

WHISTLEBLOWERS' CHARTER

Introduction

Employees are often the first to realise that there may be something 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 what may just be a suspicion of malpractice. The Public Interest Disclosure Act 1998 provides statutory protection to employees making disclosures and the Council extends the principles of the Act into this charter give councillors, governors, partners, service users and citizens the same route to raise concerns.

The council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees, members of the public and other interested parties are encouraged to voice those concerns. The charter encourages and enables concerns to be raised within the council on a confidential basis and without fear of reprisals.

This whistleblowing charter is intended to encourage and enable staff to raise concerns within the school rather than overlooking a problem or reporting it outside the school/council. This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.

Aims

- To ensure staff that they are afforded protection from reprisals and victimisation for raising a concern
- To set out an approach for raising concerns in a confidential manner with line managers in the first instance or to Internal Audit directly or via the hotline or email facility.
- To Inform staff on how to take the matter further if they are dissatisfied with the response

Safeguards

The Whistleblowers' Charter contains a number of safeguards, based on the **Public Interest Disclosure Act 1998**, which gives statutory protection, within defined parameters, to employees who make disclosures, which they believe to be happening within the authority employing them. The Enterprise and Regulatory Reform Act, given Royal assent in April 2013, provided some minor change to the defined parameters,

Protections are afforded the employee when they report a concern, provided they believe their claim is in the public interest and the concern is made in good faith which means that the employee believes it to be substantially true, is not making a false or malicious allegation and is not seeking to gain personally from raising the concern.

Specifically the following protections are afforded

- **Harassment or victimisation.** The local authority, and management of the school, recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. This does not mean that if a member of staff is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

- **Confidentiality.** The school/council will do its best to protect your identity if you raise a concern and do not want your name disclosed.
- **Anonymous concerns.** Concerns can be made anonymously, however it should be noted that such cases can be more difficult to investigate, and the various safeguards in this policy ensure repercussions of raising a report will not be met by harassment or victimisation
- **Untrue Allegations.** No action will be taken against whistleblowers if allegations are made in good faith. However, malicious or unfounded allegations may result in disciplinary action taken against the whistleblower.

What to report

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment, this can be found in the NLC Human Resources manuals and policies adopted by the school. This whistleblowing policy is intended to cover concerns which may be about activities that are -

- fraudulent
- unlawful
- against council's procedures or policies
- below established standards or practices
- result in waste or loss to the council
- demonstrate improper conduct

Examples include;

- theft of assets
- inappropriately claiming benefits or allowances
- avoiding payment for services
- not following any council adopted procedures and codes, these include the Financial procedures such as the Finance Manual and the Contract Procedure Rules, Human Resources policies such as flexi time and sickness policy, and governance procedures such as the gifts and hospitality policy

Raising a concern

This depends primarily on the nature of the concern, this policy relates to all concerns but there are certain issues, which should be brought to the attention of specialist officers. Specifically if the concern is regarding the safety of a child or a vulnerable adult then immediate contact should be made with the child protection team on 01724 296500 (24 hour line) or via email at childprotectionteam.shs@northlincs.gov.uk or the vulnerable adult team on 01724 297979 or 01724 298160 (24 hour line). If the concern relates to suspected terrorism immediate contact should be made with the police on 0845 6060222

In all other cases employees should bring the matter to their line manager, and be able to speak in confidence to this person. If that person is involved, they should approach the next level of management, again confidence should be ensured. Either manager should be able to deal with the issue directly and make the appropriate referral to Internal Audit if the concern is of a fraudulent nature.

If the employee does not feel able to raise the concern with management they can contact Internal Audit in a number of ways.

- In writing by email (hotline@northlincs.gov.uk) or letter (Civic Centre Scunthorpe, Ashby Road, Scunthorpe)
- Directly by phone (01724 296666), a dedicated hotline is available which is manned throughout the day; an answer phone facility is available outside office hours

Trained Internal Audit staff deal with all correspondence and phone calls. The council has appropriate procedures to receive and to investigate all concerns / allegations which should be followed. However, if you feel unable to talk to anyone within the council under the terms of the Public Interest Disclosure Act 1998, you may contact the Audit Commission (1st Floor Millbank Tower Millbank London SW1P 4HQ Tel: 0844 798 3131 www.audit-commission.gov.uk/about-us/contact-us/whistleblowing) or Public Concern at Work, (Tel 020 7404 6609 or e-mail whistle@pcaw.org.uk). Public Concern at Work is an independent charity providing free advice for persons who wish to express concern about fraud and other serious malpractice in the workplace.

The earlier a concern is raised, the easier it is to take action.

How managers will deal with a concern

As a manager you should become familiar with this charter and the investigation and prosecution policy so that the appropriate support can be offered to employees raising a concern, and any necessary referrals can be made to Internal Audit.

Managers should;

- be responsive to concerns and encourage staff to voice any reasonably held concerns as part of supporting the council's zero tolerance of fraud culture. Concerns should be taken seriously and treated with confidence.
- note all relevant details obtain as much detail as possible from the reporting employee, note any evidence or documents that may support the concern. However you must not try and investigate the matter yourself, approach or accuse any individuals directly or contact the police
- evaluate the concern objectively and determine whether further action is required, in cases of suspected fraud contact Internal Audit as soon as possible before proceeding any further.
- support the employee and reiterate the safeguards that are included in this policy.

