



# **Whistleblowing Policy**

Reviewed by PPP Committee 2<sup>nd</sup> October 2017

Date of next Review: October 2018

## **WHISTLEBLOWING POLICY (Public Interest Disclosure Act 1998)**

This policy is the Westminster City Council Policy, which was adopted by the Federation of Westminster Special Schools, Outreach and Training in February 2013. It has been reviewed and modified in Sept 2014.

### **Summary**

This document is a local authority led policy identifying appropriate procedures for Whistleblowing across WCC.

If school staff feel more comfortable, and feel it to be more appropriate, concerns may be raised with senior members of staff within their own school or department, or with the Executive Headteacher.

The City Council is committed to achieving the highest possible standards of service and ethics in public life and in all its activities. Council employees are encouraged to bring to their managers' attention any misconduct, suspected misconduct, malpractice or illegal acts or omissions by Members, employees, or by members of the public in relation to the services they receive from the City Council. This whistleblowing policy has been developed so that employees will know how to raise concerns in the right way at an early stage, and managers understand their responsibilities in relation to allegations of misconduct and impropriety. For the avoidance of doubt, reference to Council employees includes all staff employed in schools which are maintained by the Council, including voluntary aided schools.

Employees who make a disclosure reasonably believing that:

- (a) A criminal offence has been committed, is being committed or is likely to be committed,
- (b) A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,
- (c) A miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) The health or safety of any individual has been, is being or is likely to be endangered, (In Westminster Special Schools this includes concerns around child protection and the safeguarding of individuals.)
- (e) The environment has been, is being or is likely to be damaged, or
- (f) Information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed
- (g) Are protected by law (under the Public Interest Disclosure Act 1998) from any victimisation for having raised these issues.

Employees of the Council's partners and contractors are also encouraged to use these procedures to bring any misconduct, or suspected misconduct, malpractice or illegal acts or omissions by Members, the Council's employees, or by partners'/contractors' employees in relation to the provision of services on behalf of the Council, to the attention of appropriate Council managers. Council partners and contractors will be required to bring this procedure to the attention of their employees.

This policy should be read in conjunction with the Council's [anti-fraud and corruption policy](#).

### **Standard**

This policy should be used when employees have concerns that the interests of others or the Council (and therefore its residents) are at risk e.g.

- Criminal activities and any activities, suspected or ongoing, which may break the law (including fraud, any form of child abuse, or the abuse of other vulnerable clients)
- Disregard for legislation, Council rules, policies and procedures
- The mistreatment of a service user which may endanger the health and safety of that service user.
- This list is not exhaustive

Employees raising issues, and managers investigating them, will suffer no detriment as a result, provided they act in good faith i.e. they genuinely believe that there is, or may be, substance in their allegations. The City Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Code. An employee whose concerns are raised under this procedure but referred for investigation under another procedure (e.g. the anti-fraud policy) will receive the same protection from victimisation under the Public Interest Disclosure Act 1998.

- An employee can raise concerns orally or, preferably, in writing.
- Any concerns raised by an employee will be dealt with promptly.
- The concerns will be considered as thoroughly as possible by the most relevant person, whether this is an internal manager or some appropriate external official or organisation delegated by the Council.
- Employees have the right to seek assistance and advice from trade union representatives or Council colleagues; and to be accompanied by a trade union representative or Council colleague at all meetings held under this procedure.
- The Council will not tolerate complaints which are deliberately made without substance, or are frivolous or malicious. Such cases will be dealt with very seriously and formal disciplinary action may be considered under the Council's Disciplinary Code.

This policy does not restrict employees' rights to raise their concerns outside the Council (e.g. the Audit Commission, the Environment Agency, the Health and Safety Executive or the police), but is intended to facilitate speedy internal investigation and resolve employees' concerns, so that they do not feel the need to refer to external agencies.

### **Managers' Responsibilities**

Managers must:

- Deal promptly and fairly with any concerns raised under this policy in accordance with the procedure set out in Appendix 1;
- Make sure that the employee's concerns are appropriate for consideration under this policy as against another procedure (e.g. Council's anti-fraud policy, strategy and response plan; grievance or disciplinary procedures). If the concerns are not appropriate to this policy, refer them to the correct procedure;
- Immediately refer matters concerning fraud and/or corrupt acts to the Fraud Team;
- Support and facilitate the employee in pursuing whistleblowing concerns;
- Maintain confidentiality throughout any proceedings;
- As far as possible, withhold the identity of the employee who has raised the concerns, if the employee has so requested. (Managers may be obliged in some circumstances to reveal the name of the employee who raised concerns, in which event the situation should be discussed with the employee before proceeding.);
- Keep the employee apprised of progress in investigating and resolving their concerns;
- Advise the employee that they have the right to bring a trade union representative or a Council colleague to any meetings under this policy;
- Implement any actions/recommendations arising from the investigation into the employee's concerns;
- Not allow the employee to suffer any detriment as a result of raising their concerns (to do so would be unlawful under the Public Interest Disclosure Act 1998); and
- Investigate anonymous complaints as far as practicable.

