

Whistleblowing Policy

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A. ABOUT THIS POLICY

1. Oxfordshire Council is committed to conducting its business with honesty and integrity and expects all staff including anyone contracted to work or volunteer for the council, to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.

2. This policy covers all employees, past employees, councillors, consultants, contractors, volunteers, interns, casual workers and agency workers and for the purpose of this policy known as a 'Worker'
3. This policy does not form part of any employee's contract of employment and we may amend it at any time.

B. SCHOOLS

4. All schools and academy trusts are required to have appropriate procedures in place for handling whistleblowing and for ensuring school staff know who they can contact if they wish to raise a concern.
5. There is a specific whistleblowing policy for maintained schools in Oxfordshire which should be followed for any whistleblowing matters raised by employees of the school, supply staff and agency workers.
6. In a multi academy trust (MAT), the procedure is likely to be trust-wide and approved and reviewed at trust board level.

C. AIM OF POLICY

7. This policy aims to
 - a) encourage workers to report any suspected wrongdoing as soon as possible, in the knowledge that their concern will be taken seriously and investigated as appropriate, and that their confidentiality will be respected as far as possible; and
 - b) provide guidance on how to raise those concerns; and
 - c) reassure anyone raising a genuine concern, made in the public interest, that this can be done without fear of reprisals, even if they turn out to be mistaken.

D. WHAT IS WHISTLEBLOWING

8. Whistleblowing is the reporting by a worker of suspected wrongdoing or dangers in relation to our activities. This includes bribery, facilitation of tax evasion, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.
9. We believe that anyone who raises any type of concern about work that they believe to be true, should be treated with respect, and should not suffer as a result. Certain types of wrongdoing or dangers that are reported are regarded as being in the public interest. These are specified within The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 and concern the following matters:
 - i. Any criminal offence (such as fraud or theft)

- ii. Any breach of a legal obligation or duty
- iii. A miscarriage of justice
- iv. A danger to the health and safety of any individual
- v. Dangers to the environment
- vi. Deliberate concealment of information tending to show any of the above five matters

10. A worker who reasonably believes that one of the above concerns is either happening now, took place in the past, or is likely to happen in the future is making a 'qualifying disclosure' (and discloses information regarding the matter to the appropriate person or body), will be 'protected' from detrimental treatment or victimisation from their employer. These are called "protected disclosures", further information on the protection for workers can be found in section G of this policy.

As a whistle-blower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'

11. In some cases, a disclosure may be investigated under a separate policy of the Council where appropriate, for example, an employment issue or poor behaviour of employees. In these cases, the Council's Bullying and Harassment Policy and/or Grievance policy and procedure and/or Dignity at Work Policy will be used as the internal mechanism for dealing with the concern in the first instance.

12. There are other concerns, that may not amount to a 'qualifying disclosure', or fall into the Council's employment policies, but may however meet the public interest criteria, and by way of example only may be 'value for money' concerns or poor contract management. While these may not have the same legal protection, the Council takes these seriously and so the Council's complaint procedure [Complaints and comments about Oxfordshire County Council | Oxfordshire County Council](#) should be used for the Council to consider and investigate with a view to resolving those concerns.

13. If another Council procedure or policy is used to investigate a complaint that comes through the Whistleblowing route but when assessed does not amount to a whistleblow, the investigating officer will be requested to confirm to the Monitoring Officer when the alternative process has been completed. The investigating officer should report the fact that the process has been completed and wherever possible the outcome to the complainant.

E. WHO CAN RAISE A WHISTLEBLOWING CONCERN

14. The policy applies to all:

- i. employees of the council,
- ii. agency workers,
- iii. temporary workers,
- iv. students and volunteers working for Oxfordshire County Council.
- v. Staff working for other contractors working for the council (where the contractor has agreed to adopt the council's policy),
- vi. elected and co-opted members of Oxfordshire County Council.

15. Although the council's elected members are not workers within the definition of Employment Rights Act 1996, this policy nevertheless also applies to the Council's elected and co-opted members.
16. Members of the public can raise concerns through the Council's complaints processes or via the Local Government and Social Care Ombudsman or the Council's External Auditors.
17. If a member of the public or a member of staff contacts a County Councillor with a whistleblowing concern, then the Councillor should contact the Monitoring Officer in the first instance.

