

**GOLDEN FLATTS PRIMARY
SCHOOL'S**

**ANTI-FRAUD
&
CORRUPTION
STRATEGY**

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ANTI-FRAUD & CORRUPTION STRATEGY

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GOLDEN FLATTS PRIMARY SCHOOL'S

ANTI-FRAUD & CORRUPTION STRATEGY

1 INTRODUCTION

- 1.1 We (Golden Flatts Primary School) employ approximately 60 employees and have a revenue and capital budget of over £1.5 million. As with other large organisations, the size and nature of our services puts us at risk of loss due to fraud and corruption both from within the School and outside it.
- 1.2 The stewardship of public money is a fundamental responsibility for both elected governors and employees. We are committed to making sure that the opportunity for fraud and corruption is reduced to the lowest possible risk. Where there is the possibility that fraud, corruption or other irregularities have occurred, we will deal with the issue in a firm and controlled manner.
- 1.3 An important part of Golden Flatts Primary School's approach is introducing an anti-fraud and corruption strategy, which we will use to advise and guide governors and employees on our approach to the serious issues of fraud and corruption. This document also includes a 'fraud response plan' which provides more detailed guidance on how to deal with instances of potential fraud and corruption.
- 1.4 In administering its responsibilities the school is committed to the prevention of fraud and corruption. This strategy statement emphasises to all employees the importance placed by the school on probity, financial control and honest administration. The main message is that we expect all governors, employees, consultants, contractors, and others, to be fair and honest, and to give us any help, information and support we need to deal with fraud and corruption.
- 1.5 The school is fully supportive of the Local Government Fraud Strategy "Fighting Fraud Locally" and has aligned this strategy and its anti-fraud and corruption framework with this recommended strategic approach in mind. The school's Anti-Fraud and Corruption Strategy also meets the requirements of CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption.

2 ANTI-FRAUD CULTURE

- 2.1 The school's governors and SLT, acknowledge the threats of fraud and corruption and the harm they can cause the school, its aims and objectives and to service users. CMT acknowledge the importance of a culture that is resilient to the threats of fraud and corruption and aligns to the principles of good

governance s. As a school we will publicise what is being done to combat fraud and corruption, ensuring that the message that fraud is a serious matter and takes resources away from important services is adequately relayed. This makes fraud against the authority socially unacceptable both internally and externally.

- 2.2 We will develop clear reporting lines both internally and externally by using a whistle blowing policy, fraud hotline and fraud response plan so that employees and the public are clear as to what action to take to report a fraud and do not shy away or feel fearful of doing so.

We will ensure that fraud and corruption is a key issue in policy design.

- 2.3 We will ensure training is provided for our employees who are involved in, or managing, internal control systems, to make sure that their responsibilities and duties are regularly reviewed and reinforced. We will also ensure that any employees, who may be involved in investigating fraud and corruption, have received suitable training.

We will ensure that everyone is aware that they have a role to play in tackling fraud and corruption.

We will make counter fraud literature available in induction packs and on the intranet.

How we expect governors and employees to behave

- 2.4 We expect all people and organisations that are in any way associated with us to be honest and fair in their dealings with us. We expect our Governors and employees to lead by example in these matters.
- 2.5 Our separate Codes of Conduct for governors, and employees when issued, set out an approach to work that is both honest and fair. Governors and employees must act in line with the codes at all times.
- 2.6 Golden Flatts Primary School governors and employees have an important part to play in our anti-fraud and corruption arrangements. We encourage our employees and Governors to inform us if they suspect a case of fraud. We will endeavour not to reveal the names of the people who gave us the information. We will deal with all information fairly and confidentially. Our fraud response plan attached (Appendix 1) gives more advice on this issue for employees.
- 2.7 Governors are required to record their financial and other interests and record any receipt and offering of hospitality or gifts. At formal meetings Governors are required to declare any interests in the matters under discussion, where the interest is personal and prejudicial.

