



Whistleblowing Policy

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CONTENTS

1. Introduction	3
2 Benefits of this policy.....	3
3 Scope.....	4
4 Who can raise a concern under this policy?	4
5 Supporting you to raise a concern	5
6 How to raise a concern.....	5
7 How the School/College will respond	7
8 How your concern can be taken further	8
9 Recording, monitoring and reviewing	9
10 If you are dissatisfied	9
11 Related Information.....	9
Appendix 1	10
Appendix 2	14
Appendix 3	16
Appendix 4	17

Whistleblowing Policy - (Raising Concerns in the Public Interest)

A Confidential Reporting Policy for All Members of Staff and the General Public

1. Introduction

- 1.1 Downs View is committed to the highest standards of openness, honesty, integrity and accountability for the services it provides. However, we recognise that there is always the risk that things can go wrong. Therefore, the School/College is keen to encourage those working for it and members of the community to express their concerns when they think that there may be something seriously wrong regarding its activities. This gives us the opportunity to stop any unethical or unprofessional practices or wrongdoing within the organisation.
- 1.2 The School/College recognises that for individuals to come forward, they must have confidence that their concerns will be listened to and that we will take prompt action to investigate and deal with concerns appropriately.
- 1.3 This policy sets out how concerns about serious wrongdoing by the School/College can be raised and how we will respond to these.
- 1.4 This 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 Benefits of this policy

- 2.1 This Policy aims to:
 - encourage and enable you to feel confident in raising concerns and to question and act upon any concerns;
 - provide avenues for you to raise concerns;
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied with the action taken;
 - reassure members of staff that they will be protected from repercussions when raising genuine concerns;
 - ensure that all those working for, or on behalf of, the School/College are aware that they must not treat individual(s) detrimentally because they have made a “qualifying disclosure” under the Act.

3 Scope

3.1 The types of concern covered by the policy include:

- conduct which is an offence or a breach of law including discrimination or harassment based on or related to a protected characteristic (either yours or someone else's)
- disclosures relating to miscarriages of justice
- individual(s) covering up wrongdoing
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of School/College funds
- possible fraud, corruption or financial irregularity
- practice which falls below established standards or practice
- sexual or physical abuse
- other unethical conduct

3.2 This policy and its associated procedures is not intended to replace any existing School/College procedures that would be more appropriate for dealing with any concern raised under this policy:

Members of staff

If your concern relates to how you have been personally treated at work as an employee under your contract of employment, you should raise it under the existing Grievance Procedure. You may in the alternative raise it using this procedure, which in any event is available where the complaint concerns someone other than you. If your concern relates to bullying or harassment, the School will respond to such concerns under the Disciplinary Procedure.

Members of the Public

If you have a concern or complaint about services provided to your family by the School/College, you should raise this using the School/College Complaints Procedure or, if about broader educational services, the Council's Complaints Procedure.

4 Who can raise a concern under this policy?

4.1 This policy applies to all:

- employees
- casual, agency workers and apprentices working for the School/College
- contractors and employees of contractors working for the School/College
- self-employed consultants working for the School/College
- members of the public (including parents/guardians)
- governors and volunteers

5 Supporting you to raise a concern

5.1 Confidentiality:

We hope that you will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concerns confidentially, we will make every effort to keep your identity secret. 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.

5.2 Staff raising genuine concerns:

The School/College aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

Staff who raise genuine concerns under this policy with a reasonable belief that it is true must not suffer any detrimental treatment as a result of raising the concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

Staff and those working for the School/College must not threaten or retaliate against a person who raises a concern under this policy. If you believe that you have suffered any such treatment, you should inform the Executive Headteacher immediately. If the matter is not remedied, you should raise it formally using the Grievance Procedure.

5.3 Staff raising malicious allegations:

However, the School/College cannot give such assurances and you may be subject to disciplinary action 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

Points of contact

- 6.1 As soon as you become reasonably concerned, we hope you will feel able to raise it. The earlier you raise your concern, the easier it is to take action. A flowchart showing the process for raising concerns can be found at Appendix 3.

6.2 Members of Staff

If you are an employee you should normally raise concerns with your Deputy Head. Similarly, non-employees (e.g. agency workers, contractors, consultants) should raise a concern in the first instance with their contact within the School/College, usually the person to whom they directly report.

If you are a member of staff and you want to raise the matter with someone other than your Deputy Head, for whatever reason, please raise the matter with the Executive Headteacher or the Chair of Governors.

These people will also be able to advise on confidentiality and further action required.

6.3 Members of the Public

If you are a member of the public you can raise concerns with either the Executive Headteacher or the Chair of Governors.