F. CONFIDENTIALITY

18. We hope that workers will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
19. We do not encourage workers to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.
20. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer or one of the other contact points listed in Annex 1 and, we will discuss this as soon as possible with you, and aim to devise strategies for supporting you to ensure that you suffer no detriment or harassment as a result.
21. There is a continuing duty to the Council not to disclose confidential information. This does not prevent you from seeking independent advice at any stage nor from discussing the issue with the charity Protect (previously called Public Concern at Work) on 020 3117 2520 and www.protect-advice.org.uk, in accordance with the provisions of the Public Interest Disclosure Act 1998.

G. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

22. Speaking up about any concern you have at work is vitally important. In fact, it's essential because it will help us to keep improving our services for all residents and the working environment for our employees.
23. You may feel worried about raising a concern, and we understand this. But please don't be put off. We will listen to and investigate what you say.
24. This policy encourages concerns to be raised in a constructive and positive manner and provides an escalation process where concerns can be raised if they remain outstanding.

- 25.** If you raise a genuine concern (i.e. held in reasonable belief) under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern; in fact, any such attempt would warrant you raising a concern in itself. Any such behaviour, to deter a report, is a breach of our Delivering The Future Together (DTFT) values, and if upheld following investigation, could result in disciplinary action for the person(s) involved.
- 26.** Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. We want to hear from you. Of course, we do not extend this assurance to someone who may maliciously raise a matter they know is untrue, this would be an abuse of this policy and may result in disciplinary action.
- 27.** The Public Interest Disclosure Act 1998 protects employees from reprisal, victimisation or harassment at work if they raise a concern that they reasonably believe is in the public interest. If any persons raising a concern believe themselves to be suffering a detriment for having raised a concern, this should be made known to the Monitoring Officer (contact details below).

H. ROLE OF TRADE UNIONS AND PROFESSIONAL ASSOCIATIONS

- 28.** Employees can raise concerns directly themselves or can ask their trade union or professional association to do so on their behalf. Whistleblowers can bring a trade union or professional association representative or friend with them to any meetings.

I. HOW TO RAISE A CONCERN (PROCEDURE)

- 29.** This section of the policy tells you how to and to whom you can raise a whistleblowing complaint. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:
- i. the nature of your concern and why you believe it to be true.
 - ii. the background and history of the concern (giving relevant dates and information).

- 30.** If your concerns are raised verbally, then a written record will be taken.

a) STEP 1

- 31.** We hope that in many cases you will be able to raise any concerns with your manager.

b) STEP 2

- 32.** However, where you prefer not to raise it with your manager for any reason, then you can raise your concern in writing at whistleblowing@oxfordshire.gov.uk or verbally via the Whistleblowing hotline: **01865 328573**.

33. This is a confidential email address and telephone number, attended by the service reporting directly to the Council's Chief Internal Auditor.
34. To raise your concern in writing, we encourage you to use the ' Formal Whistle blow Concern Form' [Whistleblowing and serious concerns | Oxfordshire County Council](#). This Form and any accompanying documents should be sent via email to the whistleblowing generic email address whistleblowing@Oxfordshire.gov.uk to ensure that actions are tracked and escalated by the Monitoring Officer.
35. You can also raise your concern in writing (using the Form (link)) by posting this to the Chief Internal Auditor (Whistleblowing), Oxfordshire County Council, New Road, Oxford, OX1 1ND.
36. Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation and whether it falls within the Whistleblowing process. We will inform you of the outcome of our assessment. You may be required to attend additional meetings to provide further information.
37. In some cases, we may appoint an investigator who may be internal or external to the council or a team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
38. We will:
- i. treat your concern confidentially unless otherwise agreed.
 - ii. ensure you receive timely support to progress your concern.
 - iii. escalate to HR any indications that you are being subjected to detriment for raising your concern.
 - iv. remind the organisation of the need to give you timely feedback on how your concern is being dealt with.
 - v. ensure you have access to personal support since raising your concern may be stressful.

c) STEP 3

39. If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the Chief Executive at Oxfordshire County Council, internal audit or anyone listed in Annex 1 (details below).

d) STEP 4

40. You can raise concerns formally with external bodies other than your employer which are listed here <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies> - and also those listed in Annex 2.

41. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
42. The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice from the Monitoring Officer before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

J. HOW WILL THE COUNCIL RESPOND?

43. The council is committed to giving concerns raised through the policy thorough consideration whilst responding as quickly as possible. We will also be open and transparent with people raising concerns and those subject to whistleblowing concern, explaining when information can and cannot be shared.

a) INITIAL ASSESSMENT

- i. The Monitoring Officer or an Officer acting on their behalf will acknowledge receipt of the concern within **3 working days**; and
- ii. Within **5 working days** an appropriate lead identified by the Monitoring Officer will undertake an initial desktop (paper based) assessment and determine if the concern amounts to whistleblowing or not, and if it requires further information or investigation.
- iii. It may be necessary, at this stage to conduct initial enquiries, which will be objective, and evidence based, and may involve contacting you for further evidence/information.
- iv. Where we can, we will write to you within **12** working days of a concern being raised with the outcome of the initial assessment:
 - a) indicating if the complaint does amount to a Whistleblowing complaint;
 - b) indicating if the complaint does not amount to a Whistleblowing complaint, what other council policies might be appropriate instead.
 - c) indicating how the council proposes to deal with the matter i.e. telling you whether further investigations will take place and if not, why not.
 - d) supplying you with information on any support mechanisms as appropriate
 - e) confirming how the matter can be taken further if you do not agree with the council's response.

If more time is required to undertake the initial assessment we will confirm this to you.

b) FURTHER ASSESSMENT

44. Where after initial assessment has been made, your concerns amount to whistleblowing then the matters raised may:
- i. require further investigation by someone suitably independent (usually from a different part of the organisation or external to the council);
 - ii. be referred to the police;
 - iii. be referred to the external auditor;
 - iv. be referred to existing child protection/abuse procedures.
45. If following the INITIAL ASSESSMENT it is necessary to undertake a further investigation, then the council will advise you as to how long this is likely to take with an indication as to when you might receive how the council intends to provide a FINAL response to your complaint.
46. While the council cannot guarantee that the outcome will be as you wish, it will handle the matter fairly and in accordance with this policy. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation, maintaining security and confidentiality for all parties as far as possible. You will not however be provided with any report or other correspondence created by any investigation and dealing with your disclosure.
47. In respect of disclosures of serious misconduct or wrongdoing relating to safeguarding children or adults at risk and or special educational needs the Council has a legal obligation to investigate and will do so irrespective of the status of any school or relevant organisation.

K. IF YOU ARE NOT SATISFIED

48. The council will inform you in writing of the outcome of its assessment and/or any investigation or any action taken, subject to the constraints of confidentiality and the law.
49. If you do not believe your concern has been addressed adequately, you can raise it with any person listed in Annex 1 or an independent body such as:
- i. the council's external auditor
 - ii. Trade Union
 - iii. Citizens' Advice Bureau
 - iv. a relevant professional body or regulatory organisation
 - v. a relevant voluntary organisation
 - vi. Police
 - vii. Local Government and Social Care Ombudsman
 - viii. Equalities and Human Rights Commission
 - ix. NSPCC should the concern relate to a child.

L. EXTERNAL DISCLOSURES

50. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
51. The law recognises that in some circumstances it may be appropriate for you to report your 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, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
52. Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, client, supplier or service provider. If this is the case, we encourage you to report such concerns internally first, in line with this policy. You should contact the Whistleblowing Officer or Monitoring Officer for guidance.

M. REVIEW OF THIS POLICY

53. The Council's Monitoring Officer has overall responsibility for this Policy, how it is used and how the Policy is working. It will be reviewed annually, with the Monitoring Officer taking an annual report to the Audit & Governance Committee to assess the effectiveness of the Policy and the arrangements and training underpinning it. The Monitoring Officer will also make an annual report on the type of cases dealt with under this Policy.

Responsible Officer: Monitoring Officer

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ANNEX 1 - CONTACT DETAILS (OXFORDSHIRE COUNTY COUNCIL)

Whistleblowing Officer

Declan Brolly

Confidential email: whistleblowing@oxfordshire.gov.uk

List of senior managers:

