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| albany blue green | Name of School | The Albany |
| Review Date | October 2016 |
| Next Review | October 2017 |
| Name of Reviewer | D Malbon |

**WHISTLE BLOWING & CONFIDENTIAL REPORTING POLICY**

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| **1.**  | **Introduction**  |
| 1.1  | Employees are often the first to realise that there may be something seriously wrong within the School. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report something which, after all, may just be a suspicion of malpractice.  |
| 1.2  | The School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and encourage employees, and others whom we deal with, who have serious concerns about any aspect of the School’s work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis (i.e. between the employee voicing the concern and the person to whom the concern is voiced).  |
| 1.3  | This policy document makes it clear that you can do so without fear of victimisation, reprisal, subsequent discrimination or disadvantage. This Whistle Blowing/Confidential Reporting policy is intended to encourage and enable employees and others to raise concerns within the School rather than overlooking a problem or ‘blowing the whistle’ outside, in line with the Public Interest Disclosure Act 1998 (Whistle Blowing).  |
| **2.**  | **Who does the policy apply to?**  |
| 2.1  | The policy applies to all employees (permanent, temporary and casual), contractors and those in partnership roles working for the School on School premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the School in their own premises, for example, care homes.  |
| 2.2  | This policy does not apply to service users. Where applicable, employees are responsible for making service users aware of the existence of the School’s complaints procedure (via Customer Relations Manager) and other appropriate statutory reporting procedures (via the relevant Service Group).  |
| 2.3  | This policy framework (based on the Employers Organisation Confidential Reporting Code model) has been discussed nationally with the relevant trade unions and professional organisations and has their support.  |
| **3.**  | **Aims and the scope of the policy**  |
| 3.1  | This policy aims to: * encourage you to feel confident in raising concerns and to question and act upon concerns about practice
* provide avenues for you to raise those concerns and receive feedback on any action taken
* ensure that you receive a response to your concerns and that you are aware of how to pursue them further, if you are not satisfied with the response
* reassure you that provided you have a reasonable belief that the information you disclose is substantially true and that you act in good faith, you will be protected from possible reprisals or victimisation.
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| 3.2  | There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistle Blowing/Confidential Reporting Policy is intended to cover concerns that fall outside the scope of other procedures. These include: * conduct which is a criminal offence or a breach of law
* possible fraud or corruption – audit
* disclosures related to miscarriages of justice
* health and safety risks, including risks to the public as well as other employees
* damage to the environment
* deliberate covering up of information which tends to show any of the above
* the unauthorised use of public funds – including Pension fund (please see details on page 7)
* a person being discriminated against because of their race, colour religion, ethnic or national origin, disability, age, sex, sexuality, class or home life
* a person deliberately not keeping to a Council policy, an official code of practice or any law or regulation sexual or physical abuse of clients.
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| 3.3 | Any serious concerns that you have about any aspect of service provision or the conduct of staff or members of the School or others acting on behalf of the School can be reported under this Whistle Blowing/Confidential Reporting Policy. Your concern may for example be about something that: * makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the School subscribes to; or
* is against the School’s Contract Procedure Rules (in accordance with the Procurement Framework and/or Financial Regulations) and/or policies such as the Code of Conduct; or
* falls below established standards of practice; or
* amounts to improper conduct
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| 3.4  | This policy does not replace the corporate complaints procedure or financial regulations which should also be referred to in cases of complaints or financial irregularities.  |
| **4.**  | **What is not covered?**  |
| 4.1  | You cannot use this policy to deal with issues which are covered by other corporate policies and procedures. Examples of these are: * Issues/complaints from staff in respect of their employment. These would be dealt with through the grievance procedure.
* Customer complaints regarding services. The LA corporate complaints procedure would be used in these situations.
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| **5.**  | **Safeguards**  |
| **Harassment or Victimisation**  |
| 5.1  | The School is committed to good practice and high standards and wants to be supportive of employees.  |
| 5.2  | The School l recognises that the decision to report a concern can be a difficult one to make. If you have a reasonable belief that what you are saying is true, you will have nothing to fear.  |
| 5.3  | The School will not tolerate any harassment or victimisation (including informal pressures) upon you as a result of making a disclosure in accordance with this policy and will take appropriate action to protect you when you raise a concern in good faith. The School, in the event of reprisals or victimisation against you because you have acted in accordance with this policy, will consider and may take disciplinary action against the employee responsible for such victimisation and/or reprisal.  |
| 5.4  | In some circumstances it is recognised that a person making information known about their colleagues may find it difficult to return to his/her normal job. The School has a duty of care to provide a safe working environment and treat its employees with respect. If this is not possible in the employee’s normal job because of the situation surrounding the disclosure of confidential information, the School will seek to redeploy the individual, taking account of their generic and specialist skills, abilities and experience. The School will also protect the employee’s normal level of pay, indefinitely, ensuring that they do not suffer any detriment, by blowing the whistle.  |
| 5.5  | Any investigation into allegations of potential malpractice raised by you, will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.  |
| **6.** | **Confidentiality**  |
| 6.1  | All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.  |
| **7.**  | **Anonymous Allegations**  |
| 7.1  | This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful; if made, anonymously, the concern will be considered at the discretion of the Governing Body.  |
| 7.2  | In exercising this discretion the factors to be taken into account would include: * the seriousness of the issues raised
* the credibility of the concern; and
* the likelihood of confirming the allegation from attributable sources.
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| **8.**  | **Untrue Allegations**  |
| 8.1  | If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.  |
| **9.**  | **How to raise a concern**  |
| 9.1  | As a first step, you should normally raise concerns with your immediate manager or supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your line manager is involved, you should approach a member of the Senior Leadership Team or the School Head Teacher.  |
| 9.2  | Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format: * the background and history of the concern (giving relevant dates)
* the reason why you are particularly concerned about the situation
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| 9.3  | For verbal concerns, the manager with whom the concerns are raised should record the allegations which should be agreed and signed by both parties.  |
| 9.4  | The earlier you express the concern, the easier it is to take action.  |
| 9.5  | Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern. If you need further advice/guidance on how to pursue matters of concern, this can be obtained from: 1. A member of the Policy and Advisory Team within Human Resources who would deal with your area of work
2. A member of the Senior Leadership Team
3. The School Head Teacher
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| 9.6  | You may wish to seek the advice and/or support of your trade union representative or consider discussing your concern with a colleague first as 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.  |
| 9.7  | You may invite your trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.  |
| 9.8  | The person to whom the concern is expressed i.e. line manager, supervisor or any other persons listed above, should send a copy of the written report (details of concerns) to the School Head Teacher. |
| **10.**  | **How the** Governing Body **will respond**  |
| 10.1  | The Governing Body will respond promptly to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.  |
| 10.2  | Where appropriate, the matters raised may: * be investigated by management, or by another appropriate person
* be referred to the police
* involve other agencies (i.e. Social Services)
* be referred to the external auditor
* form the subject of an independent inquiry
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| 10.3  | In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made by a designated officer or the person to whom the concerns is voiced, to decide whether an investigation is appropriate and, if so, what form it should take. The overriding Head Teacher which the Governing Body will have in mind is the public interest.  |
| 10.4  | Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.  |
| 10.5  | Some concerns may be resolved by agreed action, without the need for a full investigation. If during the investigation, urgent action is required this will be taken as soon as possible.  |

