

*"Learning Today, Leading Tomorrow"*

**Bishops Down Primary School**

[www.bishopsdownprimary.org](http://www.bishopsdownprimary.org)



# Whistleblowing Policy

Date Agreed: March 2016

Date for Review: March 2019

Reviewed and updated by: Resources Committee

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If you require this policy in an alternative format please go to the end of this document for details.

### **Introduction**

KCC is committed to the highest possible standards of openness, probity and accountability. If employees and others working with us (including volunteers) have concerns regarding any aspect of our work we encourage them to come forward and voice their concerns. In some instances, concerns may need to be expressed on a confidential basis.

### **Aim**

This policy is intended to encourage individuals to raise serious concerns internally within KCC, without fear of reprisal or victimisation, rather than over-looking a problem or raising the matter outside.

This policy aims to ensure individuals:

- can feel confident in raising serious concerns and to question and act upon concerns about practice
- are provided with avenues to raise concerns and receive feedback on any action taken
- receive a response to their concerns and are aware of how to pursue the matter further if they are not satisfied with the outcome
- can be reassured that they will be protected from reprisals or victimisation if they make a disclosure
- are aware that, in the case of KCC employees, a false or malicious disclosure will be addressed in accordance with the KCC Disciplinary Procedure.

### **Scope**

The Whistleblowing Policy applies to all employees, agency workers, volunteers and those contractors working on KCC premises (e.g. cleaners, builders and drivers etc.) Suppliers and those providing services under a contract with KCC in their own premises are also covered by the policy.

Concerns that are raised will be addressed in accordance with the associated whistleblowing procedure and these can include matters such as:

- conduct which is, has been or is likely to be an offence or breach of law
- conduct that has occurred, is occurring or is likely to occur the result of which KCC fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure
- disclosures related to past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other employees (see below)
- past, current or likely damage to the environment
- concerns about any aspect of service provision
- other concerns regarding the conduct (including breaches of known standards or KCC’s Standing Orders) of officers or KCC Members or others acting on behalf of the KCC

KCC’s Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

If employees wish to raise a concern regarding issues relating to their own employment, the KCC Resolution Procedures should be used. Further information on this procedure can be found on KNet.

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### **Confidentiality**

All concerns raised will be treated in confidence and every effort will be made not to reveal the individual's identity if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the individual is required to come forward as a witness.

### **Anonymous Allegations**

Concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However, anonymous allegations will be considered and investigated at KCC's discretion. 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.

### **Untrue Allegations**

Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

### **Bribery Act 2010**

KCC has a zero tolerance approach to acts of bribery and corruption. Any instances of suspected bribery and corruption must be reported. If you do not feel able to report your concerns to your line manager, the Whistle Blowing Procedure can be used to confidentially raise this matter.

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### **Appendix 1 Whistleblowing Procedure**

#### **Introduction**

It is important for individuals (employees, agency workers, volunteers and those contractors working on KCC premises) to have an appropriate means to raise concerns if they believe that something is seriously wrong within KCC.

This document outlines the process that will be followed in the event of a whistle blowing complaint being raised.

#### **Other Complaints Procedures**

This procedure is separate from KCC's Complaints Procedures and other statutory reporting procedures applying to some Directorates. Managers are responsible for making service users aware of these procedures.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affect an individual.

KCC's Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

If, as an employee, you wish to raise a concern regarding issues relating to your own employment KCC has a Resolution Policy and Procedure that you can use. Further information on these documents can be found on KNet.

#### **Use of the Whistle Blowing Procedure**

You may become aware of, or directly witness, situations or conduct that makes you feel uncomfortable or you regard as inappropriate. The Whistle Blowing Procedure provides a means for you to raise concerns about matters not related to your own employment or your work within KCC but which you feel need to be examined. Examples of the type of matters that could lead to you wishing to raise a whistle blowing complaint are outlined in the KCC Whistle Blowing Policy.

#### **How to Raise a Concern**

##### **General**

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible
- give the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A trade union or professional association may raise a matter on behalf of an employee.

If you intend to make a whistle blowing complaint you are encouraged to include your name. If you specifically request for your name not be released during the examination of your complaint, all efforts will be made for this information to remain confidential. However, if you are required to participate in the process as a witness, it may not be possible for your name to be withheld.

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In the event of anonymous allegations being received, KCC will determine whether or not it is possible and appropriate for the allegations to be examined. This will be determined on a case by case basis with reference to the seriousness of the issues raised, the credibility of the concern and the likelihood of being able to confirm the allegation from attributable sources.

