

Whistleblowing Policy

(taken from the AfC Anti-Fraud Framework)

Introduction

Achieving for Children is committed to achieving the highest possible standards of service, including honesty, openness and accountability and recognises that employees have an important role to play in achieving this goal.

Any of us may at one time or another have concerns about what is happening at work. Often these concerns are easily resolved. However, where the concern involves, for example, a danger to the public or colleagues, illegal practice, misconduct or financial malpractice, it can be difficult to know what to do.

Background to the whistleblowing policy

Achieving for Children has introduced this policy to enable everyone to blow the whistle safely when appropriate so that such issues are raised at an early stage and in the right way. Achieving for Children welcomes information about genuine concerns and is committed to dealing responsibly, openly and professionally with them.

This policy relates to serious or sensitive concerns about matters such as:

- Fraud or financial irregularity
- Corruption, bribery or blackmail
- Failure to comply with legal or regulatory duty or obligation
- Malpractice or abuse of a client including improper discrimination or relationships with clients
- A miscarriage of justice.
- Endangering the health and safety of any individual or individuals.
- Endangering the environment.
- Unethical or improper conduct or conduct which breaches Achieving for Children policies or falls below the standards which Achieving for Children subscribes to e.g. breach of codes of conduct or Financial Regulations.
- Serious maladministration arising from the deliberate commission of improper conduct.
- Showing undue favour over a contractual matter or to a job applicant
- Concealment of any of the above.

The policy does NOT apply to:

- Relationships between employees, their managers and Achieving for Children for which harassment, bullying and other dispute procedures are more appropriate.
- Concerns or complaints by members of the public to which the Complaints Procedure would apply.
- Concerns or complaints about the behaviour of Elected Members working with Achieving for Children to which the Members Code of Conduct would apply.

Aims of this policy

To have a clear whistleblowing approach for raising concerns about illegal practice, misconduct or financial malpractice, dangers to the public or staff within Achieving for Children.

Objectives of the policy

To ensure:

- there is a clear framework in place so Achieving for Children can support any employee that whistle blows
- that staff understand the position on whistleblowing
- that the whistleblower feels confident enough to raise concerns
- that the whistleblower feels reassured that they will be protected from reprisals or victimisation where they reasonably believe the disclosure to be made in the public interest.

Implementing the policy

We will do this by:

1. publishing and publicising the whistleblowing policy and procedure on the Achieving for Children website
2. ensuring effective training is in place for all staff so that they know when and how to blow the whistle
3. ensuring that the whistleblower has a confidential method of raising concerns, including establishing a means of registering concerns through a Monitoring Officer
4. setting out clearly how concerns will be dealt with; how further steps can be taken or how to seek independent advice outside of Achieving for Children

Roles and responsibilities for implementing and monitoring and reviewing

- The Monitoring Officer will maintain a register containing all concerns that are brought to their attention
- Managers looking into the concern must ensure that the Monitoring Officer, Ian Dodds, Director of Standards and Improvement, is provided with sufficient details of the concerns for the register
- The Monitoring Officer will review the register and produce an annual report to the Achieving for Children Chief Executive and any other relevant forums. The report will not mention any employees, only the concerns raised, the number of such concerns, division they related to and highlighting any subsequent outcome(s)

The whistleblowing policy will be reviewed annually by the Monitoring Officer in conjunction with the Head of Human Resources and the Joint Heads of Audit to judge its effectiveness, or updated sooner in accordance with changes in legislation

Whistleblowing Procedure and Guidance

Who is covered by this procedure?

The following are covered by this procedure:

- An employee of Achieving for Children.
- Agency staff, trainees and self-employed staff employed in Achieving for Children work.
- The staff of Achieving for Children contractors employed in Achieving for Children work.
- Partner agencies (including the health authority and voluntary sector groups undertaking work on behalf of or in conjunction with Achieving for Children.
- Organisations to which Achieving for Children grants funds.

Qualifying disclosures

The types of disclosure that are eligible for protection are known as 'qualifying disclosures'.

These are where the worker reasonably believes at least one 'relevant failure' is currently happening, took place in the past or is likely to happen in the future.