If in doubt speak to Internal audit who can advise how best to manage a concern raised in accordance with this charter.

How the concern will be dealt with by Internal Audit

All Information received is considered. The resulting action taken by the council will depend on the nature of the concern. The matters raised may:

- be investigated internally by internal audit or human resources
- be referred to the police

Prior to an investigation initial enquires will be conducted to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of other existing procedures (eg child protection or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Unless the complainant has not provided a name or contact, within ten working days of a concern being received, the council will write to the complainant:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling them whether any initial enquiries have been made
- telling them whether further investigations will take place, and if not, why not

If the matter proceeds to investigation it will be carried out in accordance with the investigation and prosecution policy, which is available on the councils website.

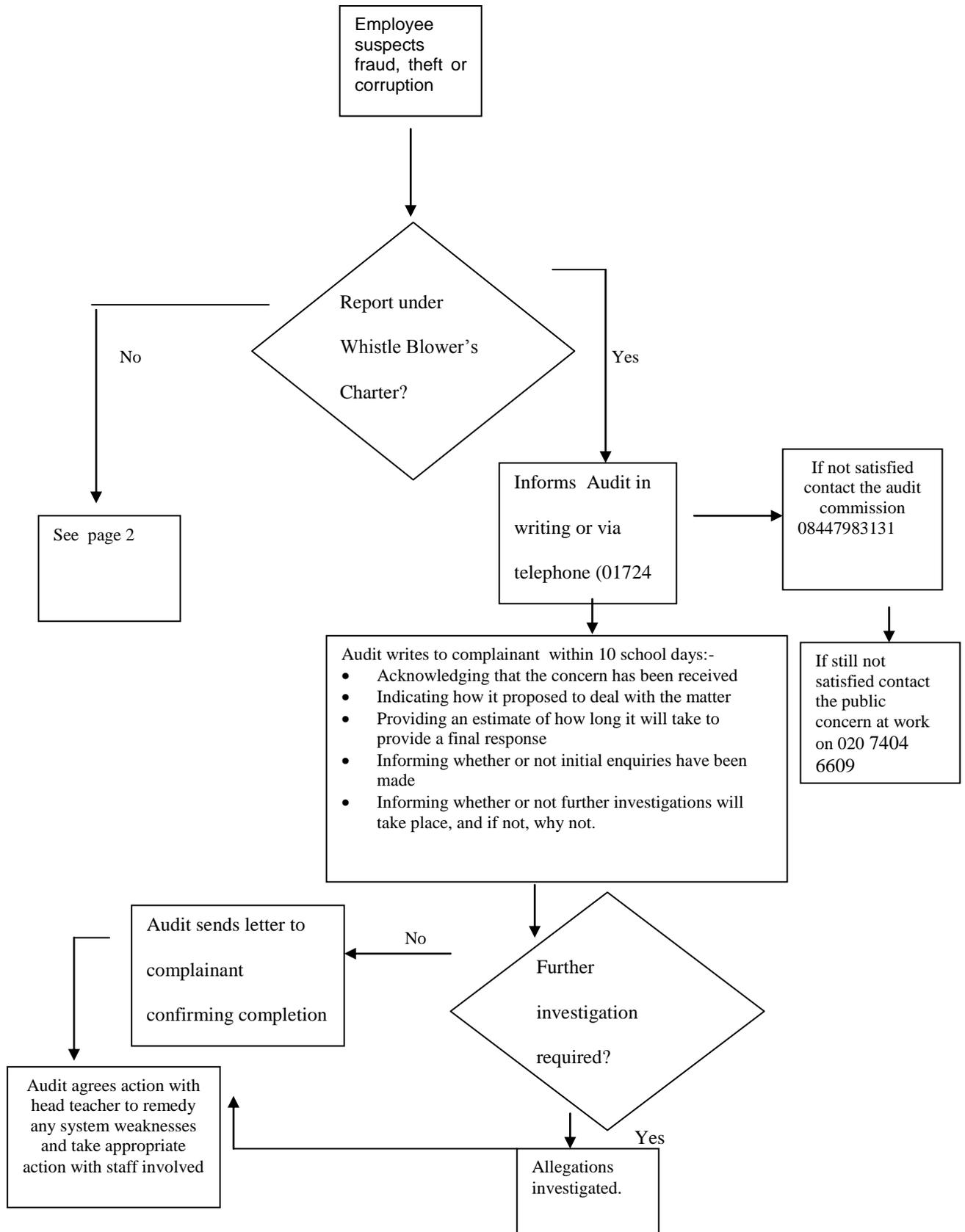
Outcome of Investigations

Once the investigation has been concluded, the employee may receive information on the outcome subject to legal constraints.

The Responsible Officer

The governing body has overall responsibility for the maintenance and operation of this policy within the school. Internal audit maintain a record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) and with a report in summary form as necessary to the council/committee. Any proven allegations will be brought to the appropriate committee of the governing body and support will be provided for the chair of governors by audit and the LA's human resources section where appropriate.

Allegation about Fraud, Theft or Corruption by Employee of the School Whistle Blower's Charter



**Allegation about Fraud, Theft or Corruption
by Employee of the School
Usual Procedure**

