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## **The Haringey Whistleblowing policy**

### **Introduction**

The Government's Green Paper, "An ethical framework for local government," proposed that every local authority should institute a procedure for whistleblowing which would enable concerns to be raised confidentially inside and, if necessary, outside the organisation.

Whistleblowing is a procedure whereby employees disclose any wrong doings such as fraud, malpractice, breach of any health and safety law, or any other illegal act, either on the part of management or by fellow employees.

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 crime, fraud, miscarriages of justice or other malpractices.

The Council's policy on whistleblowing applies to all employees, staff of Council contractors, agency staff and trainees.

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## **1 A guide for Council staff**

- 1.1 Staff working with the Council have an important role in helping the organisation to promote good practice, while providing a service to the community and protecting its vulnerable clients.
- 1.2 Employees are often the first to know when something is going seriously wrong - be it a serious danger to the public or a major fraud. All too often the alarm is not sounded. The result is that the people in charge do not get the chance to take action before real damage is done.
- 1.3 Whistleblowing policies aim to ensure that serious concerns are properly raised and addressed in the work place and are increasingly recognised as a key tool to deliver good practice. It is essential for Haringey that a whistleblowing policy is in place so all staff are aware of what is required of them.
- 1.4 We must ensure that the policy takes account of Equal Opportunities.

## **2 Who it applies to**

This policy applies to all Council workers, which includes senior and junior members of staff (eg. all members of school staff).

## **3 Qualifying disclosure**

In order for a matter raised to receive consideration you must:

- make the disclosure in good faith
- reasonably believe that the information disclosed, and any allegation contained in it, are substantially true
- not make the disclosure for reasons of personal gain
- believe the relevant concern is of an exceptionally serious nature.

## **4 How you identify relevant matters of concern**

A relevant concern may be something that you consider:

- is unlawful
- is against the Council's standing orders or policies
- falls below established standards or practice
- amounts to improper conduct
- involves clients or the public being put in danger
- involves funds being embezzled or fraud.

(This is not an exhaustive list.)

## **5 How to raise concerns**

Where you have concerns about malpractice and it is not appropriate to raise them through other procedures, such as grievance procedures, you should raise them with either:

- your line manager, or failing that
- your line manager's manager or the Director



- the Chief Executive direct on extn. 2649 or 020 8489 2649, Internal Audit on extn. 5975, or the Head of Personnel
- Members
- an external organisation used by the Council called Public Concern at Work on 020 7404 6609

5.1 Who you raise concerns with will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If, for example, you believe that senior management is involved, you can approach any of the following: the Chief Executive, Internal Audit, the Head of Personnel or the external organisation contracted by the Council, Public Concern at Work. Whistleblowing concerns of a financial nature should be raised in the first instance with Internal Audit.

## **6 How the Council will respond**

Where appropriate, the matters raised may be investigated by management, Chief Executive, Internal Audit Investigations Unit or Personnel.

- 6.1 Within ten days of a concern being raised the responsible person will:
- write to the employee to
  - acknowledge their complaint
  - indicate how they propose to deal with the matter raised
  - give an estimate of how long it will take to provide a final response
  - provide individuals with information on staff support mechanisms.
- 6.2 There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment.
- 6.3 The initial investigation should last five working days and will establish whether or not a concern is justified. Further investigations must be completed within six weeks, but extensions will be granted when necessary. The aim of these timescales is to ensure that all cases of whistleblowing are dealt with as soon as possible.
- 6.4 This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures. These include:
- conduct which is an offence or a breach of law
  - health and safety risks, including risks to the public as well as other employees
  - the unauthorised use of public funds
  - possible fraud and corruption
  - damage to the environment
  - sexual or physical abuse of clients
  - other unethical conduct.

## **7 Investigating the case**

Following an allegation, where appropriate an independent and impartial manager will be involved in the investigation.

- 7.1 Managers will make sure that the investigation is carried out as quickly and as thoroughly as possible.



- 7.2 Once an investigation begins, every effort will be made to bring it to an early conclusion.
- 7.3 Investigations under the whistleblowing policy follow the same process as the Disciplinary Code of Practice for investigating cases of misconduct/gross misconduct. See Volume III, page J-4 (Personnel Managers Handbook).
- 7.4 An investigation may conclude that, potentially, there has been a breach of the Council's Code of Conduct and Disciplinary Rules. In these circumstances management would invoke the disciplinary process.
- 7.5 The amount of contact between the officers considering the allegation and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 7.6 The council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure.
- 7.7 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the progress and outcomes of any investigation.

## **8 The responsible officer**

- 8.1 The Chief Executive, as Monitoring Officer, has overall responsibility for the maintenance and operation of this policy.
- 8.2 The Chief Executive maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

## **9 How the matter can be taken further**

This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the external organisation, Public Concern at Work
  - your Trade Union
  - your local Citizens Advice Bureau
  - the District Auditor
  - the Police.
- 9.1 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the Chief Executive, as Monitoring Officer, if you have concerns about confidentiality.



## **10 Protecting whistleblowers' confidentiality**

The Council will seek to protect your identity when you raise a concern and do not want your name to be disclosed. However, during the investigation, the source of the information may be revealed and you may be required to provide a statement.

## **11 Untrue allegations**

If you make an allegation, which you think genuine, but is not proven, no action will be taken against you. If, however, you maliciously raise an unfounded concern, then disciplinary action may be taken against you.

## **12 Anonymous allegations**

The policy encourages individuals to put their name to allegations they make. However, it is understood that some people may wish to remain anonymous. Concerns expressed in this way are much less powerful, but will be considered, at the discretion of the Council.

In exercising this discretion, the seriousness of the issues raised and the credibility of the concern will be taken into account.

## **13 Victimization**

The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

If you do receive reprisals from those responsible for the malpractice or any other member of staff, the Council will take the matter very seriously and where appropriate take disciplinary action.

## **14 Contracting organisations**

These arrangements will be extended, with appropriate variations, to staff of contracting organisations. Such arrangements will be carefully confined to those areas of activity relating specifically to the contractor's relationship with Haringey Council, and should not extend to their internal arrangements.

## **15 And finally...**

For everyone involved in the whistleblowing process – whistleblowers, Council staff and all accused of malpractice – it is important to deal with concerns quickly, discreetly and properly to make the process efficient, fair and effective.

## **16 Review**

This policy will be reviewed by the Standards committee every 3 years or earlier if required.

Date of policy: FEBRUARY 2018

Policy ratified: ..... (Signature) ..... (Date)

Review due: FEBRUARY 2021

(This policy is currently under review by the LA.)