Or if you are unable to raise these issues with the above (due to concerns on involvement) then see section 8.

The Procedure

- 6.4 You may raise your concern orally or in writing. We advise that you make it clear that you are raising your concerns under the School/College's whistleblowing arrangements.
- 6.5 You are also encouraged to put your name to any concern you raise as this will make it easier for the School/College to investigate the issue. Please also say if you want to raise the matter in confidence so that the person you contact can make appropriate arrangements.
- 6.6 To enable your concern to be dealt with properly and effectively you will need to provide the following information and be as clear as possible about:
 - what the concern is and to whom it relates
 - the background and history of the concern (giving relevant dates)
 - the reason why you are particularly concerned about the situation and why you believe it to be true.
- 6.7 When raising a concern you are not expected to prove the truth of an allegation, however, you will need to demonstrate to the person you contact that there are sufficient grounds for the concern.
- 6.8 If you are a member of staff you may invite your trade union representative or a colleague who works for the School/College to assist or accompany you. Similarly, if you are a member of the public you may be supported by a colleague or friend. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

- 6.9 If you want to submit your whistleblowing complaint in writing, you can use whatever form you prefer, including emails or submitting hard documents. While it does not have to be in any form, you can use the suggested form (attached at appendix 4) if you prefer'.

7 How the School/College will respond

- 7.1 Once a concern is raised, the School/College will respond to your concern as quickly as possible. The appropriate person will make initial enquiries, taking advice from Human Resources if necessary, to help decide if an investigation is appropriate and if so, what form it should take.
- 7.2 The person receiving the concern will ensure the Executive Headteacher or Chair of Governors (as appropriate) is provided with sufficient details to be aware of the concern raised.
- 7.3 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 external auditor or
 - form the subject of an independent inquiry

Within 10 working days of a concern being raised, the person handling the matter will write to you acknowledging that the concern has been received, indicating how, as far as possible, it will be dealt with and, if you are a member of staff, the support mechanisms available to you. You will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

- 7.4 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 School/College policy (for example, the Complaints Procedure or Grievance Procedure) we will tell you.
- 7.5 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.
- 7.6 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.
- 7.7 The School/College will take all reasonable steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the School/College will arrange for you to receive appropriate advice and support.

8 How your concern can be taken further

- 8.1 This policy is intended to provide you with an avenue to raise concerns with the School/College. The School/College hopes that you will be satisfied with the way your concerns are treated and any investigations that may be carried out.

However, if you are not, and feel it is right to take the matter outside the School/College, please find below a list of possible contact points. If you are a member of staff, Human Resources can provide advice as to the other options or you may also contact your trade union.

The following are examples of some of the possible contact points at Brighton & Hove City Council:

- Alison McManamon, Assistant Director, Human Resources & Organisational Development - 01273 290511
- Carolyn Sheehan, Audit Manager - Internal Audit and Counter Fraud - 07795 335692
- Nigel Manvell, Chief Finance Officer – 01273 291319
- Abraham Ghebre-Ghiorghis, Executive Director, Governance, People & Resources – 01273 291500

These people will also be able to advise on confidentiality and further action required.

Alternatively, you may use our dedicated whistleblowing reporting inbox: whistleblowing@brighton-hove.gov.uk.

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 the:

Geoff Raw, Chief Executive – tel. 01273 291132

N.B. Please note that the Council may pass the matter back to the school/college to deal with, if after initial assessment, it is judged appropriate to do so.

You may also contact:

- relevant professional bodies or regulatory organisations. A list of regulatory bodies can be found in Appendix 1
- a solicitor
- the police

- 8.2 If you are a member of staff, the law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body. It will very rarely, if ever, be appropriate to alert the media. We strongly

encourage you to seek advice before reporting a concern to anyone external. If you would like independent advice at any stage, you can contact the independent charity Public Concern at Work www.whistleblowing.org.uk on 020 7404 6609. They should be able to give you free and confidential advice about how to raise a concern about serious malpractice at work.

9 Recording, monitoring and reviewing

- 9.1 The Executive Headteacher and the School Business Manager have overall responsibility for the maintenance and operation of this policy and for ensuring it is reviewed regularly (at least every 3 years and/or when updated by the LA) by involving key stakeholders in the process.
- 9.2 A register of all concerns and the outcomes that are brought to the attention of the Executive Headteacher (in a form which respects your confidentiality) will be maintained by the Executive Headteacher. All officers designated to look into a concern must ensure that the Executive Headteacher is provided with sufficient details for the register.
- 9.3 The Executive Headteacher will review the register and will report annually to the Governing Body on the use of the policy and concerns raised during the period covered by the report. The report will not identify any person raising concerns under this policy.

