



## **LONDON BOROUGH OF ENFIELD**

# **WHISTLEBLOWING POLICY & PROCEDURES JANUARY 2023**

### **1. INTRODUCTION**

The Council is committed to developing the highest possible behavioural standards and a culture encouraging openness, probity and accountability of all employees, councillors and council contractors. The whistleblowing policy (the Policy) is a framework to enable and encourage you to raise and report any concerns regarding any aspect of the Council's work which may include:

- The unauthorised use of public funds
- A failure to comply with a legal obligation
- Any conduct which may damage the Council's reputation
- A danger to the health and safety of an individual
- Damage to the environment
- Possible fraud and corruption
- Possible acts of bribery
- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice; and/or
- Other unethical conduct.

The Council's whistleblowing policy applies to all employees \*, members and contractors working for the Council on Council premises, for example, agency staff and consultants. It also covers suppliers and organisations providing services under a contract with the Council on their own premises, for example, care homes.

Please note that the Council's Whistleblowing Policy is not intended to cover safeguarding concerns relating to children or vulnerable adults, as there are separate arrangements for raising these (see Section 7).

\* Schools are required to have their own policy in place; they may choose to adopt the model policy produced by the Schools' Personnel Service (see **Annex A** of this policy).

## 2. HOW TO RAISE A WHISTLEBLOWING CONCERN

As a first step, you should normally report any concerns to your line manager or the manager of a person giving cause for concern, preferably in writing. However, if you feel the matter is extremely serious, sensitive or involves your line manager, you may report the matter straight to your Director.

If you feel that it is not appropriate to report your concerns to these individuals, then you should contact one of the following:

Contact	Position	Email	Contact number
Gemma Young	Head of Internal Audit and Risk Management	gemma.young@enfield.gov.uk	020 8132 1756 or 07900 168938
Marion Cameron	Deputy Head of Internal Audit and Risk Management	marion.cameron@enfield.gov.uk	020 8132 1065
Bob Cundick	Counter Fraud Manager	bob.cundick@enfield.gov.uk	020 8132 1878
Mike Tobin	Senior Counter Fraud Officer	michael.tobin@enfield.gov.uk	020 8132 2480
Terry Osborne	Director of Law and Governance	terry.osborne@enfield.gov.uk	020 8132 0668
Fay Hammond	Executive Director of Resources	fay.hammond@enfield.gov.uk	020 8379 2662
Tinu Olowe	Director of Human Resources and Organisational Design	tinu.olowe@enfield.gov.uk	020 8123 154
Ian Davis	Chief Executive	ian.davis@enfield.gov.uk	020 8379 3901

When raising your concern, you may wish to take advice on the matter from any of those listed in the section above or discuss your concerns with a colleague first. It is advisable that you report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue.

In raising your concern in writing, you should give as much detail as possible, i.e. the background and history, names and relevant dates and the reasons why you are particularly concerned about the situation.

If you feel hesitant about putting your concern in writing at this stage you should telephone the manager to whom you wish to make the report and ideally, arrange to meet them. However, you may be asked to confirm the details in writing at a later stage.

Officers receiving a report under the whistleblowing policy should notify the Audit and Risk Management Service as soon as possible so that the Council can meet requirements to keep a central record of whistleblowing concerns raised.

Please advise whether you want to raise the matter in confidence to enable appropriate arrangements to be made. (Remember the Audit and Risk Management Service has a degree of independence that allows officers to raise concerns without being identified as the source).

If these channels have been followed and you still have concerns, or if you feel that the matter cannot be discussed with any of the above, you can contact any of the following independent organisations outside the Council for assistance with your concern:

- National Audit Office Tel: 020 7798 7999 (their [website](#) provides further information)
- Protect provide free, confidential whistleblowing advice and can be contacted via their [webform](#). More information is available on their [website](#).
- Citizens Advice Bureau
- Relevant professional bodies or regulatory organisation
- Relevant voluntary organisation
- The Police.

If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

### **3. HOW WE WILL HANDLE THE MATTER**

Once you have raised your concern, the Council will undertake an initial assessment to determine what action needs to be taken. This may involve an internal inquiry or a more formal investigation. Do not forget that testing out your concerns is not the same as either accepting or rejecting the concern.

Where appropriate, the matters raised may:

- be investigated by management, officers from the Council's Audit and Risk Management Service, or through the disciplinary process;
- be referred to the Police or appropriate agency such as Her Majesty's Revenue and Customs (HMRC) or the United Kingdom Borders Agency (UKBA);

- be referred to the Council's external auditor; or
- form the subject of an independent inquiry.

When you raise your concern, you may be asked how you think the matter might best be resolved. You will also be required to disclose any personal interest in the matter at the outset. Any concerns that should be dealt with through the Grievance Policy will be redirected.