### **Step One – Raising a Concern**

Whenever possible you should raise your concern with your immediate manager or his/her manager, who can, if needed, seek guidance and advice from Human Resources or Internal Audit. If this is not appropriate, you should approach the following according to the nature of the concern:

<b>Directorate</b>	<b>Contact Name</b>	<b>Email</b>
<b>Strategic &amp; Corporate Services</b>	<b>Ann Cook</b>	<a href="mailto:Ann.Cook@kent.gov.uk">Ann.Cook@kent.gov.uk</a> 03000 410 003
<b>Growth, Environment &amp; Transport</b>	<b>Theresa Warford</b>	<a href="mailto:Theresa.warford@kent.gov.uk">Theresa.warford@kent.gov.uk</a> 03000 417 192
<b>Education &amp; Young People’s Services</b>	<b>Hilary Williams</b>	<a href="mailto:Hilary.Williams@kent.gov.uk">Hilary.Williams@kent.gov.uk</a> 03000 416 844
<b>Social Care, Health &amp; Wellbeing</b>	<b>Daniel Waller</b>	<a href="mailto:Daniel.Waller@kent.gov.uk">Daniel.Waller@kent.gov.uk</a> 03000 416 808
<b>Senior Management contact points</b>	<b>Geoff Wild</b> - Director of Governance and Law	<a href="mailto:Geoff.Wild@kent.gov.uk">Geoff.Wild@kent.gov.uk</a> 03000 416 840
<b>Senior Management contact points</b>	<b>Paul Rock</b> - Counter Fraud Manager	<a href="mailto:Paul.Rock@kent.gov.co.uk">Paul.Rock@kent.gov.co.uk</a> 03000 416 621
<b>Independent Helpline</b>	<b>PUBLIC CONCERN AT WORK</b>	020 7040 6609

### **Recording Concerns**

A central record of whistleblowing concerns will be maintained by Internal Audit. The record will include the areas of Council business that have been affected, a summary of action taken and the resulting outcome, follow up and feedback. Managers that receive Whistle Blowing concerns must report the matter to Internal Audit for inclusion on the central record by sending the details to [internalaudit@kent.gov.uk](mailto:internalaudit@kent.gov.uk) with the subject line ‘Whistle Blowing’.

KCC has an Anti Fraud and Corruption Policy and all suspected financial irregularities must be reported to the Head of Internal Audit.

<http://knet/ourcouncil/Documents/Anti%20fraud%20and%20corruption%20strategy.doc>

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### **Whistle Blowing Hotline**

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations. If you wish to raise any type of Whistle Blowing concern directly with Internal Audit (anonymously if necessary) please call the Whistle Blowing helpline on 03000 414 500 or e-mail [internalaudit@kent.gov.uk](mailto:internalaudit@kent.gov.uk).

### **Step Two - How KCC will respond**

The action KCC takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, Internal Audit or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

In order to protect individuals and KCC, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. 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.

An appropriate manager will conduct preliminary enquiries into the matters you have raised. In order to determine whether your concern needs to be formally investigated the manager will seek advice from HR and, where appropriate, safeguarding professionals, Internal Audit or the Counter Fraud Manager.

The formal investigation will identify what, if any, action is required to address the concerns you identified via the Whistle Blowing Procedure. This may involve disciplinary action against another KCC employee or the involvement of agencies such as the Police or the External Auditor.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

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

### **Contact**

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

### **Attending Meetings**

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

### **Protection from Reprisals and Victimisation**

KCC does not tolerate reprisals, victimisation or harassment and will take all reasonable action to protect you if you raise a concern via the Whistle Blowing Procedure. KCC will treat any reprisals, victimisation or harassment as a serious matter and if this involves a KCC employee it will be investigated in accordance

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with the Disciplinary Procedure. In the event of a disciplinary case being found, this could potentially result in the person’s dismissal.

### **Support**

KCC will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, KCC will advise or arrange for you to have advice about the procedure.

KCC accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

### **How to take the matter further**

This procedure is intended to provide individuals with an avenue to raise concerns within KCC. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Public Concern at Work 020 7404 6609
- Audit Commission 020 7630 1019
- a local Kent County Council member
- relevant professional bodies or regulatory organisations
- a solicitor
- the Police

If a matter is taken outside KCC, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the named KCC contacts.

### **Public Interest Disclosure**

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any KCC employee directly due to the individual having made such a disclosure will automatically be unfair

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### **False or Malicious Allegations**

Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

Date last reviewed: March 2016

Date of next review: March 2019

Signed:

Date:

Chair of Standards Committee:

Signed:

Date:

Headteacher