- 2.8 The Relevant Authorities (General Principles) Order 2001 set out the original ten guiding principles that should apply to people who serve the public and incorporated the original seven general principles of conduct developed by the Nolan Committee and which are now to be found within Section 28 of the Localism Act, 2011 (Codes of Conduct) . We will develop our working behaviour around these principles, which are set out below:

Selflessness

Governors should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty & Integrity

Governors should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Member should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Governors should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Governors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

Governors may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

Governors should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

Governors should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

Governors should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

Governors should promote and support these principles by leadership, and for example, and should act in a way that secures or preserves public confidence.

- 2.9 We expect our Senior Officers and Managers to deal firmly and quickly with anyone who is responsible for fraud or corruption. The Chief Executive in consultation with the Director of Finance and Policy and the Monitoring Officer may refer matters to the police if they suspect any criminal activity has been carried out.
- 2.10 We must ensure that any investigative process is not misused and, therefore, any abuse, such as raising unfounded malicious allegations, may be dealt with as a disciplinary matter.

3 PREVENTION OF FRAUD

Deterrence

- 3.1 We will ensure strong systems that act as a deterrent to any potential fraudster are in place so that they feel that the attempt is not worthwhile.
- 3.2 We will put effective detective processes in place so that the potential fraudster feels that the risk of getting caught is too great.
- 3.3 The presence of investigators and professional investigation work will help to make the fraudster feel that evidence of fraud can always be uncovered.
- 3.4 The use of effective legal action and sanctions and publicising results will help to make the fraudster feel penalties of being caught are too certain and too severe.
- 3.5 By seeking the effective recovery of losses to fraud from the perpetrator we will ensure the fraudster feels they stand to gain nothing from the fraud.
- 3.6 We will ensure there is a strong declaration of intent about what will happen to those who commit fraud in order to provide a deterrent effect.
- 3.7 We will ensure that the effective use of publicity will put a strong message out that the school has a zero tolerance policy on fraud and potential fraudsters may be deterred from attempting to commit the fraud if they are aware that strong measures are in place to prevent and detect their attempts.

Prevention

- 3.8 To address the potential challenge of fraud and corruption, we must endeavour to prevent it from happening in the first place. It is essential that we have clear rules and procedures, to provide a framework within which Members, employees, consultants and contractors can work. These are:
- Financial Procedure Rules;
 - Contract Procedure Rules;
 - Scheme of Delegation;
 - Officer Employment Procedure Rules;
 - Code of Conduct for Employees;
 - Code of Conduct for Members;
 - Disciplinary Procedures;
 - Employees' Conditions of Service.
- 3.9 The School also recognises the high level of public scrutiny of its affairs by a variety of bodies including;
- External Audit;
 - Government Departments;
 - Inland Revenue;
 - HM Customs & Excise;
 - General Public;
 - Local and National Media.
- 3.10 The will positively respond to such scrutiny, demonstrating its commitment to this process, by effective liaison with External Audit and other statutory agencies to ensure that it achieves the required standards of probity.
- 3.11 Individual departments have also introduced their own measures, which are designed to control their activities. Examples include accounting control procedures, working manuals and operating procedures. Senior Officers and Managers must make sure that suitable levels of internal checks are included in working procedures, particularly financial procedures. It is important that duties are organised so that no one person can carry out a complete transaction without some form of checking process being built into the system.
- 3.12 Senior Officers and Management must make sure that all employees have access to these rules and regulations and that staff receive suitable training. Governors and employees must make sure that they read and understand the rules and regulations that apply to them, and act in line with them.
- 3.13 If anyone breaks these rules and regulations we may take formal action against them. This may include, in particular circumstances, ending their employment with the School in respect of employees and referral to the Audit and Governance Committee (exercising standards functions) following investigation in respect of Members. It will be the responsibility of the Monitoring Officer to make arrangements for dealing with complaints alleging breaches of the

Governors Code of Conduct applying adopted procedures and which are accessible on the Council's website.