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 advised of the officer handling the matter, how you can contact them and whether further assistance is required. Where possible, you will receive a letter summarising your concern and proposed actions that will be taken. Please note, however, that the Council may not be able to tell you the precise action taken where this would infringe a duty of confidence owed to someone else.

It should be noted that where a concern raised is linked to a potential redundancy, disciplinary and/or other managerial issue these processes will continue in parallel with the investigation of the alleged wrong-doing and will not prevent the Council from pursuing any subsequent action through to conclusion. This principle is not intended to prevent staff raising concerns.

Where staff have genuine concerns about potential wrong-doing they are expected to raise these concerns at the earliest opportunity and not raise these in response to other managerial actions being instigated. In all cases, when a concern is raised in writing, the responsible person will write to you:

- Acknowledging that the concern has been received;
- Indicating how the Council proposes to deal with the matter;
- Providing an estimated timeframe to conclude the investigations;
- Advising whether any initial enquires have been made
- Supplying you with information on staff support mechanisms, and
- Informing you whether further investigations will take place and if not, why not.

#### **4. EXTERNAL CONTACTS**

While we hope this Policy gives you the reassurance you need to raise concerns internally, we would rather you raise a matter with the appropriate regulator than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact:

External Contact	Issue Type
Health and Safety Executive	Health and safety concerns
Environment Agency	Environmental issues
HM Revenues & Customs	Financial irregularities
BDO (Council's external auditor)	Public sector finance issues or financial irregularity
Information Commissioner's Office	Data protection issues

## 5. IF YOU ARE DISSATISFIED

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and in accordance with this Policy. If you are dissatisfied with our response it may be appropriate to seek external advice.

## 6. OUR ASSURANCES TO YOU

The Chief Executive and the Executive Management Team are committed to this Policy and recognise that the decision to report a concern can be a difficult one to make. If you raise a genuine concern under this Policy, you will be protected from possible reprisal or victimisation. Provided you are acting in good faith, it does not matter if you are mistaken, no action will be taken against you.

We do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

By reporting or raising a concern you will be doing your duty to your employer and those for whom you are providing a service.

### Statutory Protection

The Public Interest Disclosure Act 1998 establishes your right to raise concerns and provides individuals with protection from victimisation, dismissal or any other detriment, provided they have a reasonable belief that what they have reported is true and the report is in good faith.

### Harassment or Victimisation

The Council will not tolerate any harassment or victimisation (including informal pressures) from you colleagues, peers, managers, or from external sources, and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary, capability, or redundancy procedures that already affect you.

If you consider that you are being, have been or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this Policy, you should report your concerns to the Council's Monitoring Officer. The matter will then be dealt with as a new referral under this procedure.

### **Your confidentiality**

We recognise that you may want to raise a concern in confidence under this Policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are unable to resolve the concern without revealing your identity (for example where you are needed to come forward as a witness or to give evidence in court), we will discuss with you whether and how we can proceed.

### **Anonymous Allegations**

Concerns expressed anonymously are not categorised as whistleblowing, as we cannot be certain of the source.

Although we are grateful for any information received, referrals made anonymously are much less powerful but will be considered at the discretion of the Council. In exercising this discretion, the factors to be considered will include:

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

If you do not tell us who you are, it will be much more difficult for us to investigate the matter, and we will be unable to give you feedback.

## **7. SAFEGUARDING CONCERNS**

Individuals wishing to report safeguarding concerns should continue to raise these via the established processes, namely;

### **For Children**

Matters relating to child abuse should be reported to the Children in Need Service from 9am to 5pm: telephone 020 8379 2507 and the Enfield Out of Hours Team outside office hours: telephone 020 8379 1000.

More information is available here:

<https://cp.childrensportal.enfield.gov.uk/web/portal/pages/home>

## For Adults with Care and Support Needs

Issues relating to the abuse or neglect of an adult at risk should be referred to the Enfield Multi-Agency Safeguarding Hub (MASH) Team.

Email them at: [themashteam@enfield.gov.uk](mailto:themashteam@enfield.gov.uk) or call on 020 8379 3196 Monday to Friday from 9am to 5pm.

You can also call 24 hours a day, speaking anonymously if you wish, on the Enfield Adult Abuse Line: 020 8379 5212.

Where the concern relates to a Person in a Position of Trust (“PIPOT”), such as that person’s suitability to work with adults with care and support needs, as opposed to a specific safeguarding concern, then this can be raised by email via [safeguardingadults@enfield.gov.uk](mailto:safeguardingadults@enfield.gov.uk).

More information is available [here](#).