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.

11 Related Information

Counter Fraud Strategy & Framework

Fraud reports can be made to the antifraud and corruption hotline on 01273 291847 or by emailing antifraud@brighton-hove.gov.uk

Employees see more information on the Intranet pages

<http://wave4schools.brighton-hove.gov.uk/ourcouncil/corporategovernance/fraud/Pages/default.aspx>

For members of the public more information is available on the council website pages <https://www.brighton-hove.gov.uk/content/council-and-democracy/anti-fraud-and-corruption>

Appendix 1

Guidance for Managers on how to handle a concern raised under the Whistleblowing Policy (This guidance should be read alongside the School/Colleges' Whistleblowing Policy)

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 very different from a 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/College/Council 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/College/Council 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 seriously wrong is happening within the organisation.

This is why the School/College/Council 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/College/Council 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/College/Council's values and behaviours – that is one based on openness, transparency and integrity in which staff and others who work closely with the School/College/Council 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/College'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 School/Colleges' 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, considered 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 4) promptly, preferably with the individual concerned. If the individual is unable to meet with 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 council 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 council, at any meetings they may be asked to attend.
- share information about the case with others only on a strictly “need to know” basis. You must therefore be extremely careful when discussing or corresponding with other parties about the concern. 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 any 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.

Appendix 2

Regulatory and Professional and other External Organisations

Health & Safety and Environment Risks

Contact	Details
Environment Agency	Address: Solent and South Downs Area Office, Guildbourne House, Chatsworth Road, Worthing, Sussex, BN11 1LD (South East regional office) Tel: 0370 8506506 Web: www.environment-agency.gov.uk
Health & Safety Executive	Address: Priestley House, Priestley Road, Basingstoke, Hampshire RG24 9NW (regional office) Tel: 0845 345 0055 Web: www.hse.gov.uk
Food Standards Agency	Address: Aviation House, London WC2B 6NH Tel: 020 7272 8829 Web: www.food.gov.uk

Consumer Rights

Contact	Details
The Serious Fraud Office	Address: 2-4 Cockspur Street, London SW1Y 5BS Tel: 020 7239 7272 Web: www.sfo.gsi.gov.uk

Data Protection and Freedom of Information

Contact	Details
Information Commissioner's Office	Address: Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF Tel: 0303 123 1113 Web: www.ico.org.uk

Healthcare and Social Services

Contact	Details
Care Quality Commission	Address: 2nd Floor, Ridgewort House, Worthing, West Sussex BN11 1RY Tel: 03000 616161 Web: www.cqc.org.uk
Health and Care Professions Council	Address: 184 Kennington Park Road, London SE11 4BU Tel: 0845 3006184 Web: www.hpc-uk.org
The National Society for the Prevention of Cruelty to Children (NSPCC)	Address: Gillingham Service Centre & Regional Office, Pear Tree House, 68 West Street, Gillingham, Kent ME7 1EF Tel: 020 7825 2500 Web: www.nspcc.org.uk

Children's Commissioner	Address: Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT Tel: 020 7783 8330 Web: www.childrenscommissioner.gov.uk
Nursing and Midwifery Council (NWC)	Address: 23 Portland Place, London W1B 1PZ Tel: 020 7637 7181 Web: www.nmc.org.uk
General Medical Council (GMC)	Address: Fitness to Practice Directorate, 3 Hardman Street, Manchester, M3 3AW Tel: 0161 923 6602 Web: www.gmc-uk.org
Homes and Communities Agency	Address: Fry Building, 2 Marsham Street, London SW1P 4DF Tel: 0300 1234 500 Web: www.homesandcommunities.co.uk