- 3.14 We will as an authority regularly review and update our written rules and procedures.
- 3.15 To ensure the effective use of audit resources an annual risk based Internal Audit Activity Plan is in operation. This plan ensures that the challenge of potential fraud is appropriately addressed through;
- regular reviews of controls within the main financial systems;
 - protective audit visits to the school to ensure appropriate standards of financial administration are in operation;
 - detailed probity work using computer interrogation techniques.
- 3.16 By its nature, corruption is difficult to identify and prosecute successfully. The Council's approach is to have in place a robust framework of procedures and subject them to regular review.
- 3.17 We will check the previous employment records of anyone we are considering employing. This applies to both temporary and permanent employees. The role that employees are expected to play in ensuring effective internal control will be included within employee induction procedures when they begin their employment. This will be followed up with training as appropriate.
- 3.18 We are committed to working and co-operating with other organisations to prevent organised fraud and corruption. Wherever possible, we will be prepared to help and exchange information with other Authorities and organisations to deal with fraud.
- 3.19 We will participate in computerised data matching initiatives, co-ordinated by the Home Office and other government agencies and we will abide by Codes of Practice covering such processes. This kind of work needs to be tightly controlled particularly in relation to data protection issues.
- 3.20 We will make sure that full details of arrangements for reporting concerns are widely published to the public, Governors and employees, and that all information we receive in this way is investigated and dealt with.

Detection and Investigation

- 3.21 The array of preventative systems, particularly internal control systems, within the School has been designed to provide indicators of any fraudulent activity, although generally they should be sufficient in themselves to deter fraud. You should read this section with our fraud response plan (Appendix 1) and our Prosecution Policy (Appendix 3).

- 3.22 Under our Code of Conduct and Financial Procedure Rules, employees should report any suspected cases of fraud and corruption to the appropriate manager, or, if necessary, direct to the Head of Audit and Governance. Reporting cases in this way is essential to the anti-fraud and corruption strategy and makes sure that:
- suspected cases of fraud and corruption are investigated properly;
 - the fraud response plan is properly carried out;
 - there is a standard process for dealing with all suspected cases of fraud and corruption; and people and our interests are protected.
- 3.23 The Council's Whistleblowing Policy (Appendix 2) is intended to encourage and enable employees and others to raise serious concerns of misconduct. Employees reporting concerns in this way are afforded certain protection against discrimination through legislation (Public Interest Disclosure Act 1998).
- 3.24 The Head of Audit and Governance will work with the Chief Executive and Senior Officers and Managers to decide on the type and course of the investigation. This will include referring cases to the police where necessary. We will prosecute offenders and we will carry out our disciplinary procedures where appropriate. We will ensure that any internal proceedings do not prejudice any criminal case.
- 3.25 The investigation protocol agreed between HR and Internal audit will be followed in all relevant investigations.
- 3.26 We will ensure the existence of skilled Investigators in order to ensure that detected frauds are investigated to the highest possible standards and expeditiously and that good results are achieved.
- 3.27 We will ensure that the Investigators are, or become, professionally trained and accredited. This ensures that all suspected instances of fraud or corruption are investigated objectively and in the most professional and timely manner possible and that the laws surrounding investigation work are adhered to at all times.
- 3.28 We will ensure that cases accepted for investigation, are assigned following an intelligence-led and risk-based approach. This ensures that the right cases (with the highest chance of a successful outcome) are identified for investigation and that resources are being used efficiently.

4 SANCTIONS AND REDRESS

- 4.1 Where investigations find evidence of fraud, it is desirable to seek to impose some form of sanction.
- 4.2 In every individual case, it is necessary to consider the full range of sanctions that are available at the earliest opportunity. All investigations are conducted in

accordance with the Police and Criminal Evidence Act 1984 i.e. to a criminal standard and to ensure that the full range of sanctions remains available.