## 8. OTHER MATTERS OUTSIDE THE SCOPE OF THE WHISTLEBLOWING POLICY

In addition to safeguarding concerns, the Policy does not normally cover the following areas:

- Matters that concern day to day issues relating to an employee’s terms and conditions of employment or a complaint about another employee which can usually be referred to their line manager, or if necessary be pursued using the Council’s Grievance Procedure.
- Matters that concern schools are covered by a separate Model Whistleblowing Policy and Procedures document (**Annex A**). If after reading this, you feel that your concern or issue is not covered, you can make a complaint online at <https://contact.ofsted.gov.uk/online-complaints>.
- Matters that would normally be dealt with by the Council’s collective bargaining arrangements with its recognised trade unions should be reported to (GMB) 020 8379 6138 / [branch@gmbenfield20.org.uk](mailto:branch@gmbenfield20.org.uk) or (UNISON) 020 8379 4082 / [office@enfieldunison.co.uk](mailto:office@enfieldunison.co.uk).
- Allegations concerning fraud or financial irregularity should continue to be made directly to the Counter Fraud Team by calling our hotline number 020 8379 3166 or via email to [fraud.team@enfield.gov.uk](mailto:fraud.team@enfield.gov.uk) .

- Complaints from the public that relate to the standard of service delivered by the Council or Council Contractors which should be reported through the Council's Corporate Complaints procedure.

## **9. REVIEW OF THIS POLICY**

This Policy and reports made under it should be reviewed annually by the Head of Audit & Risk Management who will submit a report to the General Purposes Committee.



## Annex A



**Schools' Personnel:  
get the chemistry right**

# **MODEL WHISTLEBLOWING POLICY AND PROCEDURES** (The Reporting of Malpractice and Improper Conduct)

**FOR EMPLOYEES AND WORKERS IN MAINTAINED SCHOOLS,  
PRUs, ACADEMIES AND OTHERS**

**4th Edition October 2020  
(Replaces October 2017 Edition)**



INVESTOR IN PEOPLE

**WHISTLEBLOWING POLICY AND PROCEDURES  
(The Reporting of Malpractice and Improper Conduct)**

**FOR EMPLOYEES AND WORKERS IN MAINTAINED SCHOOLS, PRUs,  
ACADEMIES AND OTHERS**

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# WHISTLEBLOWING POLICY AND PROCEDURES

## (The Reporting of Malpractice and Improper Conduct)

### FOR EMPLOYEES AND WORKERS IN MAINTAINED SCHOOLS, PRUs, ACADEMIES AND OTHERS

#### **IMPORTANT NOTE RELATING TO TERMINOLOGY USED IN THIS DOCUMENT**

This policy and procedure document may be adopted by maintained schools, PRUs, Academies, Free schools and/or other independent schools. Therefore, where the words '**Headteacher**', '**Governing Body**', '**Governors**' or '**school**' are used in this document, this should also be interpreted (and can be adapted) to mean, or read, **Principal, Chief Executive, Head of School, Proprietor, PRU Management Committee, Members, Directors, Board of Trustees, Local Governing Body, Governing Board, PRU, Academy or Academy Trust** etc., as relevant to the type of school and structure in place. Words shown in *italics* throughout this document may, therefore, be replaced by the relevant terminology from the above, or otherwise adapted appropriately.

## **1. INTRODUCTION**

The term 'whistleblowing' relates to situations whereby an employee/worker discloses illegal or unethical conduct within an organisation. Unlike wrongdoing where the consequences are strictly personal, whistleblowing is unique as it focuses on matters relevant to the public interest. In other words, a whistle blower makes a disclosure about wrongdoing in the public interest.

If the consequences of an employer's conduct have wider implications for the general public, then the individual exposing the wrongdoing is 'whistleblowing'. The law protects whistle blowers from any potential consequences to their employment, for example by providing protection from dismissal, from being overlooked for promotion, from victimisation, harassment or any other unfair treatment.

Current UK legislation in place for the protection of whistle blowers was brought in under the Public Interest Disclosure Act 1998 (PIDA) and expanded upon with the introduction of the Enterprise and Regulatory Reform Act (ERRA) 2013. These Acts provide the legal framework that governs the circumstances in which employees can legally blow the whistle, as well as setting out the requirements for legal protection following the event.

*The Governors* are committed to developing and maintaining the highest possible behavioural standards and a culture encouraging openness, probity and accountability of all employees, workers and contractors. This Whistleblowing Policy provides a framework to enable and encourage you to raise and report, or 'disclose', genuine concerns regarding any relevant aspect of the *school's* work. The Policy aims to reassure you that you will be protected from possible reprisals or detriment if you have a reasonable belief that any disclosure you make is true.

## **2. WHO THE WHISTLEBLOWING POLICY APPLIES TO**

This Whistleblowing Policy applies to all employees, inc. apprentices, trainees and work experience placements, *governors* and volunteers. It also covers contractors working for the *school* on *school* premises, for example, agency workers and consultants, as well as suppliers and any organisations providing services under a contract with the *school* on their own premises.

Note that workers who are not employees cannot claim unfair dismissal due to blowing the whistle but, because of the protection afforded, they can claim 'detrimental treatment'.

