

Whistleblowing Policy

Hove Park School

Committee	A	Governor Link	Angela Pater	Staff Link	Ken Leonard
Date Ratified	Frequency of Monitoring Report		Frequency of Review		Next Review date
18.01.10			Two Years		Autumn Term 2011

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 Park School operate within legal requirements and regulations and are committed to the highest standards of openness, honesty and accountability. 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.

2.2 The policy incorporates the provisions that are required from the Public Interest Disclosure Act 1998, which protects members of staff against detrimental treatment or dismissal as a result of the disclosure of normally confidential information in the interests of the public.

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.

4 Scope

- 4.1 This policy applies to all employees and contractors, consultants and agency workers working on the School premises.
- 4.2 This procedure outlines a separate route through which employees can raise concerns that fall outside the scope of the School other complaints procedures. It is distinct from the School Grievance Procedure which enables employees to lodge a grievance relating to their employment, and the Harassment 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 financial procedures or contract regulations
 - possible fraud, corruption or financial irregularity
 - practice which falls below established standards or practice
 - sexual or physical abuse
 - other unethical conduct.
- 4.3 If you work for a company that has a contract with the School then you can also raise concerns under this policy.

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 in good faith. This protection is in addition to the legal protection provided by the Public Interest Disclosure Act 1998. The effect of raising a concern under this policy on any disciplinary or redundancy procedures will be considered on a case by case basis.
- 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 **Untrue Allegations:** 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:
- the disclosure is made in good faith, 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 this policy.

5.4 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, , please raise the matter with one of the contacts listed in Appendix 2.

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 of Brighton and Hove City Council 01273 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.

6.5 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 or governor will make initial enquiries, taking advice from the AD, Head of HR 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 Director of Strategy

and Governance, 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 Policy, Grievance Procedure or Harassment 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 AD, Head of HR 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
- professional associations.

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 Director of Strategy and Governance 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 Human Resources Department.

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

Introduction

The School Whistleblowing Policy can be found on the School intranet or its website. The School wants staff to feel confident about raising concerns about malpractice so that it can investigate the matter and take appropriate action at an early stage. Under the Policy, the employee is acting as a witness not a complainant.

The Policy is not intended for staff who wish to raise a grievance.

Confidentiality and Anonymity

Where the “whistleblower” wishes their identity to remain confidential, you must not disclose it without their consent. If you receive a telephone call from someone who wishes to remain anonymous, you should explain that it may be more difficult to investigate the matter without their support or for you to provide feedback on their concerns. You should reassure them that you can offer confidentiality.

Role of Managers (including heads and governors)

Staff are encouraged to raise concerns in the first instance with their line manager so it is important that you are familiar with the policy and understand how it works. Staff may be nervous about “whistleblowing” and may need reassurance.

You should outline the process and explain that:

- raising genuine concerns does not make him/her a troublemaker or disloyal;
- he/she will not be asked to prove that a concern is true, only that it is honestly raised;
- raising a genuine but unfounded concern is not a disciplinary matter;
- maliciously raising false concerns is a disciplinary offence;
- deterring anyone from using the Whistleblowing Policy, or victimising anyone who uses the policy in good faith, is a disciplinary offence;
- if he/she requests confidentiality this will be maintained and his/her identity will not be disclosed without his/her consent;
- if he/she feels he/she may be victimised, he/she should contact you;
- the action you can take to protect the whistleblower;
- how you will feedback on the investigation into his/her concern.

Co-ordination & Monitoring

All concerns raised must be recorded and monitored.