- 4.3 At the conclusion of an investigation we are able to make a fully informed and proportionate judgment, based on all the evidence obtained, about a recommendation on action to penalise the individual concerned.
- 4.4 **For employees** – The sanctions available are disciplinary action in accordance with the Council's **Disciplinary Code**; prosecution (either taken by the Council's Legal Services or by the Crown Prosecution Service where the Police have been involved in the investigation); Police Caution or by civil remedy (to recover money, interest and costs). Prosecution may result in imprisonment or suspended prison sentence, fine, confiscation or compensation orders or community punishment order. Any sentence will be determined by a Magistrates or Crown Court. Where a combination of sanctions is applied e.g. disciplinary action and prosecution, this is known as applying parallel sanctions.
- 4.5 **For the public** – For non-housing benefit instances of fraud or theft committed by the public against the authority, cases will be investigated to a criminal standard where the option to prosecute the offender is always considered. Where prosecution is not seen to be in the public interest or the evidence is not considered robust enough to result in a successful prosecution, civil action will be considered in order to recover any losses to the authority.
- 4.6 We will ensure that the message is put across that all methods to recover losses to fraud will be sought in order to ensure that fraud does not pay.
- 4.7 We will ensure systems are in place and staff are properly trained for the effective recovery of losses gained through fraud.
- 4.8 We will use all available methods to recover losses from fraud. Losses may be recovered through the criminal process with the use of restraint, confiscation, forfeiture and/or compensation orders. Alternatively, losses may be recovered through the civil courts where the court can make an order against the defendant requiring them to compensate the plaintiff if it is proven, on the balance of probabilities, that it has cause of action against the defendant and the amount taken.

5 CONCLUSION

- 5.1 We are committed to tackling fraud and corruption whenever it happens. Our response will be effective and organised and will rely on the principles included in this document. The School has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both

preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.

- 5.2 To this end, the school maintains a continuous overview of such arrangements through, in particular, its Finance and General Purposes Committee and assigned finance officer, and its Internal and External Auditors.

Appendix 1

FRAUD RESPONSE PLAN

1. INTRODUCTION

- 1.1 Golden Flatts Primary School is committed to the highest possible standards of openness, probity and accountability in all its affairs. It is determined to develop a culture of honesty and opposition to fraud and corruption.
- 1.2 In line with that commitment, the Council's Anti-Fraud and Corruption Strategy the principles we are committed to in relation to preventing, reporting and managing fraud and corruption.
- 1.3 This Fraud Response Plan reinforces the Council's robust approach by setting out the ways in which employees or governors of the public can voice their concerns about suspected fraud or corruption. It also outlines how the school will deal with such complaints.

2. WHAT DO WE WANT TO KNOW ABOUT?

- 2.1 This Plan is intended to be implemented where suspicions of fraud or corruption have been raised.

Fraud is defined as:

"The intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the misappropriation of assets or otherwise for gain".

Corruption is defined as:

"The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person".

- 2.2 Concerns or allegations which fall within the scope of other, existing procedures e.g. discrimination issues will normally be referred for consideration under those procedures.

- 2.3 Fraudulent or corrupt acts may include:
- Systems Issues i.e. where a process/system exists which is prone to abuse by either employees or the public;
 - Financial Issues i.e. where individuals or companies have fraudulently obtained money from the school e.g. invalid invoices/work not done;
 - Equipment Issues i.e. where school equipment is used for personal use e.g. unauthorised/inappropriate personal use of ICT equipment;
 - Resource Issues i.e. where there is a misuse of resources e.g. theft of materials;
 - Other Issues i.e. activities undertaken by employees of the School which may be: unlawful; against the Council's Procedure Rules or policies, falls below established standards or practices; or amounts to improper conduct e.g. receiving inappropriate hospitality.
- 2.4 This is not an exhaustive list. If you are in any doubt about the seriousness of your concern, advice and guidance can be obtained from the Head of Audit and Governance on 01429 266522.

