WhistleBlowing Process

Manorfield Primary and Nursery School.

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Whistleblowing policy

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Introduction

Surrey County Council is committed to the highest possible standards of honesty, openness and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all Council activities are open and effectively managed, and that the Council's integrity and principles of public interest disclosure are sustained.

In line with that commitment we encourage employees, those working on behalf of the Council and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns as follows:

a) with their immediate manager and/or more senior managers. Where any member of staff decides to report a serious incident, whether anonymous or not, this will be treated as a 'protected, internal disclosure' i.e. there will be no adverse repercussions for the member of staff.

b) through an external, independent and confidential service provided via the Navex Global helpline. Freephone: 0800 069 8180.

Purpose of the policy

Employees are often the first to realise that there may be something seriously wrong within the Council. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. Each person working for Surrey County Council needs to realise that they not only have the right, but also a duty to report any improper actions or omissions.

Surrey County Council also recognises and appreciates that staff who raise concerns regarding malpractice or wrongdoing are an asset to the Council, and not a threat. This policy makes it clear that they can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The whistleblowing policy is intended to encourage and enable staff to raise serious concerns within the Council.

This policy aims to:

- encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

Who is covered by the policy?

The policy applies to all Council employees whether full-time or part time, permanent or temporary; members of the Council and those carrying out work for the Council on Council premises, for example, agency workers, contractors, consultants. It also covers providers of works, services and supplies, including the Council's external contractors and those providing services under a contract with the Council in their own premises, for example, care homes. However, to facilitate the reading of this policy, the terms 'staff' or 'members of staff' have been used, with the intention to cover all individuals mentioned above.

This policy will be expected to apply to schools but this is a decision for the Head-teacher/ Chair of Governors. Arrangements for whistleblowing will be covered by individual schools procedures to reflect their respective governance arrangements.

Scope of the policy

The whistleblowing policy is intended to cover serious concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees/staff
- Damage to the environment
- Information relating to the above issues that has been or is likely to be deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse of service users

Therefore, any serious concerns that a member of staff has about any aspect of service provision or the conduct of Surrey County Council staff or Members of the Council, others acting on behalf of the Council, service users or residents, can be reported under the whistleblowing policy where the member of staff has a reasonable belief in those concerns and they relate to one of the specified areas set out above.

A wrongdoing disclosed under the policy should be in the public interest, this means it affects others. There are existing procedures in place to enable employees to lodge concerns relating to their own employment.

Links with other policies

In investigating financial irregularities, this policy should be read in conjunction with the Strategy against Fraud & Corruption which sets out how the financial irregularities should be investigated.

This policy does not replace the corporate complaints procedures.

As this policy is in addition to the Council's complaints procedures, and other statutory reporting procedures applying to some services, managers are responsible for making service users aware of the existence of these procedures.

Safeguarding against harassment or victimisation

The Council is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If a member of staff has a reasonable belief that what they are saying is true, they have nothing to fear because they will be doing their duty to their employer and/or those for whom they are providing a service.

The Council will take appropriate action to protect staff when they raise a concern, by supporting the member of staff and consider action under the appropriate procedure against the person or persons responsible for the reported acts, provided the member of staff:

- Discloses the information in good faith
- Believes the concern to be true
- Does not act maliciously or make false allegations
- Does not seek any personal gain.

and provided the allegations relate to one of the categories covered by the scope of the policy.

There are national guidelines to help you as a whistleblower. See the government guidance: https://www.gov.uk/whistleblowing.

There is also a whistleblowing charity Protect that has a helpline on 020 3117 2520. This helpline offers independent and confidential advice to those who are unsure whether, or how, to raise a public interest concern.

Unsubstantiated allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

Confidentiality

All concerns will be treated in confidence but at the appropriate time, the whistleblower may be asked to come forward as a witness, and this will be discussed with them.

Anonymous allegations

This policy encourages staff to put their name to their allegation whenever possible.

Where a concern is raised via the external confidential Navex Global Service, the whistleblower can choose to provide Navex Global with their name and contact details, which will not be passed to the Council without express permission from the individual. This enables Navex Global to ask for further information on the concern, if required.

The Council will take all concerns raised seriously. When carrying out an initial review of a concern, the council will take into account the following factors:

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

How to raise concerns

There are two ways in which to raise a concern:

1. Staff may raise concerns with their immediate manager or another manager or, if it is believed that such managers are involved, the Chief Executive, the Director of Finance, Director of HR and OD, the Monitoring Officer or Chief Internal Auditor should be approached. School staff should raise concerns in a similar way, to their immediate manager, the Headteacher, or the Chair of Governors as appropriate.

   Any concern regarding the conduct of Members of the Council should always be referred to the Monitoring Officer, for consideration as to whether the matter should be referred to the Council's Standards Committee for advice.

   Concerns may be raised verbally or in writing. Staff who wish to make a written report are asked to provide the background and history of the concern (including relevant dates) and the reason why they are particularly concerned about the situation.

The earlier the concern is expressed, the easier it is to take action. In order to assist with the investigation, staff should provide as much detail and supporting evidence as possible. Staff are not expected to prove that an allegation is true, only to have sufficient grounds for concern.

The whistleblower may invite a recognised Trade Union representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

2. While concerns will usually be raised internally, the Council recognises that staff may feel unable to do this, and that they may wish to contact an independent, external organisation, such as Navex Global, in order to report something. Navex Global is an external and independent organisation which specialises in providing a confidential hotline service for whistleblowing and can be contacted any time, night or day, in complete confidence with any relevant concerns. The call will not be traced or monitored. Freephone: 0800 069 8180.

How the council will respond

The Council will investigate and respond to all concerns raised by staff or service users through any channels including Navex Global and the Contact Centre.