Checklist for handling a concern under the Whistleblowing Policy

1. Assess whether the concern is something that should be raised under this Policy. If not, advise the individual of the appropriate policy to use e.g. Anti-fraud and Corruption Policy, Grievance Procedure, Harassment at Work Policy.
2. Allow the individual to discuss the issue over the phone initially if they wish, and reassure them about any concerns they may have about disclosing the information.
3. If you decide that the concern should be dealt with under the Whistleblowing Policy fill in the appropriate form, ideally with the member of staff concerned. If the individual cannot meet with you to do this, ask them to put their concern in writing to you.
4. Inform the Monitoring Officer that a concern has been raised under the Whistleblowing Policy and the nature of the concern. This may be done by forwarding a copy of the completed form. It is important that where the individual has asked for their identity not to be disclosed **you must not** pass his/her name on to anyone else.
5. If it is not possible to inform the Monitoring Officer, inform one of the other senior managers listed in the Whistleblowing Policy.
6. Start a file marked confidential and keep it in a locked drawer or cabinet.
7. Even if anonymity has not been requested only use the name of the "whistleblower" where this is necessary.
8. Document all contact with the member of staff concerned and summaries of all conversations.
9. Ensure feedback is given to the person raising the concern within 10 working days.
10. If you have been able to investigate and resolve the matter yourself please provide the Monitoring Officer with a brief summary report of your investigation and any steps taken to address the outcome(s). Alternatively, you may feel that the matter is sufficiently serious to refer it to a senior manager or director, who may in turn refer the matter on, for example to Internal Audit, depending upon the nature of the allegation.

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

The School is committed to the Whistleblowing Policy. We want to hear about and act on any concerns staff may have about unlawful conduct, financial malpractice or dangers to the public or the environment. Your concern may only be a suspicion that you wish to raise in good faith. You won't be regarded as making a complaint but as a witness.

- If you raise a matter in good faith but are mistaken it does not matter. If you raise a genuine concern under the policy you will not suffer any detriment as a result.
- If you do have a personal interest in the matter we ask that you tell us at the outset. If your concern falls more properly within the Grievance Policy we will tell you.
- If you maliciously raise a matter you know to be untrue disciplinary action may be taken against you.
- Although we will attempt to maintain confidentiality, it cannot be guaranteed in all situations (see paragraph below).

Confidentiality

The School will not tolerate harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may want to raise a concern in confidence under the Whistleblowing Policy. If you raise a concern, the person you contact will not disclose your name to anyone else without your consent. If the situation arises where we cannot resolve your concern without revealing your identity (for example your evidence is required for court or disciplinary proceedings) we will discuss with you, at the earliest opportunity, whether and how we can proceed.

How to raise a concern internally

Concerns may be raised orally or in writing.

Step One - we hope you will feel able to raise your concern first with your line manager

Step Two- if, for whatever reason, you feel you cannot raise the matter with your line manager please raise the matter with:

- Headteacher Tim Barclay 295012/295011 07912 271277
- Chair of Governors Mike Nicholls mnicholls@hovepark.org.uk
- Governor in Charge Angela Pater apater@hovepark.org.uk
- Children in care Officer Rebecca Conroy rconroy@hovepark.org.uk
- Director of Children's Services, 291231
- Shaun Rafferty, AD Head of Human Resources, 291290
- Ian Withers, Head of Audit & Assurance 291323
- Catherine Vaughan, Director of Finance & Resources 291333 or
- Alex Bailey, Director of Strategy and Governance (The Monitoring Officer) 291295.

Step Three- if you have followed step one and/or step two and 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.

You will be informed about how it is proposed to handle your concern and you will be given feedback but it may not be possible to give details of the precise action taken where this might infringe a duty of confidentiality owed by us to someone else. If your concerns would be more appropriately dealt with under another policy we will tell you.

If you want confidential advice first you may decide to talk to your union representative or you can call the independent charity, Public Concern at Work, on 020 7404 6609 or visit their website, www.whistleblowing.org.uk.

Revised: January 2010

Raising a concern under the Whistleblowing Policy

STRICTLY CONFIDENTIAL

<u>Is this concern being raised anonymously? Yes / No</u>			
Is this concern being raised in confidence? Yes / No			
Date		Name of the person raising the concern (optional)	
		Name of the person recording the concern (Please print)	
How was the concern raised? in person / by telephone / letter / email <i>* Please delete as appropriate</i>			
Please describe the concern, giving as much detail as possible including names, dates, times and why the member of staff is particularly concerned about the situation			
Use supplementary sheets if necessary. Please number the pages			
Reason why the concern is being raised under this policy			
Signed by person raising the concern (optional)			

Document handed to Monitoring Officer	Date	By whom Name: <i>(Please print)</i> Signature:
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