Relevant failures can be:

- a criminal offence
- a miscarriage of justice
- damage to the environment
- the breach of a legal obligation
- a danger to the health or safety of any individual
- the deliberate covering up of information tending to show any of these matters

Our commitment to whistleblowers:

Your protection

The [Public Interest Disclosure Act 1998](#) provides workers with protection from dismissal or other damage as a result of making a disclosure of information in the public interest about wrongdoing at work. Such disclosures are protected if they are done according to the Act's provisions. Disclosures may be made to the employer, prescribed regulatory bodies or on a wider basis to the Police. The Act's protection is strongest where workers raise matters with their employers.

Achieving for Children is committed to adhering to this Act and to provisions contained within this policy. If you raise a genuine concern in accordance with this policy, you will not be at risk of losing your job or suffering any form

of retribution as a result. Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. You will not be asked to provide proof. Of course this assurance is not extended to someone who maliciously raises a matter they know is untrue. Disciplinary action will be taken against employees who knowingly make false allegations.

Giving out information about third parties to whom Achieving for Children owes a duty of confidence may not be protected under the [Public Interest Disclosure Act 1998](#) . This may lead to disciplinary action. If you are in any doubt you should seek advice from your manager, union, Legal Services or Public Concern at Work (020 7404 6609).

Your confidence

Achieving for Children will not tolerate the harassment or victimisation of anyone raising a genuine concern. If you are anxious you can ask to talk to someone in private and if you ask us not to disclose your identity, we will consider this carefully with you first. Your identity may need to be shared with other senior officers and/or Members during the investigation, but you will be told if this is the case. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in a disciplinary procedure or in court), we will discuss with you whether and how we can proceed.

Anonymous concerns

If you do not tell us who you are it will be much more difficult for your concern to be investigated and for us to protect your position or give you feedback. Accordingly, while we will consider anonymous reports, we cannot use this policy to investigate concerns raised anonymously.

How to raise a concern:

The normal procedure

These notes explain what you need to know and the steps you should take if you have any concerns. The procedure is in addition to that outlined in Standards in the Code of Conduct. Also see section on 'How to Raise Concerns'.

Achieving for Children encourages the Whistleblower to raise their concerns internally in the first instance. This allows the relevant officers to properly investigate those concerns and take relevant action where necessary.

As a first step, you should normally raise concerns with your line manager, Head of Service or Director (subject to Point 2). Where there are concerns in schools, you should raise concerns with the Head teacher or Chair of Governors.

The initial disclosure should be made:

- Wherever possible, in writing
- Otherwise orally, by telephone or face to face in a meeting with your line manager, Head of Service or one of the officers listed above.

You should provide as much supporting evidence as possible. The earlier the concern is expressed and the more information you can provide, the easier it is to investigate and for appropriate action to be taken.

Where a disclosure is made under the Whistleblowing Policy, full details of the allegations will be recorded and passed to Achieving for Children's Monitoring Officer (Fiona Thomsen, Head of Shared Legal Services) who will pass this on to a Designated Officer (a member of the Senior Leadership Team) for assessment.

Where you make a disclosure, you are encouraged to give details of your identity. Anonymous disclosures are more difficult to investigate. Where you do provide your identity, this information will not be passed to the Monitoring Officer without your express consent.

Achieving for Children acknowledges the difficulties in raising concerns and as such, a trade union representative or work colleague may raise the matter on your behalf (where you are the Whistleblower), accompany you when making the allegation or may accompany you in meetings where the allegation/s is discussed.

Taking it further

If these steps have been followed but have not worked or you feel the matter is so serious that you cannot discuss it with any of the above, please contact one of the following:

- Achieving for Children's Monitoring Officer, Fiona Thomsen, Head of Shared Legal Services on 020 8545 3897.
- Joint Head of Internal Audit and Risk Management Alix Wilson on 020 8891 7291.
- Achieving for Children Chief Executive, Nick Whitfield on 020 8891 7906 or 020 8547 5286.
- Achieving for Children Director of Standards and Improvement, Ian Dodds on 020 8831 6116.
- If your concerns involve potential fraud or criminal activities contact the Fraud Line on 0800 389 9795.