While it is not essential that the concerns be provided in writing, the person receiving the concern will, ensure that a written account of it is made. This will help with the subsequent investigation by facilitating clear record-keeping.

When a concern is raised directly with a Council officer, they should undertake the following actions:

- Take the concern seriously

  Consider the concerns fully and objectively
- Recognise that raising a concern can be a difficult experience for employees
- Ensure confidentiality
- Refer to a manager of appropriate seniority, to agree the level at which the concern will be investigated and identify who will take responsibility for co-ordinating the enquiry.

Staff members who are under investigation will not be involved in the investigation process. In schools, this will include Governing Body members.

Advice and guidance on the use of the whistleblowing policy can be obtained from the HR&OD Team, via MyHelpdesk. For Schools, refer to the individual school's arrangements.

Initial enquiry

In order to protect the individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so,

what form it should take. The overriding principle, which the Council will have in mind, is that of the public interest. If urgent action is required, this will be taken before any investigation is conducted.

The purpose of the initial inquiry is to ascertain if the conduct or behaviour involves a Member of the Council, a senior manager or a member of staff, so that further enquiries and investigation can be progressed accordingly.

Preliminary review

A preliminary review establishes the need to carry out an investigation. Further to the results of the initial enquiry and preliminary review, and at the discretion of senior management, the following steps will then need to be considered:

- Concerns or allegations, which fall within the scope of specific procedures, e.g. child protection or discrimination issues, will normally be referred for consideration under those procedures
- Where there is any financial impropriety, the concern should be referred to Internal Audit, before taking any other action
- Inform the Council's Monitoring Officer if the concerns indicate unlawful activity.
- Ensure that matters of a criminal nature are reported to the Police, after consultation with Internal Audit
- Whether the disciplinary or other relevant management policies, procedures and processes of the Council or School need to be applied
- Appointment of an officer to carry out the investigation under these procedures.

Investigation

Depending on the nature of concerns, investigation may be carried out under the Disciplinary Policy or the Strategy against Fraud & Corruption.

Investigation Timescales

Within 14 days of a Navex Global report being received, the person who is dealing with the concern that has been raised will respond in writing:

- Acknowledging that the concern has been received
- Supplying information on staff support mechanisms, and
- Advising whether further investigations or action is required and, if not, why not.

A further update will also be provided 28 days after the report was received, advising of additional progress made and the estimated date a final response will be available.

If the whistleblower has chosen to remain anonymous and non-contactable, they will need to contact Navex Global or their original reporting route in order to receive updates.

Investigation process

The impartial investigating manager appointed to undertake the investigation will establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

It is essential that written records of all interviews be kept throughout the investigation, together with written details of any action taken. The investigation will result in a written report and recommendations for corrective action which will be passed to the manager responsible for deciding whether formal action shall be taken.

Where any meeting is arranged involving an individual member of staff, which can be off-site, a recognised Trade Union representative or a work colleague may also attend. The Council/Governing Body will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, the Council/Governing Body will arrange for them to receive appropriate procedural and/or legal advice.

A member of staff raising directly with a senior officer a concern will be, subject to legal constraints, advised in writing of the outcome of the investigation and, where appropriate, what action is being taken.

Monitoring arrangements

The Head of HR and OD, in consultation with the Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Director of HR and OD maintains a record of concerns raised and the outcomes (but in a form which does not compromise confidentiality) and will report as necessary to the Council.

The Financial regulations state that the Director of HR and OD will ensure that whistleblowing procedures are defined, documented, widely circulated and reviewed at appropriate intervals, in consultation with the Monitoring Officer.

The practical aspects of monitoring are to assess whether:

- The policy is being used appropriately
- Concerns are being handled and investigated properly
- There are any discernible patterns of concern across the Council
- The policy has been effective in identifying and deterring malpractice, and
- More needs to be done to raise awareness of the policy.

Whistleblowing process flowchart Schools

(to be used alongside the Whistleblowing policy)

Whistleblowing complaint received via Navex Global.

SCC People Consultancy Team forward to SCC Area Schools Relationship Team for **initial enquiry** and **preliminary review***.

Complaint **meets** whistleblowing criteria:

SCC Area Schools Officer (ASO) will contact Chair of Governors (COG) (unless COG is the subject of the complaint) to agree process of investigation and an appropriate investigator at school level.

Complaint **does not meet** whistleblowing criteria:

- SCC Areas Schools Relationship Team inform People Consultancy Team.
- SCC People Consultancy Team log on Navex Global and close the case.

EITHER :
COG investigates complaint **within the timescales set out in the whistleblowing policy.**

OR :
Case is assigned to a different ASO to investigate, supported by People Consultant, **within the timescales set out in the whistleblowing policy.**

If complainant has waived their right to anonymity, Education service will contact them with advice (where appropriate) on alternative process to follow.

Outcome of investigation sent to ASO who reviews and forwards with Navex response to People Consultant.

Outcome of investigation is agreed with COG before being sent to People Consultant.

People Consultant logs outcome on Navex Global and attaches investigation report before closing the case on the system.

NOTE: If the whistleblower submitted a report via Navex Global, an update is made available to them within 14 and 28 days, and at the end of the investigation.

If the whistleblower has chosen to remain anonymous, they will need to contact their original reporting route (either the senior officer who they originally approached or Navex Global) in order to receive their update.

- Matters of a criminal nature will be reported to the Police, after consultation with Internal Audit and where necessary the LADO.
- Allegations of financial impropriety will be referred to Internal Audit before any other action is taken.
- Concerns which indicate unlawful activity will be referred to the Council's Monitoring Officer.

In circumstances where a situation warrants that SCC requires an ASO to investigate a complaint, the cost of the investigation will not be charged to the school.