3. SAFEGUARDS

- 3.1 **Harassment or Victimisation** – The recognises that the decision to report a concern can be a difficult one to make, not least because of the possible fear of reprisal from those responsible for the malpractice. The School will not tolerate harassment or victimisation and will take action to protect those who raise a concern in good faith.
- 3.2 **Confidentiality** – The school will do its best to protect an individual's identity when he or she raises a concern and does not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence.
- 3.3 **Anonymous Allegations** – This policy encourages individuals to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Director of Finance and Policy and Chief Executive of the Council. 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.
- 3.4 **Untrue Allegations** – If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered against the individual making the allegation.

4. WHAT SHOULD AN EMPLOYEE DO IF THEY SUSPECT FRAUD OR CORRUPTION?

- 4.1 Employees may be the first to realise that there is something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 4.2 The Council's Whistleblowing Policy is intended to encourage and enable staff to raise legitimate concerns within the School rather than overlooking a problem or blowing the whistle to the media or other external bodies. This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.
- 4.3 A full copy of the Whistleblowing Policy is provided in the staff handbook and can be obtained from your Customer and Workforce Services Section, Trade Union Representative or Chief Solicitor.
- 4.4 In essence, employees should approach the relevant line manager, who, if they find the claim to be substantiated, then in accordance with the Whistleblowing Procedure, the Head of Paid Service, Director of Finance and Policy or alternatively the Head of Audit and Governance should be informed. The nature of the complaint will determine the Council's course of action.
- 4.5 Internal Audit can be contacted by phone on 01429 266522 or by writing to the Head of Internal Audit, Level 3, Civic Centre, Victoria Road, Hartlepool.

5. WHAT SHOULD A MEMBER OF THE PUBLIC DO IF THEY SUSPECT FRAUD OR CORRUPTION?

- 5.1 The School encourages governors of the public who suspect fraud and corruption to contact the Chief Executive, Director of Finance and Policy, Chief Solicitor and Monitoring Officer or the Head of Audit and Governance in the first instance.
- 5.2 The Internal Audit Section is a unit, which operates independently of all other school services, whose work includes reviewing procedures with the following aims:
 - To deter, prevent, detect and investigate fraud and corruption.
 - To see appropriate action taken against those who commit or seek to commit some sort of fraud or corruption.
 - To develop an anti-fraud culture.

The possible courses of action taken by the school are outlined below.

- 5.3 Internal Audit can be contacted by phone on 01429 266522, or by writing to the Head of Audit and Governance, Level 3, Civic Centre, Victoria Road, Hartlepool.

6. HOW WILL GOLDEN FLATTS PRIMARY SCHOOL DEAL WITH ALLEGATIONS OF FRAUD OR CORRUPTION?

- 6.1 For issues raised by employees or governors of the public, the action taken by the School will depend on the nature of the concern. The matters raised may be investigated internally or referred to the Police.
- 6.2 Within 10 working days of a concern being received, the Chief Executive or designated officer will write to the complainant:
- acknowledging that the concern has been received;
 - indicating how it is proposed the matter will be dealt with;
 - giving an estimate of how long it will take to provide a final response;
 - telling them whether any initial enquiries have been made; and
 - telling them whether any further investigations will take place, and if not, why not.
- 6.3 The school accepts that those people who reported the alleged fraud or corruption need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigation.

7. ALTERNATIVE METHODS FOR TAKING A COMPLAINT FORWARD

- 7.1 If either a member of the public or an employee feels it is right to take the matter outside these processes, the following are possible ways forward:
- governors of the school. If you are unsure how to contact them, call the School on 01429 275122 for advice.
 - the External Auditors – who are the organisation, appointed to scrutinise the Council's finances and performance. By law, they must be completely independent from the school.
 - your Trade Union – employees may invite their Trade Union to raise a matter on their behalf.
 - the Police – suspicions of fraud or corruption may be reported directly to the Police.
 - the Local Government Ombudsman – this is an independent body set up by the Government to deal with complaints against Authority's in the United Kingdom.
 - Public Concern at Work – this is an independent authority which seeks to ensure that concerns about malpractice are properly raised and addressed in the workplace.