The Policy does not cover other persons such as members of the public or parents. The *school* has a separate Complaints Procedure in place for use by those persons not connected with the *School* through their own employment, work, training or provision of services.

## **3. MATTERS COVERED BY THE WHISTLEBLOWING POLICY**

**The Policy is intended to cover the most serious concerns about malpractice that fall outside the scope of other procedures.**

'Qualifying Disclosures', i.e. disclosures or the reporting of serious concerns that afford an employee/worker protection in law, are disclosures of information where the employee/worker reasonably believes that one or more of the following is either happening, has taken place, or is likely to happen in the future and that disclosure is in the public interest:

- The unauthorised use, or misuse, of public funds
- A failure to comply with a legal obligation
- Conduct which is an offence or breach of the law
- Possible fraud and corruption (e.g. financial fraud or mismanagement, public examination fraud)
- Possible acts of bribery
- Serious Health and Safety risks, including risks to pupils and the public, as well as other employees/workers
- Damage to the environment
- Safeguarding or Child Protection matters
- Any conduct which may damage the *School's* reputation
- Miscarriages of justice
- Other unethical conduct
- Deliberate concealment of information relating to any of the above.

*This list is not necessarily exhaustive. (See also 4. below).*

## **4. MATTERS NOT COVERED BY THE WHISTLEBLOWING POLICY**

The wrongdoing, or malpractice, being disclosed **must be 'in the public interest'**. There is no specific definition of what is meant by 'in the public interest'. However, the matter cannot relate solely to the individual who is raising it. It must adversely affect,

or threaten, others. This could mean pupils, parents or the public in general, for example. It could also be interpreted as including other employees/workers depending on all the factors involved. This may be the case only if a significant number are affected and will depend also upon the nature of the interests affected, the nature of the wrongdoing disclosed, even the identity of the alleged wrongdoer may be relevant - the more prominent s/he is, the more likely it is that the disclosure will be in the public interest. All the circumstances of the case would need to be considered to decide if the matter is in the public interest generally.

However, **a Disclosure may not be made for purely private matters, such as a problem with the individual's own employment terms or contract.**

### **Other matters the Whistleblowing Policy does NOT normally cover**

- **The general behaviour of another employee** (i.e. behaviour that does not fall within the types of malpractice listed in 3. above). Employees should refer a complaint about another employee's behaviour to his/her Line Manager or otherwise pursue the matter through the *school's* Grievance Procedure.
- **Concerns relating to another employee's/worker's performance or capability.** There are other, more appropriate, procedures in place for management to address such issues.
- **Matters relating to the abuse or neglect of an adult at risk.** Issues relating to the abuse or neglect of an adult at risk should be referred to the Enfield Multi-Agency Safeguarding Hub (MASH) Team. Email at: [themashteam@enfield.gov.uk](mailto:themashteam@enfield.gov.uk) or call on 020 8379 3196 Mon to Fri. from 9am to 5pm. You can also call 24 hours a day, speaking anonymously if you wish, on the Enfield Adult Abuse Line: Telephone 020 8379 5212.

Where the concern relates to a Person in a Position of Trust ("PIPOT"), such as that person's suitability to work with adults with care and support needs, as opposed to a specific safeguarding concern, then this can be raised via email at: [safeguardingadults@enfield.gov.uk](mailto:safeguardingadults@enfield.gov.uk)

More information is available via the link: <https://www.enfield.gov.uk/safeguardingadults>

(Note that **Child Protection concerns** are covered in the next section of this document. See 5. (a) and (b) below).

- Matters that would normally be dealt with by the *London Borough of Enfield's/the school's collective bargaining arrangements* with its recognised Trade Unions/Professional Associations. These should be reported, as appropriate, to:
  - the **GMB** 020 8379 6138 or email: [branch@gmbenfield20.org.uk](mailto:branch@gmbenfield20.org.uk) or [gmbenfield@btconnect.com](mailto:gmbenfield@btconnect.com)
  - **UNISON** (schools) 020 8379 4047 or email: [schools@enfieldunison.co.uk](mailto:schools@enfieldunison.co.uk) or (general) 020 8379 4082 email: [office@enfieldunison.co.uk](mailto:office@enfieldunison.co.uk)

- **UNITE the Union** 24-hour legal helpline: 0800 709 007. London and Eastern region contact number: 020 8800 4281
- **The National Education Union (NEU)** London Region 020 8477 1234 or, to speak to a member adviser, call AdviceLine on 0345 811 8111
- **NASUWT Greater London Regional Centre** Email contact: [rc-london@mail.nasuw.org.uk](mailto:rc-london@mail.nasuw.org.uk); Telephone line for advice issues only (members in England) 03330 145550 or email at [advice@mail.nasuw.org.uk](mailto:advice@mail.nasuw.org.uk)
- **VOICE** (Head Office, Derby) on 01332 372 337
- **NAHT** (General Enquiries) on 0300 30 30 333 or email: [info@naht.org.uk](mailto:info@naht.org.uk)
- **ASCL** on 0116 2991122

**Alternatively, you may wish to contact your Professional Association/Trade Union's local School or Branch Representative in the first instance.**

- **Complaints from the public that relate to the standard of service delivered by the school or the school's Contractors.** These should be reported through the *school's* Complaints Procedure.

