

Al-Khair Secondary Schools

Whistleblowing Policy and Procedure



Approved by:	Qasim Rashid	Date: 20.09.2019
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Introduction

The School is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the School's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

Aims of Policy

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.
<http://www.whistleblowing.org.uk/content/4-law-policy/4-document-library/british-standards-institutes-whistleblowing-arrangements-2008.pdf>

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Governors (when applicable), Headteacher, members

of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as “Staff” in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns; * See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school’s internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School’s reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A ‘whistleblower’ is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School’s activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to Staff’s own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

If Staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher and if the matter is in relation to an alleged wrongdoing by the Headteacher or Headteacher then Staff should seek the advice of the Proprietor or Designated Governor (when applicable).

Raising a whistleblowing concern

The School hopes that in many cases staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases they may refer the matter to the Governing Body (when applicable).

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

The Headteacher

The Headteacher will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concerns. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Headteacher will record the name of the employee but also indicate whether the individual wishes his identity to remain confidential, if possible and the nature of the concern. In some cases it will not be possible to maintain confidentiality and the Headteacher should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The School will take notes and produce a written summary of the concerns raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The School will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

Confidentiality

The School hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's identity, the School will discuss this with the member of staff first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'whistleblower's who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Headteacher knows or has a suspicion that an

employee comes into this category then s/he will take advice from the proprietor or governing body (when applicable) who will help to determine what action should be taken.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Public Concern at Work (Independent whistle blowing charity)

Helpline: 02031172520 (option1) E-mail:whistle@protect-advice.org.uk Website:
www.pcaw.co.uk

Concerns against Head teacher

If a concern against the headteacher is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised, proprietor or governing body (when applicable) will decide how it should be dealt with.

If the concern is against the proprietor or governing body then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Headteacher who will decide in normal circumstances such a concern would be referred to the Department for Education for action.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases Staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows Staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, Staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

Investigation and outcome

Once a member of Staff has raised a concern, the School will carry out an initial assessment to determine the scope of any investigation. The School will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In most cases a panel of three members of the Management Team will investigate any issue. In rare cases the School may appoint an investigator or team of investigators including Staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

The School will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the School from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the School concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the School will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher will have the right to refer any particular case to the Designated Governor (when applicable) for review.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

Protection and support for 'whistleblower's

It is understandable that 'whistleblower's are sometimes worried about possible repercussions. The School aims to encourage openness and will support Staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he has suffered any such treatment, he should inform the Headteacher immediately. If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against 'whistleblower's in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher in the first instance.

Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that the Headteacher is not taking seriously or that they believe there is a serious safeguarding issue involving the Headteacher they should in the first instance contact the Proprietor or Designated Governor (when applicable).

Appendix 1

Don't think what if I'm wrong – think what if I'm right

Reasons for whistleblowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Head Teacher, the Designated Child Safeguarding Lead or the Deputy Designated Child Safeguarding Lead.
- If your concern is about your immediate manager/Head Teacher, or you feel you need to take it to someone outside the school contact the Proprietor or Designated Governor (when applicable)
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self-reporting

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, HR department and/or your professional trade union.

Appendix 2: Anti-Fraud Statement & Procedure

Al-Khair School is committed to the prevention of fraud and the promotion of an anti-fraud culture.

We operates a zero-tolerance attitude to fraud and requires all staff and volunteers to act honestly and with integrity at all times, and to report all reasonable suspicions of fraud.

School will investigate all instances of actual, attempted or suspected fraud and will seek to recover any losses and pursue appropriate sanctions against the perpetrators. This may include criminal prosecution, disciplinary action, legal proceedings and professional sanctions.

This policy applies to all staff (full time, part time, temporary and casual), consultants, contractors, volunteers and the Head.

Definition of Fraud

The term 'fraud' is often used to describe complex financial offences such as false accounting. However, in its simplest form, fraud is lying. Some people will lie, or withhold information, or generally abuse their position to try to trick someone else into believing something that isn't true. Examples might include:

- Sending fake invoices for goods and services that weren't ordered or received.
- Use of the school's purchase card to make personal purchases.
- Intercepting a school cheque and amending the name of the payee and/or the amount.
- Submitting false claims for sickness or expenses.

