



### WHISTLEBLOWING POLICY

<b>Category:</b> Statutory	Approved by Headteacher: <i>D. Stacey</i>
<b>To be reviewed by:</b> Headteacher/FGB	Date: October 2019
<b>To be reviewed:</b> Annually	Overviewed by FGB: D. Stacey
<b>Next review due by:</b> September 2020	Date: October 2019

#### 1. PURPOSE AND AIMS

- 1.1 The Local Authority and Schools must aspire to the highest standards of quality, probity, openness and accountability in all its activities. In line with the Public Interest Disclosure Act 1998, this Policy aims to create an environment in which employees, parents, Governors and others working with RBWM, who have concerns about any aspect of the Council's or a School's work, feel encouraged to disclose information to an appropriate person within the Council or to an appropriate external body (as shown in the Contacts List at the end of this Policy). Raising concerns at work also applies to Governors, partners, contractors, consultants and agency staff working on School and Council premises.
- 1.2 Employees, because of their close proximity to Council practices, are often the first to identify areas or issues that may be of concern. However, they may be reluctant to express these concerns because they feel that speaking up would be disloyal to their colleagues, the School or to the Council – and they may also be worried that they will be victimised or harassed as a result of their actions.
- 1.3 This Policy is designed to help create an environment in which employees and others feel they are able to raise concerns without fear of reprisal. By responding to and addressing concerns in the quickest possible time, RBWM aims to contain such matters within the Council. However, employees or others must be able to take matters further if they are dissatisfied with the Council's response.

#### 2. SCOPE

- 2.1 The Council has an Anti Fraud and Anti Corruption Policy Statement (available on First Class and the RBWM website) which employees are encouraged to continue to use to identify and report problems or concerns, particularly in relation to financial or contractual irregularities.
- 2.2 This document is designed to sit alongside the Policy Statement, together with the Council's Grievance Procedure (which enables employees to lodge a grievance relating to their employment) and the Dignity at Work Policy, which includes a procedure for dealing with claims of harassment (both available on First Class).
- 2.3 Raising Concerns at Work is intended to cover concerns that fall outside the scope of these three procedures and extends the range of issues that school employees are encouraged to report.
- 2.4 These concerns may be about acts that:
- a) are unlawful
  - b) represent a risk to health and safety
  - c) cause environmental damage
  - d) infringe equal opportunities related legislation and / or Council policies, e.g. discriminatory behaviour
  - e) amount to improper or unethical conduct, e.g. breach of a statutory code of conduct.
  - f) are abuse of position
  - g) involve fraud and deceit

- h) result in inappropriate use of school assets
- i) result in decision making for personal gain

### **3. HOW TO RAISE A CONCERN**

3.1 You may wish to discuss your concerns with a colleague first and may find it easier to raise the matter if more than one of you has had the same experience or concerns.

3.2 At any stage of the procedure, you may be accompanied by a friend, colleague, or a representative of your Trade Union or professional association.

3.3 a) Employees should, if possible, raise a concern in the first instance with their Headteacher or Chair of Governors.

b) Non-employees, e.g. agency workers, volunteers or parents of pupils, should raise a concern in the first instance with their contact within the School, usually the person to whom they directly report.

c) Governors should raise concerns with their Chair of Governors or Governor Services.

3.4 In some cases, the nature or sensitivity of the concern means that this may not always be appropriate. If a person feels they cannot raise their concern within the School, they are able to go directly to either the Council's Head of Human Resources, the Monitoring Officer (Head of Legal), Head of Finance or the Head of Audit and Investigation. They may also do so if, having raised the concern within the School, they feel there has not been an appropriate response.

3.5 In the event of a concern being of an extreme and potentially serious nature, employees and others may raise it directly with Governor Services, the Strategic Director of Children's Services, Managing Director or the Leader of the Council.

3.6 For all concerns in respect of any suspected financial irregularity, you must notify the RBWM Head of Finance and Head of Audit and Investigation immediately.

3.7 In circumstances where an individual feels that it is necessary to raise a concern with an independent body rather than raise it internally within the Council, they may call any of the External Contacts as shown at the end of this Policy.

### **4. PRACTICE AND PROCEDURE**

4.1 Concerns are better raised in writing but can be made orally, either by telephone or personal conversation; in either case it is essential to give as much information as possible so that reasonable grounds for the concern can be demonstrated.

4.2 The earlier the concern is raised, the greater the opportunity for the Council to take remedial action.

4.3 Advice and guidance on how matters of concern may be raised and pursued can be obtained from the RBWM Head of Human Resources, Head of Finance, the Head of Audit and Investigation or a Legal Officer.

### **5. HOW THE SCHOOL and COUNCIL WILL RESPOND**

5.1 Once a concern is raised, the School / Council will respond with an investigation by management. Further courses of action will vary, depending on the issue.

5.2 An appropriate School / Council officer will make initial enquiries. There will be consultation, with the Headteacher, Chair of Governors, Strategic Director of Children's Services, Head of Human Resources, Monitoring Officer, Head of Finance and Head of Audit and Investigation, as appropriate, to help decide if an investigation is required and if so, what form it should take.