### **Employee's Responsibilities**

Employees must

- Raise concerns (orally or in writing) in confidence with their managers (or their manager's manager if it is inappropriate to raise the concerns with their immediate line-manager) at the earliest possible moment
- Westminster Special Schools have appointed designated people to support any whistleblowing concerns. In schools they should report to their Head of School, Claire

Shepherd or Pamela Murphy. If staff do not feel comfortable reporting to their Head of School they may discuss their concerns with the Executive Headteacher, Andy Balmer, or with the Chair of Governors, June Simson.

- On rare occasions (e.g. employees' want to report issues involving senior staff or Governors), concerns can be raised directly with the Assistant Director for SEN and Disabled Children, Mandy Lawson.

Or

- Use the Fraud and Whistleblowing Hotline (0800 028 9888; [on-line](#)) to report concerns;
- Immediately refer matters concerning fraud and/or corrupt acts to the Fraud Team (fraud hotline on 0800 028 9888; [on-line](#).) (If there is any doubt, proceed under this procedure and the manager will refer the matter if appropriate.);
- Never carry out their own investigation;
- Assist with any investigation into their concerns, including attendance at meetings, replying to requests for information, and providing signed statements as appropriate;
- Immediately pass any evidence to the investigating manager/ official;
- Follow the stages of the procedure in sequence;
- Always act honestly and in good faith when raising and pursuing concerns through this policy; and
- Inform the investigating manager/official if they have a personal interest in the matters under investigation.

Employees are encouraged to raise "whistleblowing" concerns in the first instance via this policy rather than going straight to external agencies. Reporting concerns to e.g. the press, may seriously undermine any investigation into the issues of concern. Advice can be obtained from a trade union representative or "Public Concern at Work" (phone: 020 7404 6609; web: [www.pcaw.co.uk/](http://www.pcaw.co.uk/)), an independent charity which gives advice on how to raise concerns about serious malpractice at work.

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## **Raising concerns internally**

### **Step 1**

#### **Raising concerns**

1. The employee may raise their complaints orally or, preferably, in writing to their immediate line-manager<sup>1</sup>, and detail the issues about which they are concerned.
2. If it is not appropriate to raise these concerns with a particular manager (e.g. because they are about that manager's conduct), the employee may refer matters to the Executive Headteacher.

Alternatively, employees can use the Fraud and Whistleblowing Hotline (0800 028 9888; [on-line](#)) to report concerns.

3. The manager will confirm that the employee's concerns are appropriate to this procedure; if not, the employee should be referred to the appropriate procedure. Matters concerning "fraudulent or corrupt acts" should be referred to the Fraud Team.
4. The manager will meet the employee as a priority and gather as much information as possible.
5. The manager will assess what action is necessary to investigate and respond to the employee's concerns. They will write to the employee within five days of the meeting summarising the employee's concerns and informing them as to how these will be investigated. The manager will also inform the employee of the timescales within which the investigation will be completed.
6. When considering the action needed to investigate and address the employee's concerns, the manager may seek advice and direction from appropriate Council staff and/or external officials.
7. The employee will be informed in writing of the outcome of the investigation. The employee will receive as much feedback as possible, subject to the Council's duty of confidence to other parties who may be involved.

### **Step 2**

1. The employee may proceed to step 2 and refer their concerns to Director of Children's Services if they:
  - Remain dissatisfied with the response in step 1; or
  - Have not received a response to their concerns within the timescales set out by the manager at step 1.
2. The Chief Officer will take appropriate action such as:
  - Reviewing the investigation to date and giving instructions on its further conduct;
  - Assuming responsibility for an investigation in progress;
  - Initiating an investigation;
  - Delegating an investigation to a Council manager or an appropriate external official.
3. The Chief Officer will inform the employee in writing about action to progress the investigation with timescales and/or their decision in relation to the employee's further representations. The employee will receive as much feedback as possible, subject to the Council's duty of confidence to other parties who may be involved.

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<sup>1</sup>Schools staff should raise their concerns with their headteacher in the first instance.

### **Step 3**

1. The employee may proceed to step 3 and refer their concerns to the Chief Executive if they:
  - Remain dissatisfied with the response in step 2; or
  - Have not received a response to their concerns within the timescales set out by the Chief Officer at step 2.
2. The Chief Executive will review progress to date, and direct on any further action.
3. The Chief Executive will inform the employee in writing about action to progress the investigation with timescales and/or their decision in relation to the employee's further representations. The employee will receive as much feedback as possible, subject to the Council's duty of confidence to other parties who may be involved.