HARTLEPOOL BOROUGH COUNCIL

"CORPORATE WHISTLE BLOWING" PROCEDURE

1. Introduction

Golden Flatts Primary School is committed to ensuring that all its activities are lawful and that the highest possible standards are observed. A number of rules, regulations and procedures exist which are intended to promote high standards and to investigate and rectify any shortcomings.

Employees are often the first to realise when something is wrong within a School but may not always voice their concerns. This might be because they fear reprisals or harassment or because they think speaking up is disloyal to colleagues.

This procedure provides a way in which concerns about malpractice or wrongdoing may be raised and investigated when other procedures are not sufficient or are inappropriate. It is intended to encourage employees to raise serious concerns and to protect them from any form of reprisal.

All employees of the School may use this procedure. This includes permanent and temporary staff. It also covers agency personnel and staff seconded to a third party. Any concerns relating to the third party, if relevant to the individual's secondment, can also be raised under this procedure.

Contractors working for the School may also use the provisions of these procedures to make the School aware of any concerns that the Contractor's staff may have with regard to any contractual or other arrangement with the Borough Council.

2. Existing Procedures

The grievance procedure exists for employees to raise complaints about their employment. Copies of this are available in all departments and from the Personnel Division. The Employee Support Policy provides a special procedure for those wishing to make a complaint about harassment, victimisation or discrimination. Copies of this are available in all departments or can be obtained from the Employee Support Officer. This procedure does not replace *the* complaints procedure.

3. Aims of the Whistle Blowing Policy

- Encourage employees to feel confident in raising serious and to question and act upon their concerns.
- Provide ways for employees to raise those concerns and get feedback on any action as a result.
- Ensure that employees get a response to their concerns and that they are aware of how to pursue them if they know what to do if they are not satisfied with any actions.
- Reassure employees that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

4. What is Malpractice or Wrongdoing?

Employees are encouraged, and expected, to report malpractice or wrongdoing and could in certain circumstances be subject to disciplinary action if they know of this and do not report it. Malpractice or wrongdoing might include any of the following. This is not a comprehensive list but gives examples of the sorts of things which could be raised, under the procedures listed in section 2, where appropriate, or under this procedure:-

- a) Unlawful acts or omissions, acts which are criminal or in breach of civil law or statutory duty.
- b) failure to comply with appropriate professional or other established standards;
- c) corruption or fraud;
- d) actions which are likely to cause physical danger to any person;
- e) failure to take reasonable steps to report and rectify any situation which is likely to cause a significant avoidable cost, or loss of income, to the School or would otherwise seriously prejudice the Council;
- f) failure to draw relevant matters to the attention of Councillors or superior officers, or failure to comment appropriately on matters within an employee's responsibilities which might significantly affect an action or decision of, or on behalf of, the Council.
- g) abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose;
- h) unfair discrimination in the Council's employment or services;
- i) other unethical conduct

5. How do I Raise a Concern?

If an employee has a concern then he/she should raise it with someone as soon as possible. If there are reasons why he/she cannot raise it with his/her manager, or through the procedures listed in section 2, then the following procedure should be followed.

5.1 Raise the matter with

- The Council's Monitoring Officer
Mr P J Devlin- Chief Solicitor
- or in the absence of the Council's Monitoring Officer, with the Deputy Monitoring Officer Ms A Carman – Legal Services Manager / Solicitor.

5.2 Letters to the Chief Solicitor will not be opened by anyone else if marked Personal & Confidential. The Chief Solicitor can be contacted on tel: 266522 ext. 3003.

5.3 Whilst concerns may be raised verbally it is helpful to have details in writing.

5.4 When a matter is raised with the Chief Solicitor he/she will arrange for one of the following to take place:-

- his/her own investigations
- investigation by another officer or Internal Audit as appropriate
- referral to the Police
- referral to the external Auditor
- referral for independent enquiry
- referral for consideration under another procedure (disciplinary, grievance, etc)
- no action

5.5 The decision will be based upon the information provided, and an interview with the employee raising the concern (off site if necessary) if appropriate. In respect of a written report, or a verbal report which the Chief Solicitor has agreed to accept, the Chief Solicitor will advise the employee in writing within 10 days of what is to happen giving an estimate of the time any investigation is expected to take. The Chief Solicitor will report as necessary to Governing Body Members.

