

WHISTLEBLOWING POLICY

(Section 9)

1. Introduction

1.1 The Council

Haringey Council has a commitment to achieving a high standard of integrity and accountability in its education service. The purpose of this procedure is to assist in this by assuring that complaints of fraud, malpractice and improper conduct may be raised without fear of harassment or detriment. We will ensure that all complaints and reports are given proper and serious consideration.

We give the further commitment that this procedure will not undermine other existing procedures such as grievance procedures, disciplinary procedures or child protection procedures. All allegations raised under the whistleblowing procedure will be referred at the appropriate stages for consideration under the appropriate separate procedures.

This procedure will not lessen in any way our commitment to a climate of openness and cooperation in schools, where the opportunities should always exist for discussion of difficulties and problems of all kinds with management.

1.2 The School

Employees are often the first to realise that there may be something seriously wrong within the School. Their concerns might relate to matters that could affect the School itself, the Council and/or the Council's employees or the wider public. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school/council. 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 School/Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the School's/Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the School/Council rather than overlooking a problem.

This policy has been discussed with the Recognised Trade Unions and Professional Associations and has their support. The policy explains how the School/Council meets its obligations under the Public Interest Disclosure Act 1998.

2 Aims and Scope of the Policy

2.1 This policy can be used by any person who works or who has worked for the School/Council regardless of whether:

- the work was full or part time; or
- the work was temporary or permanent; or
- an employment agency was involved; or
- the person involved was a trainee or on work experience; or
- the person involved was a contractor/ working for a contractor.

2.2 There are existing procedures in place to enable an employee to lodge a grievance relating to his/her own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of such other procedures.

That concern may be about something that:

- is unlawful or illegal; or
 - is a breach of a legal duty owed by the School/Council; or
 - is a miscarriage of justice; or
 - is against the school's policies or the Council's standing orders/policies;
- or
- falls below established standards or practice; or
 - amounts to improper conduct; or
 - endangers the health and safety of any person; or
 - might cause damage to the environment; or
 - attempts to conceal any of the above.

2.3 The above concerns will include conduct which may constitute fraud or corruption and fall within the School's/Council's anti-fraud and corruption policy, or the appropriate strategy for abuse or neglect of service-users falling within Social Services Child and Adult Protection Procedures.

3. Protection for Individuals Making Complaints

3.1 Under the Public Interest Disclosure Act, a worker has the right not to suffer detriment or be unfairly dismissed as a result of speaking out about malpractice. If an employee is dismissed solely in these circumstances he/she is likely to be treated by an Employment tribunal as unfairly dismissed.

3.2 An external channel of complaint, directly to the Local Education Authority, makes it possible for individuals to raise complaints outside the normal channels of line management. This channel may be used when the individual believes, in good faith, that action is unlikely to be taken if the usual channels are used, or when a complaint has previously been raised with management.

3.3 Any worker who raises a complaint will have full protection against harassment or discrimination which may happen as a consequence. Any such harassment or discrimination, or attempts at deterrence from making complaints, will be regarded as a disciplinary matter.

3.4 Complainants will not be asked to demonstrate the validity of any allegation themselves. No action will be taken against the complainant if complaints are found to be invalid provided that the complainant has acted in good faith, believing the complaint to be justified.

3.5 The procedures are intended to provide a means for suspected fraud or malpractice to be raised, rather than to pursue individual grievances. The procedure should therefore not be used in place of the agreed grievance procedure.

3.6 It is completely unacceptable for the procedure to be used to further private disputes and make unfounded allegations for malicious or vexatious reasons. Disciplinary action may be taken where this is the case.

4. Procedures for making Complaints

4.1 If an individual has concerns, s/he should consider, in the first instance, raising them directly through school line management channels.

4.2 If the complainant has exhausted this line of complaint or if s/he believes, for whatever reason, that this will not prove to be an effective avenue of complaint, s/he can raise the matter directly with the Director of Education who will appoint an investigating officer.

4.3 Concerns are better raised in writing, but allegations need not be made in writing. Within ten working

days of a concern being received, the Headteacher/Director of Education will write to the complainant

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

4.4 The investigating officer will offer an appointment to the complainant to meet in order to explore the allegations. This meeting should take place away from the normal workplace.

4.5 The investigating officer will then decide whether the matter will be referred for consideration under existing procedures and to consider in particular whether immediate action needs to be taken e.g. under child protection procedures. Other investigations should be subject to an initial investigation under the Whistleblowing Policy but, if they are found to be potentially valid, they will then be referred for consideration under the disciplinary procedure, to the police or to the district auditor. The investigating officer will then take the matter up with, governors, school management, the audit department or other appropriate parties.

4. Initially, confidentiality can be guaranteed and the School/Council will do its best to protect the complainants identity throughout any investigation (when the complainant raises a concern and does not want their name to be disclosed). It must be appreciated however that the investigation process may reveal the source of the information and a statement by the complainant may be required as part of the evidence.

4.7 The investigating officer will produce a written report relating to the allegations, detailing the outcome of the investigation and further action, if any, to be taken. A copy of the report will be given to the complainant.

4.8 A standing committee of elected members or a panel of governors (as appropriate) should be convened to hear the allegations from the complainant if s/he is dissatisfied with the outcome of the investigating officer's report.

4.9 The complainant is entitled to trade union representation or to be accompanied by a colleague (who is not involved in the area of work to which the area of concern relates) at any meetings convened for the purpose of consideration of complaints heard under the Whistleblowing Policy.

5. Confidentiality

5.1 The investigating officer will guarantee confidentiality at the point of raising the complaint. Confidentiality should be maintained during the investigation and any hearings, except in circumstances where there is the need for disclosure of identity, for example due to cross examination of the complainant as a witness.

5.2 The School/Council will take steps to minimise any difficulties which the complainant may experience as a result of raising a concern. For instance, if the complainant is required to give evidence in criminal or disciplinary proceedings, the School/Council will advise them about the procedure.

5.3 In order to further preserve confidentiality, a complainant may raise complaints via a trade union, rather than personally. In such circumstances trade union representatives will themselves have full protection from detriment and discrimination, provided that they act in accordance with the procedure with regard to information so disclosed.

5.4. The complainant is encouraged to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the School/Council.

In exercising the 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.

6 How the matter can be taken further

6.1 This policy is intended to provide an avenue to raise concerns within the School/Council. The School/Council hopes the matter can be successfully concluded. If the complainant is not satisfied and feels it is right to take the matter outside the School/Council, the following are possible contact points:

- a governor of the school
- local Council member (if you live in the area of the Council)
- the external Auditor /district auditor
- relevant Trade Unions, Professional Associations or regulatory organisations
- solicitor
- the Police
- Public concern at Work (0207-404-6609)

6.2 If the complainant does take the matter outside the School/Council, he/she will need to ensure that he/she does not disclose confidential information or that the disclosure would be privileged. This should be checked with the contact point.

6.3 If the complainant believes that he/she has suffered harassment, victimisation or any other detrimental treatment as a result of their disclosure, he/she could make a complaint to an Employment Tribunal. A solicitor, a trade union/professional association or the Citizen's Advice Bureau could give information about the making of such a complaint.

7. Communication and Review

These procedures will be communicated to employees.

They will be reviewed at least every two years in consultation with the recognised trade unions.

Full records will be kept of the use of the procedures and these will inform the review process.

(This document was agreed between Management and Trade Unions on 15 November 2004.)