Referral outside Achieving for Children

While we hope this policy gives you the reassurance you need to raise such matters internally, we recognise that there may be circumstances where you can properly report matters to outside bodies, such as regulators or the police. Public Concern at Work, or, if applicable, your union will be able to advise you

on such an option and on the circumstances in which you may be able to contact an outside body safely including:

- The Health and Safety Executive- 0845 300 9923
- The Audit Commission- 020 7828 1212
- The Environment Agency- 0800 807 060
- The Serious Fraud Office- 0207 239 7272
- HM Revenue and Customs- 020 7239 7388
- The Department for Business Innovation and Skills- 020 7215 5000
- The Charity Commission- 0845 300 0218
- The Information Commissioner- 01625 545 745
- Care Quality Commission- 0207 448 9200
- External Audit- 020 8891 7200
- Ofsted (Whistleblowing Hotline) - 0300 123 3155

Achieving for Children stresses that you should raise concerns internally first, but the law also provides for you to make a wider disclosure (which could include to the police or an MP) if, and only if:

- The matter is exceptionally serious;
- You are reasonably afraid that you would be victimised;
- You believed reasonably that there would be a cover up and there is no prescribed person; or
- The matter was raised internally or with a prescribed person but was not dealt with properly.

Advice and assistance

Role of Trade Unions

Achieving for Children recognises that employees may wish to seek advice and to be represented by their trade union officers when using the provisions of this policy. A number of Trade Unions have issued guidance on 'whistle blowing', and Achieving for Children acknowledges and endorses the role trade union officers play in this area. You may contact the Staff Side Secretary on 020 8891 7286 and 020 8547 5166 for initial advice and how to contact recognised Trade Union representatives.

Alternatively details of other Unions can be obtained from the Human Resources Helpdesk on 0208 547 5727.

Independent Advice

You may also wish to contact Public Concern at Work (<http://www.pcaw.co.uk/>), a charity working in this area which can provide free and confidential advice, telephone 020 7404 6609, or e-mail helpline@pcaw.co.uk

The process explained:

How Achieving for Children will deal with the matter

Once you have told us of your concern, it will be reported to Achieving for Children's Monitoring Officer who will refer the case to a Designated Officer for assessment. This officer may be the officer to whom you made the original disclosure and will be required to maintain full confidentiality. The Designated Officer will make an initial assessment as to what action should be taken. This may involve an informal review, an internal inquiry or a full investigation.

The initial assessment may identify the need to involve third parties, such as other members of staff, Joint Internal Audit and Investigations, External Audit, Legal, Human Resources or the Police. Concerns or allegations which fall within the scope of specific procedures (e.g. child protection, health and safety or discrimination issues), will normally be referred for consideration under those procedures.

The Designated Officer will offer to interview you in confidence no later than 3 weeks after receipt of the disclosure and referral from the Monitoring Officer. You may be accompanied by a Trade Union representative or work colleague. An interview may not be necessary if the Designated Officer was the officer to whom the initial disclosure was made.

The purpose of the interview is for the Designated Officer to obtain as much information from you as possible and to consult you on the further steps which could be taken

Within 4 weeks of the interview, or 4 weeks of the initial disclosure where an interview does not take place, and after consultation with the Monitoring Officer (or their Deputy), the Designated Officer will determine their recommendations as to the further steps to be taken. These may include:

- A report to the Police or other appropriate authority;
- Investigation by the Joint Richmond and Kingston Internal Audit and Investigations Service this will be the usual course where there are allegations of financial irregularities or corruption.
- A full investigation either internally by Achieving for Children or externally e.g. by Achieving for Children's auditors or by investigators appointed by Achieving for Children;
- Action under Achieving for Children's grievance, disciplinary, harassment and bullying or complaints procedures;
- Referral for consideration under other specific procedures (e.g. child protection);
- No further action (see below).

The Designated officer may recommend that no further action is taken based on the following:

- Where they are satisfied that there has been no malpractice;

- If they determine that the disclosure was not made honestly, with the reasonable belief that it was in the public interest i.e. that the disclosure was wilfully malicious. In this situation, the case may be referred for disciplinary action;
- If the matter concerned is already the subject of legal proceedings, has been referred to the police or other public authority;
- If the matter is already, has been or should be the subject of proceedings under one of Achieving for Children's other procedures relating to staff

The Designated Officer's recommendations will be made to Achieving for Children's Monitoring Officer who will decide whether or not they agree with them. Any recommendations will be made without revealing your identity (as Whistleblower) except in exceptional circumstances (see below).

Once it has been agreed what further steps (if any) should be taken, the Designated Officer will inform you of the decision and where no further action is proposed, reasons for this decision will be made to you in writing.