Some concerns may be resolved by agreed action without any need for investigation.

If urgent action is required this will be taken before any investigation is conducted.

6. Support and Safeguards

It can be difficult for employees to raise concerns and Golden Flatts Primary School aims to support those who do so and to take steps to ensure that they are not victimised or harassed. The Chief Solicitor may take appropriate action to protect those raising concerns in good faith. An employee who raises concerns in good faith will not be penalised by the Council, eg. in relation to general treatment or to any job or promotion application, or any request for a reference.

This procedure does not override or affect an employee's rights to protection under the provisions of the Employment Rights Act 1996 inserted by the Public Interest Disclosure Act 1998, as amended. The Act protects employees against detriment as a result of making a "protected disclosure" and specifies a range of matters, which may be the subject of a protected disclosure. Namely;

- a) that a criminal offence has been committed, is being committed or is likely to be committed,
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- d) that the health or safety of any individual has been, is being or is likely to be endangered,
- e) that the environment has been, is being or is likely to be damaged, or
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Some of the malpractice referred to in this procedure, e.g. commission of a criminal offence, would also be the subject of the statutory protection afforded by the Act; others, e.g. the provision of misinformation to the School or causing financial loss to the Council, would not be subject to statutory protection. The School believes that its employees are entitled to the additional protection afforded by the procedure.

6.1 Victimisation

Disciplinary action will be taken against anyone victimising or harassing an employee because he/she has raised concerns.

6.2 Anonymous Allegations

Anonymous allegations are necessarily difficult to investigate and, for that reason, cannot always be given the same consideration as attributed allegations. In considering whether any action is to be taken the seriousness and credibility of the allegations will be taken into account as will the feasibility of investigating them and the reason(s) for anonymity being requested.

6.3 Confidentiality

It is much easier to investigate concerns when those raising them are willing for their names to be disclosed if necessary in the investigation. However if employees specifically ask for their names not to be disclosed then this will be respected subject only to any requirement to disclose having the force of law. This may, in some situations impede the investigation. If the only evidence of wrongdoing or malpractice is that of the complainant as an eyewitness of the complainant then he/she will usually need to be prepared to make a statement.

7. Links to Other Procedures

7.1 Disciplinary Action

Employees who are subject to disciplinary action and who raise concerns under this procedure should note that the disciplinary action will not necessarily be halted or delayed as a result. However in some circumstances this may be appropriate or necessary.

7.2 Unproven Allegations

If an employee makes an allegation in good faith and this is not confirmed in the investigation no action will be taken against him/her. The school will also try to minimise any negative effects of an allegation being investigated and not confirmed.

7.3 Deliberately False Allegations

The school will take disciplinary action against any employee deliberately making allegations they know to be false or unfounded, whether frivolously or maliciously. Action will also be taken against any employee inventing or otherwise falsifying facts in order to make a complaint.

7.4 Other Procedures

If a matter is raised under the Whistle-Blowing procedure which could more appropriately be dealt with under another procedure the Chief Solicitor will consult the appropriate senior officer who would operate the other procedure

and, if this is agreed, refer the matter on, advising the complainant accordingly.

8. Taking Concerns/Complaints Further

8.1 If employees are not able to have their concerns addressed satisfactorily through this or the School procedures then they may need to consider taking matters outside the authority and consulting one of the following:-

- the Audit Commission
- the Police
- the Local Government Ombudsman
- the Monitoring Officer (for issues regarding a councillors conduct)
- the relevant professional bodies or regulatory organisations
- Public Concern at Work
- The employees Trade Union
- The Citizens Advice Bureau
- The Information Commissioner
- The Health and Safety Executive

Adult and Community Services employees are encouraged to refer matters of concern to the Commission for Social Care Inspection since such referral is encouraged nationally.