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| 10.6  | The person with whom you raise your concerns, will endeavour to provide you with a response within 20 working days and will: * indicate the proposals to deal with the matter
* give an estimate of how long it will take to provide a final response
* tell you whether any initial enquiries have been made
* supply you with information on staff support mechanisms, and
* tell you whether further investigations will take place and if not, why not.
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| 10.7  | The amount of contact between the persons considering the issues and yourself will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Governing Body will seek further information from you, by arranging a meeting. Where any meeting is arranged, you can be accompanied by a trade union representative or a work colleague, the meeting can be held off-site if you so wish.  |
| 10.8  | The Governing Body will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Governing Body will arrange for you to receive advice about the procedure.  |
| 10.9  | The Governing Body accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the progress and outcome of any investigation, as promptly as possible.  |
| **11.**  | **The Responsible Officer**  |
| 11.1  | The School Head Teacher has overall responsibility for the maintenance and operation of this policy. He/she will maintain a record of all concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report to the Governing Body, as necessary.  |
| **12.**  | **How the matter can be taken further**  |
| 12.1  | This policy is intended to provide employees with an avenue within the School to raise concerns. The School hopes that employees who raise concerns will be satisfied with any action taken. If, however, an employee is unhappy with the way the investigation has been handled or the School’s response, they can take the matter outside the School. The possible contacts are at Appendix A. |
| 12.2  | If you do take the matter outside the School, you should ensure that you do not disclose confidential information which is not relevant to your case. Check with the contact point or the School Head Teacher regarding this.  |
| 12.3  | If you are unsure whether or how to use this procedure or want confidential advice, you may contact – The independent charity, Public Concern at Work 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.  |
| **13.**  | **Additional related policies available**  |
| 13.1  | In addition to this policy there are currently two additional LA corporate policies which may assist you if you feel that there is an issue to be addressed. These are:  |

