01273) 291500.

How will the Council deal with my concern?

This is summarised in the Whistleblowing Policy and in the summary flowcharts available on the Wave.

What can I do if I am not satisfied with the school's response?

If you are dissatisfied with our response to your concerns, you can take the matter further by contacting an appropriate outside body. For example:

HM Revenue and Customs
Health & Safety Executive
Serious Fraud Office
The Financial Services Authority (FSA)
The Information Commissioner
The Environmental Agency
Care Quality Commission
Health and Care Professions Council

Signed by person raising the concern (optional)		
Document handed to Monitoring Officer	Date	By whom Name: (Please print) Signature: