



Sidcot
Live Adventurously

Policy Name: Whistleblowing Policy

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1 Introduction

1.1 Whistleblowing has been defined as ‘the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’ (Public Concern at Work Guidelines 1997).

1.2 The School adopts this policy to protect staff and enable them to raise relevant concerns which are in the public interest, in a secure manner and in the knowledge, that their concerns will be taken seriously.

1.3 The School has a culture of valuing staff and demonstrates reflective practice, welcoming openness and transparency. The Governors of the school are committed to the highest standards of probity and accountability.

2 Scope

2.1 This policy applies to all staff at the School, including governors, volunteers, permanent and temporary staff, contractors and those on work experience.

2.2 This policy forms part of the safeguarding and child protection suite of policies. All staff must read it and understand where to look and what to do in the event that a relevant issue were to arise.

3 Aim of the Policy

This policy aims to:

- Demonstrate that the School will not tolerate malpractice;
- Offer an assurance to members of staff that they are protected from reprisals or victimisation for any whistleblowing action undertaken in good faith;
- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies, so that they are encouraged to act on those concerns;
- Provide members of staff with avenues to raise concerns including routes outside the normal management structure;
- Respect the confidentiality of staff raising concerns and provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively;
- Provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

4 Which Actions are Covered by the Protections Afforded by this Policy?

4.1 Those who report any of the following in good faith are protected by law from victimisation, dismissal or disciplinary action:

4.1.1 A criminal offence, for example fraud, not complying with a legal obligation or sexual, physical or emotional abuse of members of staff or students;

4.1.2 The fact that someone’s health and safety is in danger (including child protection concerns);

4.1.3 A miscarriage of justice;

4.1.4 An action that has caused or is likely to cause danger to the environment;

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- 4.1.5 An abuse of authority;
 - 4.1.6 Unauthorised use of public or other funds including allegations of bribery;
 - 4.1.7 Unfair discrimination and
 - 4.1.8 Any attempt to prevent disclosure of the points above.

4.2 This procedure is separate from the School's adopted procedures regarding grievances and capability. Employees should not use the whistleblowing procedure to raise grievances about their personal employment situation. This should be raised as a grievance, through HR or externally. Assistance is available through ACAS (the advisory, conciliation and arbitration service).

5 Confidentiality

5.1 If at all possible, staff should put their name to an allegation as it provides extra weight to it. However, whenever possible, confidentiality will be maintained for employees who wish to raise a concern in this way. There can however be no absolute guarantee of confidentiality, and the police will need to be informed if there is evidence of criminal activity.

5.2 It may be appropriate to preserve confidentiality by concerns being raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible to ensure accuracy of recording and to add weight to their concern.

6 The Procedure

6.1 Under usual circumstances, concerns should be raised initially within school.

6.2 A member of staff may express their concerns to the Headmaster, a Deputy Head or the Director of Operations.

6.3 If the concern involves the Headmaster, the Chair of Governors should be the first point of contact.

6.4 The Whistle-blower should not conduct their own investigations.

6.5 It is expected that the person receiving the allegation will become the investigating officer. However, it is at the discretion of this person to delegate the investigation to another person of appropriate seniority, if they feel this is appropriate.

6.6 A member of staff who is not satisfied that their concern is being properly dealt with has a right to raise it in confidence with the Executive Committee of Governors.

6.7 Staff will normally receive an acknowledgement within 5 working days in term time.

6.8 If staff feel that they cannot express their concerns within the School, it is open to them to raise their concern with someone outside the school setting from the list of organisations in appendix 1 to this policy as soon as possible in holiday time (except in the case of anonymous allegations) and then a more detailed response within 10 days in term time / as soon as possible in holiday time:

- 6.8.1 Indicating how it is proposed to deal with the matter;
- 6.8.2 Giving an estimate of how long it will take to provide a final response;
- 6.8.3 Advising whether any enquiries have been made;
- 6.8.4 Advising whether further enquiries will take place;

6.8.5 Informing the Whistle-blower of the support available whilst matters are looked into, and

6.8.6 Maintaining confidentiality wherever possible, but also explaining that it may not be possible to remain anonymous.

7 The Investigating Officer will

7.1 Look into the allegation - seeking evidence and interviewing witnesses as necessary;

7.2 Maintain confidentiality wherever possible but will be mindful that this cannot always be guaranteed;

7.3 If there are concerns of criminal behaviour, refer the matter to the Police;

7.4 If appropriate, for concerns of child protection involving allegations against anyone who works with children, refer the matter to the LADO (local authority designated officer) informing the School's Designated Safeguarding Lead (DSL) unless there is good reason not to – for example if the allegation is against the DSL;

7.5 If appropriate, halt the whistleblowing investigation until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process;

7.6 Keep the Headmaster and Chair of Governors informed of the progress of the investigation (unless the complaint concerns the Headmaster or Chair of Governors);

7.7. Request that the Whistle blower attend a meeting. The Whistle-blower may be accompanied to any meeting with the investigating officer by a colleague or Professional Association/Trade Union Representative, so long as the third party is not involved in the issue;

7.8 The aim will be to complete the inquiry within 21 days within term time or as soon as possible in holiday time;

7.9 Following completion of the inquiry process; the investigating officer will make a written report. This will be made available to all governors. The Whistle-blower will also be notified of the outcome, although not necessarily the result of any disciplinary procedure;

7.10 If the investigation is carried out by a person other than the Headmaster or Chair of Governors, the written report must be submitted to the Headmaster and Chair of Governors to determine what further action (if any) is required. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The report will not contain the Whistle-blower's name unless they have expressly asked to be named;

7.11 If the Headmaster and Chair of Governors cannot agree on further actions, a panel of three governors (excluding the Headmaster, Chair of Governors and any governors employed at the School) will be convened to consider the report and agree further actions.

