

WHISTLEBLOWING POLICY

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This policy follows the content of Lewisham' model policy with amendments as necessary to reflect the specific needs and procedures of Watergate School.



WATERGATE SCHOOL

'I Can, You Can, Together We Will'

Whistle Blowing Policy

This guidance is written for all staff, whether paid or voluntary, working at Watergate School. It is intended to support and strengthen the London Borough of Lewisham's Whistle Blowing Policy and to show the School's own commitment to that Policy. The School's Policy extends to all aspects of school life, including the safeguarding of children.

At Watergate School our children have severe and complex learning needs and as such they are particularly vulnerable to abuse. Pupils may not be aware that something that is happening to them is wrong. They may not be able to communicate to others when they are not feeling safe or respected. Many pupils need a high level of intimate care.

It is therefore essential that all staff are advocates for our pupils and are prepared to always keep the child and their safety and well-being at the centre of everything they do.

In broad terms staff are protected by law if they 'blow the whistle' in relation to the following :

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law
- someone appears to be covering up wrongdoing

Complaints that do not count as whistleblowing (and are not covered by whistleblowing law) are personal grievances (for example bullying, harassment, discrimination) unless this particular case is in the public interest. These should be reported under our grievance policy.

Staff must acknowledge their individual responsibility to bring matters of concern to the attention of line managers, senior management and/or relevant agencies. Although this can be difficult, this is particularly important where the welfare of children may be at risk.

A member of staff may be the first to recognise that something is wrong with the particular way a matter is dealt with but may not feel able to voice concerns out of a feeling that this would be disloyal to colleagues or because of the fear of victimisation or harassment. These feelings may be natural but must never result in perceived malpractice continuing, particularly where a child or young person would be put at unnecessary risk. It is often the most vulnerable children or young people who are targeted. We recognise that such children need adults like us to safeguard their welfare.

No matter what aspect of school life is involved:

Don't think 'What if I'm wrong?' – think 'What if I'm right?'

Why blow the whistle?

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To protect the vulnerable children at Watergate School
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To stop the possibility of becoming implicated yourself.

What stops people from whistle blowing?

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern

- Individuals or groups must voice their concerns, suspicions or uneasiness as soon as they feel they can. The earlier a concern is expressed, the easier and sooner action can be taken.
- Pinpoint, if possible, exactly what it is that is causing concern and why.
- Approach the Headteacher or member of the Senior Leadership Team, a Designated Child Protection Officer or follow the procedures in the London Borough of Lewisham's own Whistle Blowing Policy.
- If the concern is about an immediate line manager, the Headteacher or member of the Senior Leadership Team, or it needs to be taken to someone outside the school, the staff member must contact the Local Authority Designated Officer.
- Ideally, concerns should be put in writing, outlining the background and history, giving details of the concern, names, dates and places
- An employee can request anonymity but we may not be able to take the claim further if all the information we need has not been provided.
- An employee must give their name but can request confidentiality – we will make every effort to respect this where possible but not if to do so will compromise the case.
- Whistle-blowers must make sure they receive a satisfactory response– don't let matters rest.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.
- If concerns are reported to the media it is likely that whistleblowing rights in law will be lost

What happens next?

- As an employer (or another prescribed person or body) we employer we will listen to your concern and decide if any action is needed. You may be asked for further information
- You must say straight away if you do not want anyone else to know it was you who raised the concern.
- You will not have a say in how your concern is dealt with.
- Your employer or the prescribed person can keep you informed about the action they've taken, but they cannot give you much detail if they have to keep the confidence of other people.
- We have a responsibility to protect staff from harassment or victimisation.
- No action will be taken against any whistle-blower if the concern proves to be unfounded and was raised in good faith.
- Malicious allegations may be considered as a disciplinary offence.
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If you believe you have been treated unfairly after whistleblowing

- Raise it with the Headteacher or the school's Chair of Governors
- A whistleblower can take their case to an employment tribunal if they believe they have been treated unfairly because they've blown the whistle.
- Acas must be notified if a staff member wants to take their case to an employment tribunal.
- Any claim of unfair dismissal must be raised within 3 months of employment ending.
- Further advice and information is available from the Advisory, Conciliation and Arbitration Service (Acas), Citizens' Advice, the whistleblowing charity Public Concern at Work or your trade union.