Individuals caught committing fraud can be prosecuted under the Fraud Act 2006 if they make a false representation, failing to disclose information or abuse their position.

Key Responsibilities

The Head Teacher is responsible for:

- Developing, implementing and maintaining adequate systems of internal control that prevent and detect fraud.
- Testing the system of internal control and seeking independent assurance when appropriate.
- Regularly reviewing the school's anti-fraud policy and compliance with it to ensure it remains effective and relevant to the needs of the school.

- Reporting compliance with the policy on at least an annual basis to the Proprietor or Governing Body (when applicable).
- Reporting allegations of actual, attempted or suspected fraud to the School Business Manager (SBM) and Head of Al-Khair Secondary Schools.
- Ensuring all allegations of fraud are investigated appropriately, in compliance with relevant policies, procedures and legislation and commencing disciplinary and/or legal action where appropriate.
- Overseeing the financial performance of the school, including its assets, making sure the school's money is well spent and measures are in place to prevent losses or misuse, including arrangements for preventing and detecting fraud.

Staff are responsible for:

- Familiarising themselves with the types of fraud that might affect the school.
- Ensuring they adhere to the agreed policies and procedures, thereby protecting the school's reputation and assets from fraud.
- Reporting allegations of actual, attempted or suspected fraud to the Head Teacher, and/or the SBM.
- Assisting in the investigation of suspected fraud when requested to do so, for example by providing witness statements.

Reporting Suspicions

All staff are an important element in the school's stance on fraud and are required to raise any concerns that they may have. The Headteacher and Executive Heads will deal with any financial irregularities robustly.

Staff should immediately report any concerns about actual, attempted or suspected fraud to the Head Teacher/SBM. However, if the concerns relate to the Head Teacher, staff should report their concerns to the SBM.

Under no circumstances should staff investigate the matter themselves.

Should a member of staff, including the Head Teacher and/or SBM wish to seek advice about how to deal with an allegation of fraud, or want to report the matter anonymously, they may contact Al-Khair Foundation's Head of Finance.

The Public Interest Disclosure Act 1998 protects employees who raise concerns about certain matters of public interest in good faith. Staff can obtain free independent advice from the charity Public Concern at Work on 020 7404 6609 and find other helpful information at <http://www.pcaw.org.uk/>.

A referral form has been provided at Appendix 2 which all staff may wish to use as a guide to the type of information that should be captured when an allegation of fraud arises.

Contact Head Teacher, or SBM.

Al-Khair has established guidelines for senior staff on the immediate actions to be taken in the event of a fraud being discovered or suspected. It covers how and when to seek professional advice, securing evidence and preventing further losses (see Appendix 1).

It is important that allegations of actual, attempted and suspected fraud aren't ignored. Even seemingly insignificant concerns may later reveal a larger, previously unknown problem.

Securing Evidence

Ensure that any concerns are recorded fully. Whenever possible keep written notes that cover:

- Names, addresses and dates of birth.
- Descriptions (height, build, hair colour, ethnicity, clothing, distinctive features)
- Dates and times of key events.
- Vehicle registration numbers and descriptions.
- Details of any conversations had or overheard.
- Details of any actions or incidents that were observed.
- Telephone numbers
- Company and/or business details

Secure any physical evidence such as original invoices, receipts, letters, cheques and application forms. Try to minimise how many people and how often evidence is handled. Fingerprint evidence can very quickly be destroyed.

If any of the evidence is on a computer, immediately unplug the computer from its power source. Don't attempt to shut the computer down through its operating system as this can alter or destroy key files and documents.

Whilst initially securing the evidence it is important not to be tempted to begin a more substantial investigation, or accuse individuals directly, without seeking professional advice (see 'Seeking Advice' below).

If an investigation is undertaken without following the appropriate policies, procedures and legislation, or if individuals are accused without sufficient evidence, it may lead to the perpetrators avoiding a disciplinary, criminal or civil sanction.

Preventing Further Losses

It is important to minimise any additional losses. For example, if the allegations concern the theft or loss of banking passwords, PIN's or similar credentials notify the bank immediately.

Equally, if the losses relate to a weak process, for example cash is routinely kept unsecured in a drawer, ensure that the process is changed, at least temporarily, until more permanent and improved processes can be implemented.