Executive Director of Resources and Section 151 Officer (Deputy Chief Executive)	Lorna.Baxter@oxfordshire.gov.uk County Hall, New Road, Oxford. OX1 1ND
Chief Internal Auditor	Sarah.Cox@oxfordshire.gov.uk County Hall, New Road, Oxford. OX1 1ND WB Tel no: 01865 328573
Head of Paid Service/Chief Executive	Tel no: 07354 845921 Martin.Reeves@oxfordshire.gov.uk County Hall, New Road, Oxford. OX1 1ND
Director of Law & Governance and Monitoring Officer	Anita.Bradley@oxfordshire.gov.uk County Hall, New Road, Oxford OX1 1ND
Head of Legal and Deputy Monitoring Officer	Paul.Grant@oxfordshire.gov.uk County Hall, New Road, Oxford OX1 1ND
Directors	
Executive Director – People and Transformation (Deputy Chief Executive)	Stephen.Chandler@oxfordshire.gov.uk
Director of Adult Social Care	Karen.Fuller@oxfordshire.gov.uk
Director of Children’s Services	Lisa.Lyons@oxfordshire.gov.uk
Director of Public Health and Communities	Ansaf.Azhar@oxfordshire.gov.uk
Director of Environment and Highways	Paul.Fermer@oxfordshire.gov.uk
Director of Economy and Place	Robin.Rogers@Oxfordshire.gov.uk
Chief Fire Officer and Director of Community Safety	Rob.MacDougall@Oxfordshire.gov.uk

<p>Your Local Councillors (if you live in Oxfordshire)</p>	<p>Web site: www.oxfordshire.gov.uk Click on: Council>About your council>Oxfordshire councillors>Your county councillor Your county councillor Oxfordshire County Council</p>
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ANNEX 2 – EXTERNAL ORGANISATIONS – CONTACT DETAIL

Any directly relevant Body listed in the Department for Business, Energy & Industrial Strategy

website under “[Blowing the whistle: list of prescribed people and bodies](#) Or

[Any contact listed below:](#)

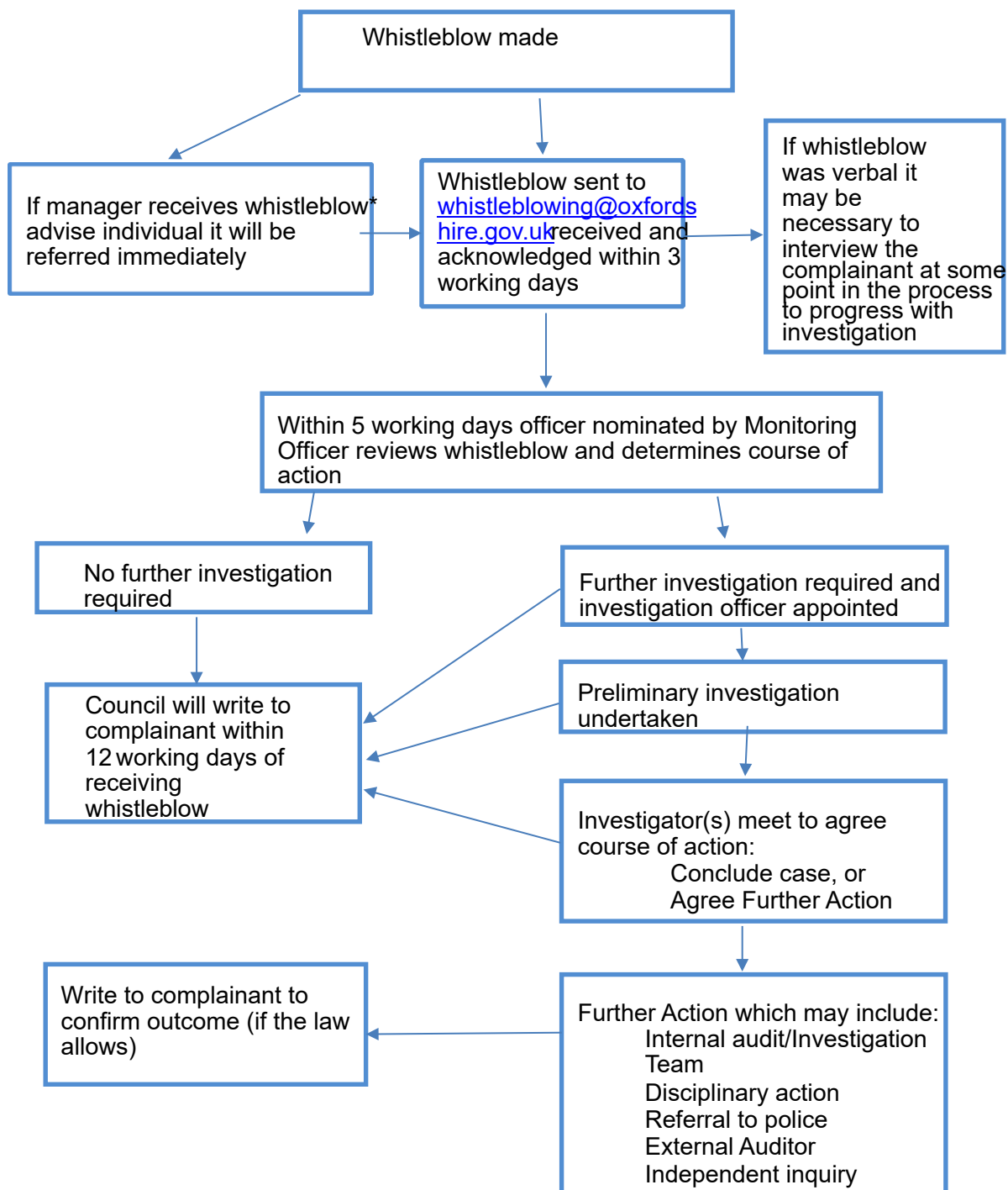
Contact	Details
External Auditors Ernst & Young LLP	Apex plaza, Forbury Road, Reading. RG1 1YE Web: www.ey.com Or: 0118 928 1100
The Local Government and Social Care Ombudsman	PO Box 4771, Coventry. CV4 0EH www.lgo.org.uk Tel no. 0300 061 0614
The Equalities and Human Rights Commission	www.equalityhumanrights.com/en/whistleblowing#report
The Health and Safety Executive (Regional Office)	Priestley House, Priestley Road, Basingstoke, Hampshire. RG24 9NW Web: www.hse.gov.uk Tel no. 0300 790 6787
The Environment Agency (Thames Regional Office)	Kings Meadow House, Kings Meadow Road, Reading. RG1 8DQ Web: www.environment-agency.gov.uk Tel No. 03708 506506
Citizens Advice Bureau	www.citizensadvice.org.uk
Whistleblowing Helpline Free advice for NHS and Social Care	https://speakup.direct/ Tel No. 08000 724725
The NSPCC Whistleblowing Helpline (when it relates to children)	0800 028 0285 Whistleblowing Advice Line NSPCC
Police	www.gov.uk/contact-police
Your Local Councillors (if you live in Oxfordshire)	You can find your Oxfordshire County Councillor on our website:
Protect Confidential advice line	www.protect-advice.org.uk / 020 3117 2520