Details of how to contact the above is attached at Appendix 1

Note:

Public Concern at Work is the Whistle Blowing charity. The organisation has four primary activities;

- ***to offer free, confidential advice to people concerned about crime, danger or wrong doing at work.***
- ***to help organisations deliver and demonstrate good governance.***
- ***inform public policy and***
- ***promote individual responsibility, organisational accountability and the public interest.***

Note:

In conjunction with Public Concern at Work, British Standards (BSI) has published a Code of Practice on Whistle Blowing arrangements under the classification PAS 1998/2008. Copies of the code can be downloaded from www.bsigroup.com/PAS1998

8.2 The, Chief Solicitor can give advice on raising concerns externally, as can the trades unions and professional associations.

- 8.3 Employees who raise concerns outside the School should ensure that confidential information is not disclosed inappropriately. The Chief Solicitor can advise on this.
- 8.4 The Public Interest Disclosure Act 1998 also provides for protection under the Act to be extended to disclosure to a 'prescribed person' identified by the Secretary of State in regulations made under the Act. For matters relating to the proper conduct of public business, value for money, fraud and corruption in local government bodies, the 'prescribed person' is the Audit Commission for England and Wales.

9. Records of Complaints

The Chief Solicitor who is the Monitoring Officer will be responsible for maintaining records of concern raised and of outcomes. Records will be kept in a form, which does not compromise confidentiality.

10. Trades Unions

This procedure has been agreed with the Hartlepool Joint Trade Union Committee and Trades Union representatives as indicated may give advice on the use of this or other procedures to raise concerns. Employees raising concerns may invite their Trades Union representative, or a colleague, to be present during any meetings or interviews.

Appendix 1

Contact details for outside organisations as outlined in Paragraph 7.1 of the Whistle Blowing Procedure

Name of Organisation	Address	Telephone Number	E-mail Address
Police – Cleveland Constabulary	P.O. Box 70 Ladgate Lane Middlesbrough TS8 9EH	(01642) 326326	enquiries@cleveland.pnn.police.uk
Local Government Ombudsman	Local Government Ombudsman PO BOX 4771 Coventry CV4 OEA	01904 380200	advice@lgo.org.uk
Monitoring Officer	Hartlepool Borough Council Civic Centre Victoria Road Hartlepool TS24 8AY	01429 523003	
Public Concern at Work	Suite 301 16 Baldwins Gardens London EC1N 7RJ	020 7404 6609	whistle@pcaw.co.uk
Commission for Social Care Inspection	33 Greycoat Street London SW1P 2QF	0845 015 0120	enquiries@csci.gsi.gov.uk
Relevant Professional bodies or regulatory organisations	Enquire for further information at Civic Centre Hartlepool	01429 523003	portal.master@hartlepool.gov.uk

PROSECUTION POLICY

Golden Flatts Primary School is committed to preventing fraud and corruption and has developed an 'Anti-Fraud and Corruption Strategy' in order to minimise its occurrence.

The School will constantly monitor its systems and amend procedures as required.

This procedure does not supersede other internal disciplinary codes implemented by the School and internal offenders (e.g. School employees or Members) will be liable to general disciplinary procedures as well as prosecution.

General

The Council's policy on fraud is to:

- deter it in the first instance;
- detect it quickly;
- investigate it efficiently; and
- prosecute offenders when appropriate.

In most cases, the Chief Executive in consultation with the Monitoring Officer/Director of Finance and Policy or the Head of Audit and Governance, will be involved in deciding if reporting the matter to the Police is appropriate. In exceptional circumstances the Monitoring Officer/Director of Finance and Policy or the Head of Audit and Governance may refer matters to the Police direct without prior consultation with the Chief Executive.

In deciding whether a fraud should be reported to the police the following factors will be taken into account.

- the extent of the fraud/corruption in financial terms;
- the sufficiency and appropriateness of evidence;
- whether the public interest will be served.

In general, all cases, where there is evidence of a criminal act, will be reported to the Police.