## **5. HOW TO RAISE A CONCERN**

### **(a) PRIOR to raising a concern**

**(i) Where there are concerns relating to a child protection matter,** action should be taken in accordance with the *school's* Child Protection Policy and any other advice and guidance set out by the Safeguarding Enfield Partnership and the Department for Education (DfE).

Statutory guidance issued by the **DfE** in relation to the safeguarding of children and young people includes '**Working Together to Safeguard Children**' and '**Keeping Children Safe in Education**' (KCSIE). The relevant DfE website page can be located at: <https://www.gov.uk/government/collections/statutory-guidance-schools#safeguarding-children-and-young-people>

The website for the Safeguarding Enfield Partnership can be visited at: <https://www.enfield.gov.uk/safeguardingenfield/>

**Specifically in relation to making a disclosure under this Whistleblowing Policy:**

**Where any concerns you may have are about the behaviour of another employee/worker in relation to a child protection matter, you should raise them as described under (b) below.**

**OR OTHERWISE**

**For other concerns that are NOT about the behaviour of another employee/worker in relation to a child protection matter, you should raise them under (c) below.**

**(ii) If you are a member of a Professional Association or Trade Union**, it may have in place a Code, or rules, which set out how members should act in relation to raising concerns involving colleagues and/or in relation to dealings with colleagues in general. You are advised, in these circumstances, to familiarise yourself with any such Code or rules or contact your Professional Association or Trade Union for further advice prior to taking action. In any event, you may wish to consult your Professional Association/Trade Union for advice and support prior to raising a concern.

**(b) How To Raise a Concern about the Behaviour of another Employee/Worker in relation to a Child Protection Matter**

Part One of the statutory DfE guidance ‘Keeping Children Safe in Education’ (KCSIE) provides advice on what school staff should do if they have concerns about another staff member. (For this purpose, this should also be taken to include any other trainees, workers, volunteers, governors or others providing services to the *school*). In these circumstances:

- Any employee, worker or other person to whom this policy and procedure applies who has a concern(s) about another member of staff/worker/trainee at, or providing services to the *school*, should immediately, or at the earliest possible opportunity, refer the matter to the *Headteacher*.

Where it is decided that it meets the threshold of harm/risk of harm and is, therefore, an allegation, the *Headteacher* will report to the Local Authority Designated Officer (LADO)<sup>1</sup> immediately and, in any event, within one working day. (If appropriate, the Police should also be notified within one working day – or immediately, if necessary).

- If the concerns relate to the *Headteacher*, the matter should instead be reported to the *Chair of Governors*. The *Chair of Governors* will then report to the LADO (and Police, as appropriate) in the above circumstances.
- *In the event of an allegation being made against the Headteacher, where the Headteacher is also the sole proprietor of an Independent school, allegations should be reported directly to the LADO.*

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<sup>1</sup> Every Council has a duty to manage allegations and concerns about any person who works with children and young people in their area. This includes Council staff, staff/workers, staff/workers of partner agencies, volunteers and any others who may work with local children. The LADO is responsible for managing all child protection allegations made against persons who work with children and young people in the area. The LADO must be contacted within one working day in respect of all cases in which it is alleged that - a person who works with children has behaved in a way that has harmed, or may have harmed, a child; possibly committed a criminal offence against or related to a child; behaved towards a child or children that indicates he or she may pose a risk of harm to children; or behaved or may have behaved in a way that indicates they may not be suitable to work with children. The LADO is responsible for managing and overseeing individual cases from all agencies, providing advice and guidance to employers and voluntary organisations around allegations and concerns, chairing strategy meetings (known as ‘Allegations against staff and Volunteers’ [ASV] meetings in the London Child Protection Procedures), ensuring a fair and consistent process, monitoring progress of cases to ensure they are dealt with as quickly as possible and ensuring the child’s voice is heard and that s/he is safeguarded.



Employees/workers or any other persons to whom this policy and procedure applies may consider discussing any concerns with the *school's* designated safeguarding lead and make any referral via him/her.

Following the raising of a concern under this heading, further action will be taken in accordance with the procedures in place for addressing child protection matters. The referrer of the matter will be informed as appropriate.