Self-reporting

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be affecting their professional competence. Staff have a responsibility to discuss such a situation with their line manager so that professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, the Local Authority's HR department and/or a professional or trade union. Additionally, the NSPCC's Whistleblowing helpline can be reached on 0800 028 0285.

This Policy was first adopted by the Governors of Watergate School on 12th May 2015 and is to be reviewed every three years thereafter.



Lewisham

APPENDIX 1

Whistleblowing Policy: Lewisham Council

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Lewisham Council Whistleblowing Policy


The Council is committed to the provision of the highest quality services for local people and to full accountability for the services it provides. The Council is also committed to the highest standards of conduct and has in place detailed rules, regulations, quality standards and procedures to ensure that these standards are observed. However, sometimes malpractice and wrongdoing may occur. Lewisham is not prepared to tolerate any such malpractice or wrongdoing in the performance of its services.

The Council acknowledges that the greatest deterrent to malpractice or wrongdoing is the probability that it will be discovered, reported and investigated thoroughly and that those responsible will be held to account. This policy is intended to be a clear and unequivocal statement that whenever any malpractice or wrongdoing by the Council, its employees, contractors or suppliers is identified or reported to the Council, it will be promptly and thoroughly investigated and that the alleged malpractice or wrongdoing will be rectified as necessary. The Council will also investigate means of ensuring that such malpractice or wrongdoing can be prevented for the future.

The Council is committed to ensuring compliance with its statutory obligations. This policy is one of a number of corporate policies , including the Lewisham Anti-Bribery Act 2011 policy , which together demonstrates and reinforces Lewisham's commitment to the prevention of malpractice in public life.

The scope of the whistleblowing policy - The principles

The policy is based upon the overriding principle that the public interest and the needs of service users must come first.

 The Whistleblowing Policy complies with the requirements of the Public Interest Disclosure Act 1998.

What's covered?

 It is intended that any significant concern which a member of staff, service user, Councillor or member of the public has about

- ▶ any aspect of service provision
- ▶ the conduct of officers or Members of the Council, or
- ▶ the conduct of any other parties acting on behalf of the Council, which may be:
 - ▶ unlawful (including fraud or corruption)
 - ▶ against the Council's Standing Orders or policies

▶ contrary to established professional or other standards, the Council's Member and Employee Code of Conduct or any other established Codes of Practice can be reported under this procedure.

It is not intended however, that this procedure should replace existing processes such as the grievance or disciplinary codes. Instead it may be that once the whistle has been blown, action under other processes (such as the disciplinary code) may ensue.

A supplement not a substitute

Anyone, including Councillors, employees, service users and members of the public are encouraged to raise complaints or matters of genuine concern with the Council. There are already in existence a number of channels available to raise such concerns. Where an appropriate avenue exists to deal with that concern, people are urged to use it. This whistleblowing policy is intended to supplement, rather than replace the existing procedures wherever practicable. These channels are:-

▶Service Managers/Directors

Anyone with a complaint about Council services is encouraged to contact the manager directly responsible for that service or the relevant Executive Director. In most cases where there is concern this avenue will be the first point of reference. If a complaint relates to an Executive Director, it should be referred to the Chief Executive.


▶The Council's Complaints Procedures

The Council has a corporate complaints procedure by which it invites any person to raise a complaint they may have about Council Services. Information about this procedure is available from the Advice and Information Service on extension 48761.

▶Local Councillors

Members of the public are encouraged to refer matters of concern to their local Councillor who can then either identify the best point of contact for them to report the matter or take up the issue on their behalf. Information about how to contact local Councillors is available from Governance Support at Lewisham Town Hall on extension 49455.

▶The Council's Grievance Procedure

 This deals with complaints relating to an individual employee's conditions of employment. The whistleblowing policy is not intended to replace the grievance procedure and should not be used to deal with matters which relate to an

individual's contract of employment. If a concern is raised through the whistleblowing policy which would be more properly dealt with through the grievance procedure, it will be referred to Andreas Ghosh, Head of Human Resources.