ANNEX 3 – WHISTLEBLOWING & PROTECTIONS

- a) If a whistleblower has any doubt about whether it is lawful to make a disclosure, it is recommended that they take advice from the Director of Law and Governance and Monitoring Officer or Chief Internal Auditor, before disclosing the detail to avoid inappropriate disclosure. This is so the whistleblower keeps any protection the law affords as a consequence of their actions. The law protects the whistleblower from any retaliation or discrimination which may occur, so long as they believe any “protected disclosure” to be true, it is proportionate to the circumstances and importantly that it is made to a prescribed person or relevant body only. to include reference to the for further advice regarding whether it is lawful to make a disclosure
- b) An employee is not protected or immune from other action being taken against them if making the disclosure breaks the law
- c) Any protection the whistleblower may be entitled to by law, may be compromised or lost if the disclosure is made to the press.

ANNEX 4 - WHISTLEBLOWING PROCEDURE – FLOW CHART

(a text only version is available on the next page)



Whistle blowing procedure – text-only version.

A whistle blow is made.

Whistle blow may be sent directly to email whistleblowing@oxfordshire.gov.uk

If manager receives the whistle blow. Individual is advised it will be referred immediately.

Whistle blow received via the whistleblowing email address will be acknowledged within 3 working days

Within 5 working days officer nominated by Monitoring Officer reviews whistleblow and determines course of action

If the whistle blow was verbal it may be necessary to interview the complainant at some point in the process to progress with the investigation.

If no investigation is required

Action: If no investigation is required, council will write to complainant within 12 working days of receiving whistle blow

If further investigation is required

If further investigation is required, an investigation officer will be appointed. **Action:** The council will write to complainant within 12 working days of receiving the whistle blow.

A preliminary investigation undertaken.

Investigator(s) meet to agree course of action: conclude case or agree further action.

Further action

Further action may include:

- internal audit/investigation team
- disciplinary action
- referral to police
- external auditor
- independent inquiry

Action: Write to complainant to confirm outcome (if the law allows)

ANNEX 5 - WHISTLEBLOWING FORM

This form is intended for use by employees and workers who wish to make a Whistleblowing Complaint under the terms of the Council's whistleblowing policy (link). This is to assist you in making your complaint and ensure that the Council captures your complaint. You are encouraged to use this form, however there are a number of methods by which you can make a whistleblowing complaint, and this is set out in section I of the Council's policy.