Seeking Advice

When an allegation of fraud is discovered it is important to seek professional advice as soon as possible. Advice can be sought from the Head or Al-Khair Foundation's Head of Finance, Legal Services and the Police. General advice about fraud is available from Action Fraud: <http://www.actionfraud.police.uk/>

You can contact the Head of Finance as follows:

Alamgir Hossain

alamgir.hossain@alkhair.org

03000999700

Support for Witnesses

Members of staff and the public may be feeling vulnerable before, during and after they have brought an allegation of fraud to the attention of the school.

Reassure witnesses that they have acted appropriately by raising their concerns. Members of staff should be provided with a copy of the Whistleblowing Policy and reminded that the school does not tolerate reprisals, victimisation or harassment and will take all reasonable action to protect them.

In addition, the school will take steps to minimise any difficulties members of staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the school will advise or arrange for them to receive advice and support about the process being followed.

Examples of Fraud

Below are some examples of the types of fraud that anyone can encounter.

Leases

Schools are often offered leases and rental or hire agreements for equipment such as photocopiers, phones and computers. Whilst technically schools have the freedom to sign operating leases, finance leases are not allowed. Some of the deals look too good to be true with low or zero upfront costs, although they often entail high life time costs and severe exit penalties. These penalties can cost the same amount as the total amount of the lease. School may be a victim to sharp sales tactics and ended up committing the school to agreements which may cost more in the future.

Recruitment

Issues can arise if a senior member of staff recruits a family member or friend. By doing this a number of conflicts of interest can arise such as the senior member of staff signing off additional hours of work that have not been completed by a family member. There is also the possibility of the candidate not being the best person for the role.

If there is a potential conflict of interest, for example a family member has applied for a post within the school, the member of staff concerned must disclose the potential conflict to the Head Teacher or the SBM immediately. They should ensure that appropriate controls are put in place to manage the potential conflict in an open and transparent manner and the risk of impropriety is minimised.

Cheque Fraud

School cheque fraud has become an increasing problem recently, several cases of cheques being amended and forged are reported every year. There have been instances where cheques have been stolen from the cheque books and cashed or legitimate cheques have been intercepted and amended. Additionally, cheque amounts have been changed by the payee.

Some staff may fail to line off after the payee's name on the cheque, which could result in the payee inserting an additional hundred before the actual amount. Cheque books should be regularly checked and reconciled with payments that have been taken out of the schools account.

Purchase Cards

There are usage agreements that are in place to prevent the misuse of purchase cards. However, there could be instances where members of staff may use the card for their own personal purchases such as petrol, electrical goods, food, and holidays and DIY.

BACS

BACS payments are not immune to fraud. There are a number of scams such as 'phishing' and 'vishing' which is where fraudsters attempt to obtain login details by pretending to call

from genuine high street banks. They often sound very professional and the fraudsters will sometimes ask staff to call them back on authentic sounding telephone numbers (such as 0845 223344) which the fraudsters have purchased to help them commit the fraud. Equally, it is important to ensure that BACS login credentials are stored securely and not shared, and when members of staff leave their login credentials must be deleted.

Invoices

There have been instances where fraudulent invoices have been sent to schools for goods that haven't been ordered or received. Sometimes these invoices are for small amounts and sent out in their thousands to schools up and down the country. These invoices are often sent during the holidays in the hope that staff will be too busy to check each invoice when they return for the start of term.

Income

It is common for schools to rent out their facilities in order to generate income. Fraud can occur when the income received, especially if payment is made in cash, is stolen by staff or third parties if not properly banked and/or secured.

Fraud Reporting Form

If you have any concerns about fraud please contact Head Teacher or Business School Manager, you can also contact Head of Finance at 03000999700, alamgir.hossain@alkhair.org or print and complete this form and send it to the relevant authority (head teacher, SBM or Head of Finance).

You do not need to give your name. All the information provided will be treated in confidence.

Name of the person(s) or organisation you suspect: _____

Address: (if known) _____

Place of work / department / job title: (If known) _____

Please provide details of your suspicions. You should include as much information as possible. For example, what was said in telephone or other conversations, dates, times and places, vehicles used, as well as the names of any other parties involved: (Continue on a separate page if necessary and attach any additional evidence you may have)

Your details: (please leave blank if you wish to remain anonymous)

Name: _____

Telephone number or contact address: _____