It is hoped that concerns raised can be dealt with through these channels other than in exceptional circumstances. However, where you consider that your genuine concerns have not been satisfactorily resolved, or are not being addressed, other whistleblowing channels are set out in 13. below, 'Taking Your Concerns Further – External Contacts'. (Note that Ofsted will normally address whistleblowing referrals about a Local Authority's general safeguarding arrangements. However, Ofsted does not have the authority to investigate or follow up whistleblowing concerns relating to individual cases, except where they provide evidence of more widespread or systematic failure).

(c) **How To Raise a Concern that is NOT about the behaviour of another Employee/Worker in relation to a Child Protection matter**

**When raising your concern** you may wish to take advice on the matter from any of those listed in the section below or discuss your concerns with a colleague first. It is advisable that you report your concern as early as possible. A significant delay in reporting the matter may make the subsequent investigation difficult to pursue.

PLEASE NOTE: For maintained schools, if the allegation relates to fraud or financial impropriety, then the matter must also be reported to the Council's Head of Internal Audit and Risk Management (see Step 4 below).

### **Step 1**

As a first step, you should normally report any concerns to **your Line Manager or his/her Manager**.

**It is always preferable for concerns to be raised in writing.** Where this is the case, the following details should be included wherever possible:

- Name and contact details
- Background and history, names and relevant dates and the reasons why you are particularly concerned about the situation
- Whether you wish your name to remain confidential (see also Page 10 below, 'Your Confidentiality')
- Whether you want feedback
- The names and roles of any employees or others who may support your concern(s).

**If you feel hesitant about putting your concerns in writing at this stage**, you should speak to the manager to whom you wish to make the report and arrange to meet with him/her. However you may be asked to put the details in writing at a later stage.

## **Step 2**

If you feel the matter is extremely serious, sensitive or involves your Line Manager or their Manager, you may report the matter, in the manner set out in Step 1 above, directly to **the *Headteacher or the Chair of Governors***, as appropriate.

## **Step 3**

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, then you should contact:

<b>Contact for Employees/Workers in Maintained Schools</b>
<b>Tony Theodoulou, Executive Director – People, People Department on 020 8379 4610</b>

<b>Contact for Employees/Workers in Academies/Free/Other Independent Schools</b>
<i>Academies and others to insert relevant contact details</i>

## **Step 4**

In addition to the steps above, you can also at any stage contact the persons named below.

For maintained schools, any allegation involving fraud or financial impropriety **must** in any event be reported to the Head of Internal Audit and Risk Management even if the process outlined in Steps 1 to 3 has been followed.

<b>Contacts for Employees/Workers in Maintained Schools</b>
<b>Gemma Young, Head of Internal Audit and Risk Management on 020 8132 1756 or 07900 168938 or e-mail <a href="mailto:Gemma.young@enfield.gov.uk">Gemma.young@enfield.gov.uk</a></b>
<b><u>OR</u></b>
<b>Terry Osborne, Director of Law and Governance on 020 8132 0668 or e-mail <a href="mailto:terry.osborne@enfield.gov.uk">terry.osborne@enfield.gov.uk</a></b>

<b>Contacts for Employees/Workers in Academies/Free/Other Independent Schools</b>
<i>Academies and others to insert relevant contact details</i>

**NOTE RELEVANT TO COUNCIL OFFICERS RECEIVING A DISCLOSURE FROM EMPLOYEES/WORKERS IN MAINTAINED SCHOOLS** - Officers receiving a report under this section **must** notify the Audit and Risk Management Service of the report as soon as possible so that the Council meet their requirements to keep a central record of whistleblowing concerns raised.

**NOTE FOR ACADEMIES (inc. Free Schools [and others as relevant])** – Academies must be aware of any related requirements set out in their Funding Agreements and the Academies Financial Handbook. They also have a specific responsibility for notifying the Education and Skills Funding Agency (ESFA) of certain instances of fraud, theft and/or irregularities.

## **6. HOW THE MATTER WILL BE HANDLED**

Once you have raised your concern, an initial assessment will be made to determine what action needs to be taken. This may involve an internal inquiry or a more formal investigation. Do not forget that testing out your concerns is not the same as either accepting or rejecting the concern.

**Where appropriate, the concerns raised may:**

- be investigated internally by management, inc. *Governors (or by Officers from the London Borough of Enfield, where appropriate)* and/or through the disciplinary process;
- be referred to the Police or another appropriate agency such as Her Majesty's Revenue and Customs (HMRC) or United Kingdom Visas and Immigration (UKVI);
- be referred to the external auditor, or ESFA in relation to an Academy; or
- form the subject of an independent inquiry, or investigation by Ofsted.

(NB. Concerns raised under 5. (b) above will be dealt with in accordance with the relevant Child Protection procedures)

**When you raise your concern, you may be asked how you think the matter might best be resolved.** You will also be required to disclose any personal interest in the matter at the outset.