5.3 An Investigation Officer will also be appointed in consultation with these officers.

5.4 As soon as possible and in any case within 10 working days of a concern being raised, the person handling the matter, e.g. the Headteacher, the Head of Human Resources, 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 restraints.

5.5 In relation to allegations of fraud and corruption in respect of the Governors and the Strategic Director of Children's Services, the Managing Director will lead the process and will appoint an appropriate Investigating Officer,

in liaison with the Headteacher, Monitoring Officer, Head of Finance and Head of Audit and Investigation. For cases involving Governors, the outcome of the investigation will be reported to the appropriate body.

5.6 Any decision to refer a matter to the Police will be taken by the Head of Finance, in consultation with the School, Strategic Director of Children's Services, Monitoring Officer, Head of Audit and Investigation and the Head of Human Resources, as appropriate. The Council will normally wish the Police to be made aware of, and investigate independently, those offenders where financial impropriety is discovered. A Corporate Crime Protocol is in the process of being developed to speed up the process of logging a crime and to provide the Police with good quality evidence.

5.7 Depending on the nature of the allegation, the Investigating Officer will normally work closely with the School and the Strategic Director of Children's Services to ensure that all allegations are thoroughly investigated and reported upon.

5.8 The Investigating Officer will:

- deal promptly with the matter
- record all evidence received
- ensure that all evidence is sound and adequately supported
- ensure security of all evidence collected
- contact other agencies such as Police
- notify the Council's Insurance and Risk Manager, if applicable, who in turn will notify the RBWM insurers
- assist management to implement Council disciplinary procedures, where appropriate.

The processes outlined in 5.8 above will also apply to Governors.

5.9 The Council's disciplinary procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees.

## **6. SAFEGUARDS**

### **Harassment or Victimisation**

6.1 The Council recognises that it can be difficult to report a concern, not least because of the fear of reprisal from those responsible for the potential malpractice. The Council will not tolerate harassment or victimisation of the person who has raised the issue and will take serious disciplinary action against individuals who perpetrate such harassment.

### **Confidentiality**

6.2 Wherever practical and possible, the Council will protect the identity of those raising a concern if they do not wish their name to be disclosed. It must be appreciated, however, that the process of investigation may reveal the source of information and a statement may also be required as part of the evidence. Advice and support will be provided where this is the case and disclosure of your identity will not be done without your consent unless legally required to do so.

6.3 Anyone may approach the Council confidentially if they so wish and as long as their allegation appears to have been raised honestly and in good faith, their wish for confidentiality will be supported.

6.4 This approach is further supported by decisions of the courts, who have recognised in certain circumstances the identity of persons who have made allegations or given information to the public and other bodies should not be revealed (in the course of legal proceedings, for example). They recognise that disclosure could discourage others from making allegations or giving information to the proper authorities.

### **Anonymous Allegations**

6.5 Individuals raising concerns are strongly encouraged to put their name to any allegation. Concerns expressed anonymously are much less powerful, and will only be considered if the Monitoring Officer advises that the allegation demonstrates sufficient cause to take the matter further.

### **Untrue Allegations**

6.6 If someone makes an allegation in good faith and it is not confirmed by an investigation, no action will be taken against the person who has made the report. If, however, an individual makes an allegation, which is subsequently shown to be malicious or vexatious, serious disciplinary action is likely to be taken against them.

## **7. HOW THE MATTER CAN BE TAKEN FURTHER**

7.1 This Policy is intended to provide all School employees and others with an effective process for raising concerns within RBWM. The Council 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 they are not satisfied and feel they want to take the matter outside the Council, then either the Head of Human Resources or the Monitoring Officer will provide advice as to other options.

## **8. RESPONSIBILITY OF OFFICERS / MONITORING OFFICER**

8.1 The Head of Human Resources and the Monitoring Officer have overall responsibility for the maintenance and operation of this Policy.

8.2 The Head of Audit and Investigation should be notified of all concerns raised through this Policy. All concerns raised and the outcomes (in a form which respects the individual's confidentiality) will be maintained by the Head of Human Resources.

8.3 An annual report on this Policy will be presented to the Audit and Performance Review Panel.

## **9.**

### **CONTACTS**

#### **INTERNAL**

Headteacher 01753 860096

Chair of Governors 01753 840842

Governor Services 01628 796680

Strategic Director of Children's Services 01628 796367

Monitoring Officer (Head of Legal) 01628 796665

Head of Audit and Investigation (Financial issues) 01628 796233

Head of Finance (Financial Issues) 01628 796341

Head of Human Resources 01628 796992

Managing Director 01628 796484

Political Assistant to Leader of the Council 01628 796322

#### **EXTERNAL**

External Audit (KPMG) 020 7311 1367

Audit Commission (Whistleblowing Line) 0845 052 2646

Your Local Union Representative

Public Concern at Work 020 7404 6609

([www.pcaw.co.uk](http://www.pcaw.co.uk))

## **10. PUBLICITY**

10.1 This Policy should be publicised to the widest possible audience so that all internal and external parties related to the School are aware of its existence in the event they have a legitimate concern or complaint.