Subject to legal constraints, you will be informed of the outcome of any investigations however, you will not be provided with specific details of any disciplinary action, which will remain confidential to the individual(s) concerned.

- Any document, report or recommendation prepared by the Designated Officer in relation to your disclosure will not identify you unless:
- You have consented to this in writing; or
- There are grounds to believe you have acted maliciously; or
- Where the Designated Officer is under a legal obligation to do so; or
- Where the information is already in the public domain; or
- On a strictly confidential basis to a professionally qualified solicitor for the purpose of obtaining legal advice.

The Designated Officer will ensure that all information in relation to your disclosure is kept securely and access to it is restricted.

In summary, it is important to keep in mind the following points:

DO

- Make an immediate note of concerns which fall within the scope of this policy.
- Note all relevant details, such as what was said, the date, time and names of the people involved.
- Let someone know about your suspicions. See 'Taking it Further' page 5.
- Deal with the matter quickly. Any delay may allow the problem to continue or worsen.

DON'T

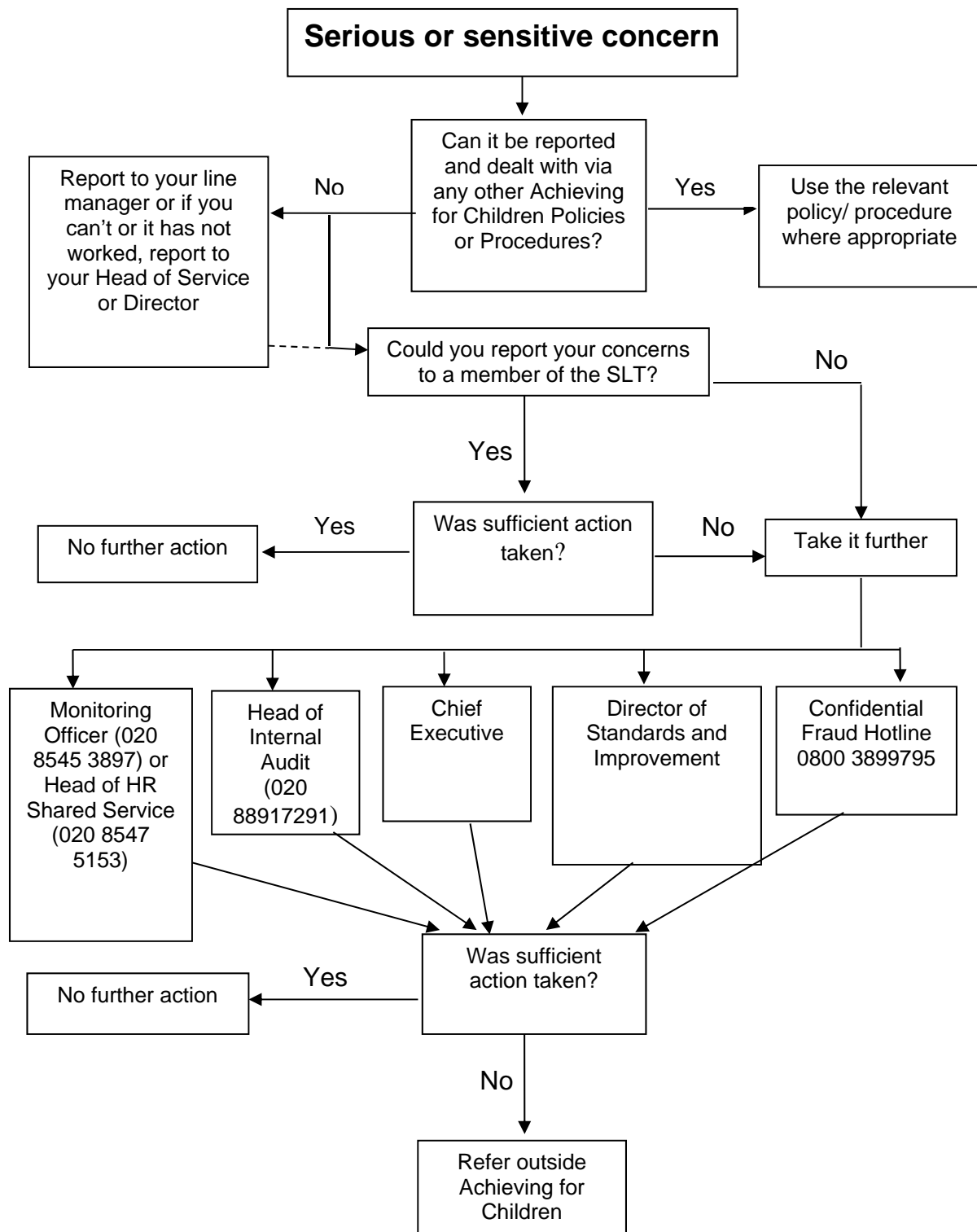
- Do nothing.
- Be afraid of raising concerns.
- Approach or accuse individuals directly.
- Try to investigate the matter yourself.