**Any concerns that should be dealt with through another procedure, such as the Grievance Procedure, will be redirected.** 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 advised of the person responsible for handling the matter,** how you can contact them and whether further assistance is required. Where possible, you will receive a letter summarising your concern and proposed actions to be taken.

Whilst the purpose of this Policy is to enable possible malpractice to be investigated and to take appropriate steps to deal with it, **you will be given as much feedback as permissible.** Please note, however, that it may not be possible to tell you the precise action being taken where this would infringe a duty of confidence owed to another party.

**It should be noted that where a concern raised is linked to a potential redundancy, disciplinary and/or other managerial issue these processes will continue in parallel with the investigation of the alleged wrongdoing** and will not prevent any subsequent action being pursued through to conclusion. This principle is not intended to prevent employees/workers from raising concerns.

**Where employees/workers have genuine concerns about potential wrongdoing they are expected to raise these concerns at the earliest opportunity** and not raise these in response to other managerial actions being instigated.

**In all cases, when a concern is raised in writing, the responsible person will write to you:**

- Acknowledging that the concern has been received
- Indicating how we propose to deal with the matter
- Providing an estimated timeframe to provide a final response
- Advising whether any initial enquires have been made
- Supplying you with information on staff support mechanisms, and
- Informing you if further investigations will take place and, if not, why not.

**In circumstances where you are asked to attend any meeting(s) relating to the concern(s) you have raised, you may find it helpful to be accompanied by:**

- a local area or regional official of a Trade Union/Professional Association;
- a workplace Trade Union/Professional Association Representative, as long as s/he has been reasonably certified in writing by their union as having experience of, or having received training in, acting as an employee's companion at such meetings. Certification may take the form of a card or letter; or
- a work colleague.

## **7. IF YOU ARE DISSATISFIED**

Whilst it cannot be guaranteed that you will receive a response to all matters in the way that you might wish, the matter will be handled fairly and in accordance with this policy. If you are dissatisfied with the response you receive it may be appropriate to seek external advice (see 13. below).

## **8. ASSURANCES TO YOU**

*The Governors* are committed to the Whistleblowing Policy and recognise that the decision to report a concern can be a difficult one to make. If you raise what you reasonably believe to be a genuine concern under this Policy, in the public interest, you will be protected from possible reprisal or victimisation. In these circumstances, it does not matter if you are mistaken, no action will be taken against you.

Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

By reporting or raising a concern, you will be doing your duty to your employer and those for whom you are providing a service.

## **9. STATUTORY PROTECTION**

The Public Interest Disclosure Act 1998, as amended, and including provisions implemented under the Enterprise and Regulatory Reform Act 2013, establishes your right to speak out about malpractice. The legislation provides individuals with protection from victimisation by others, dismissal or any other detriment, provided they

follow the correct procedure, they reasonably believe that what they have reported is either happening, has taken place, or is likely to happen in the future and that disclosure is in good faith and the public interest.

An employee/worker will have to show three things to claim Public Interest Disclosure Act protection:

1. That s/he made a disclosure
2. That s/he followed the correct disclosure procedure
3. That s/he was dismissed or suffered a detriment as a result of making the disclosure.

A tribunal has the power to reduce any compensation by up to 25% if it thinks the disclosure was made in “bad faith”.

Please be aware that, if you report your concerns to the media, in most cases you will lose your whistleblowing legal rights.

## **10. VICTIMISATION, BULLYING OR HARASSMENT**

Employees/workers need to be aware that they must not in any way mistreat a whistleblower by subjecting them to detriment, victimisation, bullying, or harassment. The *Governors* will not tolerate any form of victimisation, bullying or harassment (including informal pressures) from your colleagues, peers, managers, or from external sources, and will take appropriate action to protect you when you raise what you believe to be a genuine concern in the public interest.

If you consider that you have been, are being, or are likely to be victimised, dismissed, made redundant or made to suffer some other detriment as a result of making a report under this procedure, you should report your concerns as set out under any of the Steps 1 to 4 above, as appropriate to the circumstances. The matter will then be dealt with as a new referral under this procedure.

Any investigation into allegations of malpractice will not influence, or be influenced by, any disciplinary, capability or redundancy procedures that already affect you.

## **11. YOUR CONFIDENTIALITY**

It is recognised that you may want to raise a concern in confidence under this Policy. If you ask for your identity to be protected, it will not be disclosed without your consent. If the situation arises where the concern cannot be resolved without your identity being revealed (for example where you are needed to come forward as a witness or to give evidence in court), it will be discussed with you about whether and how the matter can proceed.

## **12. ANONYMOUS ALLEGATIONS**

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the *Governors or the London Borough of Enfield*, as appropriate. In exercising this 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.

Remember - if you do not state who you are, it will be much more difficult for the matter to be investigated, for your position to be protected or for you to receive feedback. Please note it is less likely that either the *Governors or the London Borough of Enfield* will be able to respond, or provide feedback, to unattributable email addresses.