► **Anti-fraud Procedures**

The Council's Anti-Fraud & Corruption Team (A-FACT) investigates all allegations of fraud within and against Lewisham Council and is part of the Audit & Risk Group based within the Resources and Regeneration Directorate. As well as Housing Benefit and

Council Tax Benefit fraud the team has specialist officers covering housing fraud, employee fraud, fraud relating to contractors, blue badges etc.

► **Internal Fraud**

The Council's Financial Regulations state that it is the responsibility of any employee discovering or having reasonable suspicion of any irregularity, misconduct or fraud immediately to notify the relevant Executive Director or Audit and Risk Manager. When so informed, the Executive Director shall appraise the circumstances and shall notify and discuss the action to be taken concurrently with the Audit and Risk Manager. All information shall be treated in complete confidence.

Reports of suspected fraud may also be made to the suspected fraud, corruption or other financial irregularity can also be made to the Anti-Fraud & Corruption Team Manager who will conduct an investigation and make recommendations for appropriate action. Further information about this procedure can be obtained from Carol Owen ext. 47909.

► **Benefit Fraud**

All allegations of Benefit fraud should be made to Carol Owen, Anti-Fraud & Corruption Team Manager, preferably by email to, carol.owen@lewisham.gov.uk.

► **Tenancy Fraud**

The Council has a dedicated Housing Investigator who investigates fraudulent applications for housing. They also receive allegations of subletting on behalf of Lewisham Homes and other housing providers. All allegations of housing related fraud should be made to Juliet Bennett, Housing Investigation Practitioner, preferably by email to, juliet.bennett@lewisham.gov.uk

Any reports of suspected, corruption or other financial irregularity may also be made to reportfraud@lewisham.gov.uk or to the team's 24 hour freephone Hotline on 0800 0850119.

► **Statutory Officers**

In addition the officers who have particular responsibility for regulating the conduct of the Council and its activities. They are as follows:

Chief Executive - Head of Paid Service Barry Quirk ext 46444

Responsible for overall management of the workforce.

Executive Director for Resources Janet Senior ext 48013

Chief Finance Officer - The Council's officer with responsibility for the financial management, audit and financial probity of the Council.

Head of Law - Monitoring Officer Kath Nicholson ext 47648

Dealing with advising on the probity and legality of the Council's decision making.

The Head of Law, as Monitoring Officer, is the Council's Whistleblowing officer.

Employees with serious concerns about Councillors should in the first instance raise them with the Head of Law.

The Standards Committee

The Council also has a Standards Committee made up of councillors and independent people. It is currently chaired by an independent person, Sally Hawkins. The role of the Standards Committee is to promote the highest standards of ethical conduct amongst members.

In the First Place...


People are primarily encouraged to use any and all of the mechanisms for raising concerns as set out above. For Councillors, public and staff it is likely that the majority of concerns will be dealt with by bringing the matter to the attention of management in the relevant Directorate. Such references are positively welcomed by the Council and once the issue is brought to light the manager will treat the complaint seriously, investigate it promptly and inform the complainant of the outcome. The investigation officer will be expected to interview both the individual raising the complaint and the person complained against, as well as any other individuals as appropriate. If no further action is proposed, the complainant will be given an explanation. If further action is proposed under a

separate Council procedure (such as the disciplinary code) the complainant will also be informed.

If a concern is raised by a member of staff, it would be normal for their first reference to be to their direct line manager. However, depending on the nature and sensitivity of the issue, or the identity of the alleged wrongdoer, the line manager may not be the appropriate manager. In such cases it may be more appropriate to raise the issue with a Head of Service or other senior manager. A member of staff may be accompanied by a friend when meeting management to raise a concern. In short, managers within Directorates will adopt a flexible and open approach so that those having concerns feel confident that they may raise them.

But if the usual channels aren't appropriate?

Circumstances may arise where none of the channels above are reasonably available. It may be that the whistleblower fears repercussions for example, or senior members of staff or Councillors may be implicated. Alternatively the whistleblower may have used those channels but still feel that there is real cause for concern. In such circumstances the whistleblower may refer their concern to the Head of Law directly.