Agency workers, consultants and contractors and any others who perform functions in relation to the Council can also use the Council's whistleblowing policy.

A Whistleblowing Complaint requires that a Qualifying Disclosure is made.

A 'qualifying disclosure' is the term used in the whistleblowers legislation (Public Interest Disclosure Act 1998) to identify the categories of information which an employee/worker can disclose to a suitable person without fear of reprisal.

A qualifying disclosure is a protected disclosure provided

- the disclosure of information which you reasonably believe is made in the public interest; and
- the disclosure of information, shows one or more of the following categories of 'relevant failures' is either currently happening, took place in the past, or is likely to happen in the future; and - the complaint is made to the right person in the right way.

Categories of 'relevant failures' as determined by statute

- a criminal offence, including offences such as theft, fraud or acts of bribery
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- deliberate concealment of information tending to show any of the above five matters.

Your belief must be reasonable, but it need not be correct.

It might be discovered subsequently that you were, in fact, wrong or mistaken in your belief, and if that is the case you are still afforded protection from reprisal or detriment, provided you demonstrate you held the belief and that it was a reasonable belief to hold in the circumstances at the time of making your whistleblowing complaint.

For a qualifying disclosure to be a protected disclosure, then you then need to make it to the right person and in the right way. There are a number of methods by which you can make a qualifying protected disclosure, and this is set out in section I of the Council's policy, but we always encourage first raising your whistleblowing complaint with the council in the first instance and this is the purpose of this form.

If you are an employee and your concern relates to a breach of your own contract of employment or is otherwise a personal grievance or is of a personal interest, you should use the Council's/Schools grievance procedure instead.

If you are unsure whether your concern is best dealt with under the whistleblowing policy or grievance policy or Anti Bullying and Harassment policy or other council/school policy, please consult your line manager, HR Business Partner or the Council's Monitoring Officer for further advice.

Once you have completed this form, you should immediately forward it to whistleblowing@oxfordshire.gov.uk. You can also forward this and/or copy this to you line manager. If you send your complaint to your line manager, they will forward this to the whistleblowing email box.

Once you have submitted your complaint, the procedure set out in the whistleblowing policy will be invoked and this will result first in an INITIAL ASSESSMENT and may then lead to further investigations/enquires and may result in a FINAL ASSESSMENT.

You can request that your concerns be kept anonymous. Where possible, this will be respected, but we cannot guarantee that this will be the case. See the whistleblowing policy for more details on 'Protection for Whistleblowers'.

Formal whistleblowing disclosure	
Full name of employee/complainant:	
Job title/Service Area/Directorate	
Date:	
Does your public interest disclosure relate to your line manager?	YES/NO*
<p>What is the category of your public interest disclosure?</p> <p>Delete the categories that DO NOT APPLY to your complaint.</p>	<ul style="list-style-type: none"> • a criminal offence, including offences such as theft, fraud or acts of bribery • the breach of a legal obligation • a miscarriage of justice • a danger to the health and safety of any individual • damage to the environment • deliberate concealment of information tending to show any of the above five matters.

<p>Please set out</p> <p>a) further details of the issue you wish to raise, including any dates, times, locations and the individuals involved: please use additional pages if necessary and please add your name and number to these pages; and</p> <p>b) why you reasonably believe your disclosure of information is made in the</p>	
<p>public interest; and</p> <p>c) how your disclosure of information is in the public interest.</p>	
<p>If possible, please provide the names and contact details of the individuals involved, including any witnesses:</p>	
<p>Please set out how you would like to see the issue dealt with, and why you believe this outcome will resolve the issue:</p>	
<p>I declare that the information I have given on this form is true and accurate to the best of my knowledge and belief.</p> <p>I understand that if I knowingly make false or malicious allegations, then disciplinary actions, including dismissal may be taken by the council. If I am a third party, such as an agency worker, consultant or contractor, I understand that it may result in my engagement being terminated.</p>	

(* delete as appropriate)

Name:

(insert name of employee/complainant)

Signed:

Date:

CONTINUATION PAGES Name:

Please provide: further details of the issue you wish to raise, including any dates, times, locations and the individuals involved