IF IN DOUBT – RAISE IT!

If you are dissatisfied with the response from Achieving for Children

While Achieving for Children cannot guarantee to respond to your report in the way in which you might wish, we will handle the matter fairly and properly. By using this procedure you will help us to achieve this. If you are dissatisfied with the response you can raise the matter with the other levels and bodies set out in the Policy. When doing this:

How to raise a concern:



Manager's Guide: to the Whistleblowing Policy

The manager's role

It is the Manager's responsibility to ensure that employees are made aware of the policy (which can be found on Richmond and Kingston's intranet) and they are given an opportunity to raise any questions about its operation. The policy also applies to agency staff, others working for Achieving for Children and volunteers, who must all be made aware that the policy is also available to them.

All concerns must be looked into and the employee(s) told the outcome. Where a concern is raised directly with you and it is not appropriately dealt with through other Council policies or procedures, you must report the disclosure to Achieving for Children's Monitoring Officer. The Monitoring Officer will decide who will be the designated officer responsible for dealing with the disclosure. This may be you as you were in receipt of the original disclosure however the Monitoring Officer may decide that an independent officer may be more appropriate depending on the nature of the concern.

Where you are the Designated Officer, you must interview the employee (Whistleblower) within 3 weeks of receipt of the disclosure and referral from the Monitoring Officer. Where you were both in receipt of the original disclosure and given responsibility by the Monitoring Officer as Designated Officer, you may already have undertaken an interview when the disclosure was first made. You may decide that a further interview is not required.

The purpose of the interview will be for you to obtain as much information from the Whistleblower as possible and to consult them on the further steps which could be taken

Within four weeks of the interview, or four weeks of the initial disclosure where an interview does not take place, and after consultation with the Monitoring Officer (or their Deputy) you will make recommendations as to the further steps to be taken and notify the Whistleblower accordingly. Where no further action is to be taken, you must inform the Whistleblower of this decision in writing.

As Designated Officer, you will be responsible for informing the Whistleblower of the outcome of any investigations or further action taken. Any information provided to the Whistleblower may be subject to legal constraints and therefore must be agreed in advance with the Monitoring Officer (or Deputy),

This Policy is based on the view that openness and accountability is the ideal. However, where circumstances make it necessary, the matter may need to be dealt with under terms of strict confidentiality. This could include not informing the subject of the complaint until (or if) it becomes necessary to do so.

If the decision is made to take formal disciplinary action against the subject, they must be informed of the complaint against them.

What you should do

Make sure you are aware of the procedure to follow:

- Where a concern is raised (and cannot be dealt with appropriately through another Council policy or procedure), it must be reported to the Monitoring Officer.

All concerns should be recorded, including the date the concern was raised, dates of interviews with employees, who were present at each interview and the action agreed.

The records should be kept safely and securely; they may be required for disciplinary action or criminal investigation.

Should any criminal activity or fraud be suspected, the Head of Internal Audit and Investigations, the Monitoring Officer (Fiona Thomsen, Head of Shared Legal Services) and Head of HR Shared Service must be informed in order to decide at what stage the Police should be involved.

The Achieving for Children Chief Executive would also expect to be alerted.

Action must be taken to protect the employee raising the concern from acts of recrimination. Officers should not wait for victimisation to take place before taking such action.

In Summary:

DO

- Be responsive to staff concerns
- Note all details
- Evaluate the allegation objectively
- Advise the appropriate officer
- Deal with the matter promptly

DON'T

- Ridicule suspicions raised by staff
- Approach or accuse any individuals directly
- Convey your suspicions to anyone other than those with the proper authority
- Try to investigate the matter yourself.