

## SCHOOL POLICY ADOPTION INFORMATION – WHISTLEBLOWING POLICY – Jan 2018

### I. Brighton & Hove City Council Employer Schools

(not including Voluntary Aided Schools, Free Schools or Academies – see 2 & 3 below)

#### A. NAME OF POLICY: Whistleblowing Policy – Updated Jan 2018

This replaces the previous B&H Model Whistleblowing Policy for Schools originally dated 2009, updated in 2010, May 2014 and July 2015.

**B. RELEVANT DATES:** Date policy effective: Jan 2018 or whichever date adopted after this.

#### C. STATUS OF POLICY

This updated [Model Whistleblowing Policy for Schools](#) (Jan 2018) updates and replaces the previous Model Whistleblowing Policy for Schools - last amended in July 2015.

See details on key differences in D below. The updated policy can be effective once the governing body approves it during the spring term 2018.

Schools are strongly recommended to publish their schools whistleblowing policy on their own internal/external school websites.

On issuing advice, the LA will assume that governing bodies are working to this model policy unless it is notified differently.

#### D. REASON FOR NEW POLICY/POLICY UPDATE

The policy updates council personnel/contact details and clarifies LA/school responsibilities. In addition, a one page [flowchart](#) has been added. Additional guidance notes for 1) [Staff](#) and for 2) [Managers/Heads](#) have also been formulated and made available. A [statement of concern form](#) for employee reporting has been updated.

A summary of the full changes to the model policy is given below:

##### Model Policy updated – minor changes include:

- Under 3.2 added reference to 'council complaints procedure on website'
- Under 4.1 added 'parent/guardians, governors and volunteers'
- Under 6.1 added reference to 'new flowchart' summarising the process for raising a concern at appendix 2.
- Under 6.2 and 3 the Headteacher and Chair of Governors being responsible for receiving school level concerns has been clarified and reference to council /external colleagues is now signposted to section 8 here.

- Under 7.2 'Chair of Governors' has been added
- Under 8.1 the names/post titles/numbers of council contacts have been updated and also the following sentence has been added – 'N.B. Please note that the Council may pass the matter back to the school to deal with, if after initial assessment, it is judged appropriate to do so.'
- An additional paragraph 11 has been added referring to the Counter Fraud Strategy and Framework under the heading Related Information. Audit no. is 1847.

Consultation with Audit and Children's Services has been undertaken in updating these documents.

## **E. HEADTEACHER/GOVERNING BODY RESPONSIBILITIES**

Headteachers are responsible for informing their governing body of recommended changes to policy for school employees, and providing information to the governing body to assist decision making. School staff should be informed of the proposed changes through normal staff briefing mechanisms. N.B. the head may delegate responsibility for the above to another named individual within the school.

Governing bodies are responsible for make sure that staff and others working with the school are aware of any arrangements for making whistleblowing disclosures. It is strongly recommended that the school publicise their own School's Whistleblowing Policy on their individual school website and has processes in place for any issues of public concern (raised by staff or by the public) to be addressed appropriately.

### **2. B&H Voluntary Aided Schools (where the school is the employer)**

Please read all of the above. For voluntary aided schools where the Council is not the employer, the policy is also highly recommended. The School will want to take account of any new model diocesan policy which may be available.

### **3. Academies/Free schools in B&H**

Please note the above. As the employer in each case, it is for these bodies to decide whether they wish to adopt this policy framework which is recommended to all B&H schools or maintain their own policy/arrangements.

## **WHISTLEBLOWING POLICY** **(Raising Concerns in the Public Interest)**

### **Guidance for heads/managers<sup>1</sup> on responding to a concern raised by an employee**

*This guidance should be read alongside the School Whistleblowing Policy which can be found on the school website (the [model policy](#) is on the Wave4schools).*

### **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/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/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/council encourages anyone, but particularly its employees, who have any concerns about malpractice going on within the

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<sup>1</sup> This should include the chair of governors when the concern relates to the headteacher

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/council continue to maintain the highest standards of openness, integrity and accountability.

## **Your responsibilities**

As the headteacher/manager, you are responsible for promoting a workplace culture that is in keeping with the school’s/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 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 school 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 School’s 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 (Headteacher, Chair of Governors) or other council officers mentioned in the policy including 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 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 (the Headteacher or Chair of Governors) immediately that a “whistleblowing” concern has been raised by sending them 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/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 or other relevant council officer.

- 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 “needs 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.

## **WHISTLEBLOWING POLICY (Raising Concerns in the Public Interest)**

### **Guidance for School Employees**

*This guidance should be read alongside the School Whistleblowing Policy which can be found on the school website (the [model policy](#) is on the Wave4schools). If you don't have access to the Wave then 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 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/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/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/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/council 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 school/council or a customer. Examples include housing benefits, council tax discounts, council grants, housing, contracts, taking the school/council's income or obtaining a position with false information.

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

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

### ***Environmental damage***

Relating to school/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 council 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 headteacher/manager or the school/council
- 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 school/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/council 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 or 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/council to accompany you for support
- the school/council will do all it can to help you throughout the investigation
- the school/council 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/council 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 council 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/council, 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/council 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 [www.whistleblowing.org.uk](http://www.whistleblowing.org.uk) 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. There is a flowchart at the end of the Whistleblowing Policy that summarises how to raise your concern.

The Whistleblowing Policy provides details of other people you can raise your concerns with.

## **What should I do if the concern involves a councillor or school governor?**

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

## **How will the school/council deal with my concern?**

The way in which the council will address your concern, is summarised in the flowchart at the end of the policy.

## **What can I do if I am not satisfied with the school/council'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 Environment Agency  
Care Quality Commission  
Health and Care Professions Council.

**STRICTLY CONFIDENTIAL**

## Whistleblowing Statement of Concern

(from employees in schools)

Is this concern being raised anonymously?      Yes / No							
Is this concern being raised in confidence?      Yes / No							
Date	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Name of the person raising the concern (optional)</b></td> <td></td> </tr> <tr> <td><b>Name of the person recording the concern (Please print)</b></td> <td></td> </tr> </table>	<b>Name of the person raising the concern (optional)</b>		<b>Name of the person recording the concern (Please print)</b>			
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<b>How was the concern raised?                      in person * / by telephone *</b> <i>* Please delete as appropriate</i>							
<b>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</b>							
<b>Use supplementary sheets if necessary. Please number the pages</b>							
<b>Reason why the concern is being raised under this policy</b>							
<b>Signed by person raising the concern (optional)</b>							
<b>Document handed to Monitoring Officer (see full <a href="#">policy</a>)</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"><b>Date</b></td> <td><b>By whom</b></td> </tr> <tr> <td></td> <td> <b>Name:</b> .....  <i>(Please print)</i> </td> </tr> <tr> <td></td> <td> <b>Signature:</b> ..... </td> </tr> </table>	<b>Date</b>	<b>By whom</b>		<b>Name:</b> ..... <i>(Please print)</i>		<b>Signature:</b> .....
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