 The Head of Law will then ensure that the matter is dealt by her either personally or by a whistleblowing officer nominated by her and operating under her supervision.

How will the whistleblowing officer respond?

Acting under the supervision of the Head of Law the whistleblowing officer will first receive and record the complaint in a register kept specially for the purpose. An initial assessment will then be made to decide what sort of investigation ought to take

In the most serious cases, it may be that a Police enquiry will ensue or an independent investigation may be called for. In some cases the issue will be referred for a management investigation, possibly by the Chief Executive or another officer nominated to act on his behalf. Allegations of fraud, corruption or financial irregularity will be referred to the Special Investigations Manager for investigation.

In other cases however, it may not be appropriate to conduct any further enquiry at all. People are encouraged to raise genuine concerns and do not have to prove them. But understandably they do need to demonstrate that there is a sufficient basis for investigation. This initial consideration will allow the Council to decide on the appropriate method of enquiry and to ensure that resources are not wasted where investigation would be inappropriate.

Unless the issue is raised anonymously then the whistleblowing officer will generally interview the whistleblower as part of this initial assessment. If the whistleblower requests that his or her identity remains confidential then all possible steps will be taken to respect that wish.

If an investigation is to ensue then the whistleblower will be informed of the fact and given an estimate of the time by when the investigation will be completed. Normally the investigation will be conducted within 28 days, though the time taken to conduct an enquiry will depend on the nature of the concern and its complexity. The whistleblower will be informed of the outcome and this will be noted in the register.

In appropriate circumstances the Head of Law and/or the whistleblowing officer will prepare a report for the Council and for the Standards Committee dealing with the outcome of a particular investigation, the action taken to rectify the situation and prevent a recurrence.

Each year the Head of Law will prepare for the Standards Committee a report dealing with the application of the whistleblowing policy in the previous year, and making suggestions where necessary for changes to improve its efficiency.

Issues raised by Members of the Council or by the public shall be dealt with in a similar manner to those raised by employees, though serious concerns about the conduct of Councillors should in all cases be referred to the Head of Law.

Some General Safeguards

▶ No Victimisation

The Council recognises that the decision to blow the whistle can be a difficult one to make, not least because there is a fear of reprisal from those who may be perpetrating malpractice or others. The Council will not tolerate any victimisation of a person who raises a concern in good faith and will take appropriate steps to protect them, including where appropriate disciplinary action.

▶ Confidentiality and Anonymity

The Council will, wherever possible, protect the identity of the whistleblower who raises a concern and does not want his/her name to be disclosed. However this may not be possible in all circumstances as the very fact of the investigation may serve to reveal the source of the information and the statement of the whistleblower may be needed as part of evidence against the perpetrator.

▶ False and Vexatious Complaints

Just as the Council will seek to protect those who raise concerns in good faith, so it will seek to protect those against whom claims are made which turn out to be


unfounded. A concern which is made in good faith and sincerely expressed may transpire to have no basis in reality. In addition it is possible that vexatious or malicious claims may be made. The Council will take disciplinary action against any employee who makes a vexatious claim. In either case, where it turns out that the claim was without foundation, the Council will use its best endeavours to ensure that any negative impact on the person complained of is minimised. However the Council acknowledges that it may not be able to prevent all such impact in every case.

► **Alternative methods of complaint**

As well as the initial complaints and whistleblowing procedures set out in this policy, any member of the public who wishes to make a complaint about the Council may contact one of the following organisations:

► Local Government Ombudsman - who receives and investigates complaints of mal-administration against the Council. He can be contacted at 21 Queen Ann's Gate, London SW1H 9BU, telephone 020 7915 3210.

► The District Auditor - who investigates complaints of financial irregularity or unlawful expenditure leading to financial loss by the Council. To contact the District Auditor write to him at Millbank Tower, 4th Floor, Millbank Road, London SW1P 4QP. Telephone 020 7233 6400.

►  Further information about this whistleblowing policy can be obtained from Kath Nicholson ext. 47648 or Helen Glass ext. 49968.