### **13. TAKING THE MATTER FURTHER – EXTERNAL CONTACTS**

The aim of this policy is to provide an internal mechanism for reporting, investigating and putting right any wrongdoing in the workplace. **It is hoped that, in the majority of cases, you will not find it necessary to refer the matter to an external contact. You are strongly encouraged to seek advice before reporting a concern to an external body.** However, if the steps within this policy do not provide a suitable resolution, there are other whistleblowing channels available to you provided that you have supporting evidence. There are also organisations that can provide general advice. As appropriate to the circumstances, such organisations include, for example, those listed overleaf.

<b>EXTERNAL CONTACT</b>	<b>TYPE OF ISSUE</b>
<b>Protect (Previously Public Concern at Work (PCAW)).</b> Protect provide free, confidential whistleblowing advice and can be contacted via their <a href="#">webform</a> . More information is available on their <a href="#">website</a> .	General Advice (Confidential advice to would be whistle blowers concerned about making a disclosure and whether they will be protected)
<b>Citizens Advice Bureau</b> There are various ways to contact Citizens Advice. Visit the website to find out more details: <a href="https://www.citizensadvice.org.uk/about-us/contact-us/">https://www.citizensadvice.org.uk/about-us/contact-us/</a> Contact an adviser through the national phone service Adviceline (England): 03444 111 444	General Advice
<b>NSPCC</b> Website link: <a href="https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/">https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/</a> Whistleblowing Helpline 0800 028 0285 Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a> Write to: NSPCC, Weston House, 42 Curtain Road, London. EC2A 3NH	Child Protection and Welfare (Support for professionals who are worried about how child protection issues are being handled in their workplace).
<b>Ofsted</b> Whistleblowing Hotline 0300 123 3155 (8am to 6pm Mon-Fri) Email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>	Local Authority general Safeguarding Arrangements**
<b>Health and Safety Executive (HSE)</b> Tel 0300 003 1647 Visit the website for further information and ways to contact HSE <a href="http://www.hse.gov.uk/contact/whistleblowers.htm">http://www.hse.gov.uk/contact/whistleblowers.htm</a>	Health and Safety Matters
<b>Environment Agency</b> Incident Hotline 0800 80 70 60 (24 hour service) For more information and details of incidents covered, visit the website: <a href="https://www.gov.uk/report-an-environmental-incident">https://www.gov.uk/report-an-environmental-incident</a>	Environmental Matters
<b>Information Commissioners Office (ICO)</b> Helpline 0303 123 1113	Data Protection matters

For further information visit the website at: <a href="https://ico.org.uk/make-a-complaint/">https://ico.org.uk/make-a-complaint/</a>	
<b>Her Majesty's Revenue and Customs (HMRC)</b> HMRC-related fraud Tel: 0800 788 887 Website: <a href="https://www.gov.uk/government/organisations/hm-revenue-customs/contact/report-fraud-to-hmrc">https://www.gov.uk/government/organisations/hm-revenue-customs/contact/report-fraud-to-hmrc</a> General contact information can be located at the website: <a href="https://www.gov.uk/contact-hmrc">https://www.gov.uk/contact-hmrc</a>	Financial Irregularities
<b>The Comptroller and Auditor General</b> To make a disclosure to the Comptroller and Auditor General 020 7798 7999 Write to: The Comptroller and Auditor General, National Audit Office, 157-197 Buckingham Palace Road, London. SW1W 9SP The website page can be located at: <a href="https://www.nao.org.uk/contact-us/whistleblowing-disclosures/">https://www.nao.org.uk/contact-us/whistleblowing-disclosures/</a>	The Conduct of Public Business, Value for Money, Fraud and Corruption relating to the provision of Public Services
<b>BDO LLP (The London Borough of Enfield's Appointed Auditor)</b> Contactable via their website <a href="https://www.bdo.co.uk/en-gb/contact">https://www.bdo.co.uk/en-gb/contact</a>	Public Sector Finance matters or Financial Irregularity
<b>The Police</b>	Criminal Offences
<b>Education and Skills Funding Agency (ESFA)</b> Cheylesmore House, Quinton Road, Coventry. CV1 2WT Tel: 0845 377 5000	In relation to Academy Trusts/Free Schools/post-16 education or training provider, intervenes if there is risk of failure or mismanagement of public funds
<b>Other relevant Professional Bodies or Regulatory Organisations; Relevant Voluntary Organisations</b>	Other matters – see note overleaf

N  
B. See link overleaf for a full list of prescribed persons and bodies for making a disclosure.

**IMPORTANT NOTE:** If you decide that you need to make a disclosure to a prescribed person other than your employer, you must make sure you have chosen the correct person or body for your issue.

**A full list of prescribed persons and bodies that you can make a disclosure to** can be found on the following link:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