8 Anonymous Allegations

8.1 We encourage staff to put their name to allegations whenever possible - anonymous concerns are much less powerful, and more difficult to investigate. Nonetheless, anonymous allegations may be considered under this whistleblowing procedure, especially concerns raised relating to the welfare of children.

8.2 When determining whether an anonymous allegation will be taken forward, the governing body will take the following factors into account

8.2.1 The seriousness of the issue raised

8.2.2 The credibility of the concern

8.2.3 The likelihood of confirming the allegation from attributable sources, and obtaining information provided.

8.3 Anonymous referrers are unlikely to receive feedback into the outcome of any investigation.

9 Protection from Reprisal or Victimisation

9.1 No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they raise the matter in good faith and follow the procedure outlined in this policy.

9.2 It is not necessary for the member of staff to have proof that such an act is being, has been, or is likely to be committed- a reasonable belief is sufficient. This applies even if any investigation does not result in the allegation being substantiated or action being taken as a result.

9.3 Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the School's disciplinary procedures.

10 Malicious Accusations

10.1 Notwithstanding the foregoing section, false, malicious, vexatious or frivolous accusations will be dealt with under the School's Disciplinary Procedure.

11 Allegations Concerning Child Protection Issues

11.1 If a member of staff wishes to raise a concern regarding a child protection issue, then the usual procedure outlined in the child protection policy will apply. However, all members of staff may also contact social care direct – anyone may make a referral but should usually inform the DSL unless they feel it inappropriate to do so. Please refer to policy 2.1 safeguarding and child protection for further guidance.

11.2 Nevertheless, in the event that a staff member feels that there is an unsafe system of child protection, they may contact the NSPCC whistleblowing helpline. This is available for staff who do not feel able to raise concerns regarding child protection failures internally- contact details may be found at appendix 1 below.

12 Protection for Whistle-blowers who feel that they have been treated unfairly

12.1 If a Whistle-blower believes that they have been unfairly treated because they have “blown the whistle”, they may decide to take their case to an employment tribunal. The process for this would involve attempted resolution through early conciliation via the Advisory, Conciliation and Arbitration Service (ACAS).

13 Mediation and Dispute Resolution

13.1 In appropriate cases, mediation will be offered, either via HR or through an external body organised by the School.

13.2 There may be cases where mediation may be appropriate, for example where whistleblowing concerns are at a lower level, and could be discussed and resolved with managers.

13.3 Mediation may also be appropriate to assist where whistleblowing has occurred, in addressing any ill-feeling amongst staff and to ensure that everybody can move on from the situation, including the Whistle-blower who may feel in need of some assurance.

14 Settlement Agreements

14.1 In the event that there is a settlement with any party, for example, as a result of the resolution procedures described above, the terms of the settlement will be expected to remain confidential to those who are party to it, and to be observed fully. There are only limited exceptions to the obligation to maintain confidentiality in such cases, and anyone contemplating disclosing the terms of a settlement should take appropriate advice.

15 External Contacts

15.1 Appendix 1 also contains the detail of external agencies (prescribed persons) who may be approached in the event that the Whistle-blower feels unable to raise an issue with the School. Provided that the relevant body is approached in good faith, the Whistle-blower will be afforded the protections of this policy. The nature of the prescribed person depends on the subject matter of the disclosure.

15.2 In limited circumstances, approaches may be made to other external persons – however, staff would be well advised to take advice prior to doing so since certain conditions would need to be satisfied before any protections were afforded. Public Concern at Work is a charity offering free and confidential advice to employees – the contact details may be found at Appendix 1.

16 Monitoring and Review of this Policy

16.1 This policy forms part of the School's suite of safeguarding policies and will be reviewed annually by the Board of Governors at the Annual Safeguarding Review, or sooner if incident or change to legislation, guidance or practice dictates. The Board of Governors will review this policy after any whistleblowing incidences.

17 Acts, Regulations and Guidance

- Employment Rights Act 1996 as amended by the Public Interest Disclosures Act 1998
- The Handbook for the Inspection of Schools –Commentary on the Regulatory Requirements September 2018.
- National Minimum Standards for Boarding Schools 2014
- The Education (Independent Schools Standards) (England) Regulations 2014
- The Early Years Foundation Stage Framework 2017.
- Working Together to Safeguard Children 2018.
- Keeping Children Safe in Education September 2018
- Whistleblowing – a guide for employers – Department for Business, Innovation and Skills

18 Relevant Policies

- 2.1 Safeguarding and Child Protection
- 9.7 Grievance Policy
- 9.8 Disciplinary Policy

19 Document Change History

Date of change	Detail significant changes and any new legislation / guidance taken into account
8 October 2016 – Annual safeguarding Review	Policy rewritten and adopted by Board.
07 October 2017	Policy reviewed and adopted by Board at Annual Safeguarding Review.
06 October 2018	Policy review and adopted by Board at Annual Safeguarding Review

Appendix 1 - External contact details

A complete list of prescribed persons can be found here:

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

NSPCC whistleblowing helpline for child protection concern –

Telephone 0800 028 0285 - the line is open from 8am to 8pm – Monday to Friday.

Email is help@nspcc.org.uk

The Independent School's Inspectorate:

Email concerns@isi.net

Telephone: 0207 6000100

ACAS - <https://www.gov.uk/acas>

Public Concern at Work. Telephone: 0207 404 6609

Email: whistle@pcaw.org.uk

Website: <http://www.pcaw.org.uk/>