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| 13.2  | **The** LA **Corporate strategy for the prevention and detection of fraud and corruption** This policy aims to: 1. demonstrate that the Council has introduced controls and regulations within all levels of the organisation to combat fraud and corruption protect any person who draws attention to misconduct in the organisation provide checks, balances and general safeguards against any abuse of power and authority that might arise anywhere in the Council.
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| 13.3  | A copy of this policy can be found on the intranet via ‘Essential Corporate Information’. See document ‘Fraud Prevention Statement’. The following telephone numbers are also available: * Benefit Fraud 01708 432405
* Other Fraud Issues 01708 432617
* Client Manager, Internal Audit (Whistle Blowing) 01708 432946
* 24 hours answer phone 01708 432207
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| 13.4  | **The Whistle Blowing requirements of the Pensions Act 2004**  |
| 13.5  | These new requirements extend the obligation to whistle blow to nearly everyone connected with running a pension scheme, in particular trustees (or the administering authority for the LGPS) and employers. Anyone wishing to report issues within The Albany School, Business & Enterprise College should initially contact the School Head Teacher or the Chair of Governors who will set out a plan to include clarifying the facts around the suspected breach and to consider the material significance of the breach. The nominated person will then review and assess if a report should be made to the Pensions Regulator.  |
| 13.6  | The Pensions Regulator has now issued a Code of Practice (CP1) which sets out guidance on how to comply.  |
| 13.7  | For further information regarding this policy and any other general enquires the pensions department can be contacted via email pensions@havering.gov.uk.  |

**APPENDIX 1**

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| **PRESCRIBED REGULATORS** 1. Health and Safety risks
 | Health & Safety Executive Tel: 020 7717 6000 020 7556 2100  |
| 1. Environmental issues
 | The Environment Investigation Agency Tel: 020 7490 7040  |
| 1. Utilities
 | OFTEL Tel: 020 7634 8700 0845 714 5000 OFGEM Tel: 020 7901 7000 Rail Regulator Tel: 020 7282 2000  |
| 1. Financial Services and the City
 | Financial Services Authority Tel: 0845 606 13234 020 7676 1099 HM Treasury Tel: 020 7270 3000 020 7270 5000  |
| 1. Fraud and Fiscal Irregularities
 | Director General – Serious Fraud Office Tel: 020 7239 7272 Inland Revenue Tel: 020 7605 9800 020 8370 7300 020 8522 5700 020 8509 4700 Customs & Excise Tel: 020 7620 1313 0800 595 000  |
| 1. Public Sector Finance
 | National Audit Office Tel: 020 7798 7000 District Audit Service Tel: 020 7233 6400 Audit Commission Tel: 020 7828 1212  |
| 1. Company Law
 | Secretary of State – Department of Trade and Industry Tel: 020 7215 5000 Textphone/minicom users only: 020 7215 6740  |

**APPENDIX 2 WHISTLEBLOWING/CONFIDENTIAL REPORTING PROCEDURE**

Recognise that there is an issue to report

Raise your concerns either verbally or in writing with your Line Manager. If this is not appropriate i.e. they may be involved or the issue is of a very serious or sensitive nature, you can contact his/her Line Manager, the Senior Leadership Team, the School Head Teacher or the Chair of The Albany School, Business & Enterprise College’s Chair of Governors

Submit a written report:

1. give a background and history of the concern
2. give the reason why you are particularly concerned

Verbal concern:

1. the manger will need to record the allegations and will need to be signed by both parties
2. you must be able to demonstrate that there are reasonable grounds for concern

The person to whom the concern is expressed will send a copy of the report to the School Head Teacher and/or the Chair of The Albany School, Business & Enterprise College’s Governing Body

Where appropriate the matters raised may be:

1. investigated by management, audit or another appropriate person
2. referred to the police
3. referred to other agencies (i.e. Social Services)
4. referred to the external auditor
5. form the subject of an independent inquiry

A response will be provided by the person with whom you raised your concerns within 20 working days of you raising the issues with them.

The response will include the proposals to deal with the matter, an estimate of how long it will take to make a final response, advising whether initial enquiries have been made, supplying information on staff support mechanisms and advising whether further investigations will take place, if not, why not.

If the person reporting the concern is unhappy with the way in which the investigation has been handled or the council’s response they can take the matter outside of the **School**. Possible contacts are listed in the policy.