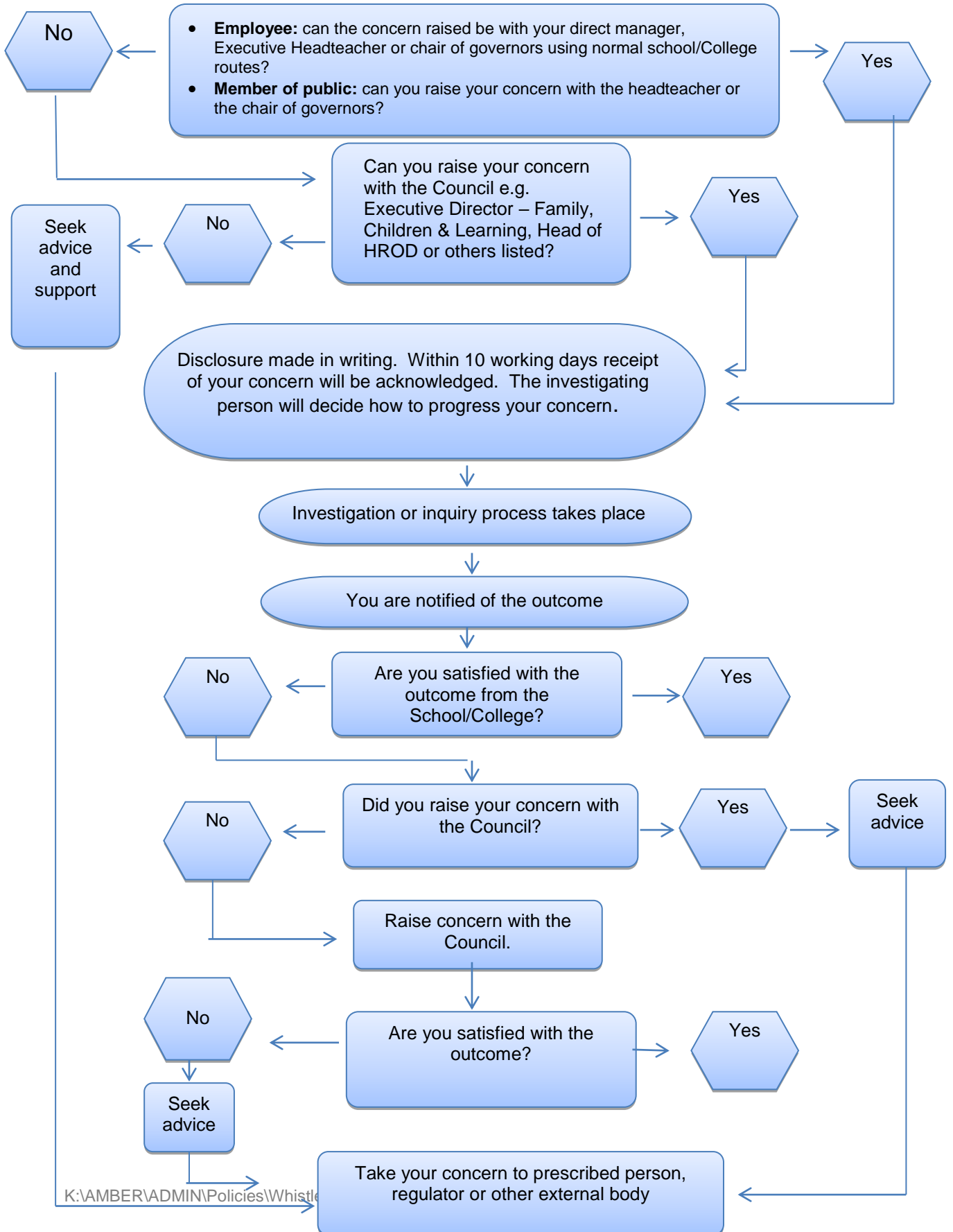
Other Organisations

Contact	Details
The Local Government Ombudsman	Address: PO Box 4771, Coventry CV4 0EH Tel: 0300 061 0614 Web: www.lgo.org.uk
Commissioners for Her Majesty's Revenue & Customs (HMRC)	Address: HM Revenue and Customs, Freepost NAT22785, Cardiff, CF14 5GX Tel: 0800 788 887 Web: www.hmrc.gov.uk
Ofsted	Address: Piccadilly Gate, Store Street, Manchester M1 2WD Tel: 0300 123 1231 Web: www.ofsted.gov.uk
Pensions Regulator	Web: www.thepensionsregulator.gov.uk
Police	Tel: 101 Emergency: 999 Web: www.police.co.uk
Your Local Councillors	Web: www.brighton-hove.gov.uk

Appendix 3

You have a concern that you would like to raise - refer to the school/College's whistleblowing policy

N.B Concern is identified as a matter for public interest disclosure – i.e. not a matter to be dealt with through other school/College policies such as the grievance procedure (employees) or complaints procedures (public)-- see full policy for definitions.



Appendix 4

Whistleblowing reporting form

Please email completed form to: whistleblowing@brighton-hove.gov.uk

1. Who are you reporting (name of person/department)?

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2. Why are you making a report?

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3. Do you have any further information?

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4. What would you like the Council to do about this?

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5. Are you willing to leave your contact details?

These will be kept strictly confidential (unless we receive your consent) and will only be used to

Name

Contact Telephone Number:

Email:

If you have not already done so, please read the Council's Whistleblowing Policy before making this report