



Whistleblowing Policy

Person responsible	HR Manager
Last update	January 2018
Frequency of Review	Annual
Date of last review by Governors	March 2018
Date of next review by Governors	March 2019

Introduction

The Bute House Whistleblowing policy has a key role to play in the safeguarding and welfare of the children in our care. Bute House is committed to the highest standards of openness, probity and accountability in relations with its staff and will treat whistleblowing as a serious matter. Staff as well as agency workers, contractors and volunteers are encouraged to report concerns with the assurance they will be taken seriously, be investigated and the appropriate action taken in response. This policy has a key role to play in the safeguarding and welfare of the children in our care and forms part of our safeguarding procedures. The School is committed to safeguarding and promoting the welfare of its pupils and encourages an open and supportive culture.

The Public Interest Disclosure Act (PIDA) (1998) gives statutory protection to employees being dismissed, or penalised by their employers as a result of publicly disclosing certain serious concerns provided that they are disclosed under procedures identified in the Act. It is a fundamental term of every contract of employment that an employee will not disclose confidential information about the school's affairs. However, where an individual discovers information which they believe shows malpractice/wrongdoing within the organisation then there should be identified procedures to enable the individual to disclose the information without fear of reprisal or suffer any detriment or adverse treatment. The PIDA (Prescribed Persons) (Amendment) order was implemented in July 2015 and added various educational institutions including Independent Schools to the list of bodies to whom employees may make a qualifying disclosure. A qualifying disclosure means any disclosure of information that in the reasonable belief of the member of staff, agency worker, contractor, or volunteer, is made in the public interest. The School works to the principles of ACAS Guidance, Whistleblowing Commission Code of Practice, 'Working Together to Safeguard Children' (2015) and 'Keeping Children Safe in Education (September 2016) and acknowledges and reflects the Sir Robert Francis, Freedom to Speak Up Report (February 2015), which promoted an environment where issues could be addressed openly to prevent poor practice.

Aims

This policy is intended to assist individuals who believe they have discovered malpractice or serious wrongdoing in accordance with the policy. This will ensure that disclosures are taken seriously and dealt with appropriately. This policy is intended to cover genuine concerns that fall outside the scope of other procedures.

This policy is designed to help individuals feel able to raise concerns about poor or unsafe practices and potential failures in the School's safeguarding regime. This policy is for concerns of a serious nature and should not be used for minor concerns, which although important to resolve are best dealt with by your line manager. This policy applies to all school staff including full and part time, casual, temporary, agency, contractors and volunteers.

The policy aims to:

- Give confidence to 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 she/he is encouraged to act on those concerns.

- Provide members of staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA provisions.

Reasons For Whistleblowing

This policy is to enable staff to raise concerns relating to:

- Criminal and unlawful conduct
- Behaviour that has harmed a child, or may have harmed a child
- Behaviour towards a child or children in a way that indicates he or she would pose a risk of harm to children
- Behaviour which amounts to improper conduct including failure to comply with statutory or legal obligations
- Fraud or corruption
- miscarriage of justice
- mistreatment of any person
- health and safety risks including risks to the public as well as the risks to pupils and staff
- environmental or property damage
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment
- unauthorised use of funds
- breaches of financial regulations or policies
- actions that negatively affect the welfare of children
- abuse of authority
- concealing or attempting to cover up any of the above

Principles of Reporting concerns

- Every member of staff has a duty to protect children from harm.
- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour. Although we accept this can be difficult this is particularly important where the welfare of a child may be at risk.
- Adults working in a school are often the first to realise that the behaviour of someone is causing, or is likely to cause, harm to a child.
- To prevent the problem worsening or escalating
- To protect or reduce risks to others
- To prevent becoming implicated yourself i.e. that you have colluded or ignored poor practice
- We recognize that reporting a concern can be difficult.
- No action will be taken against any member of staff who raises a genuine concern that proves to be unfounded.
- If allegations have been made maliciously then disciplinary action may be taken.

You may be worried that you have insufficient evidence to raise a concern and that there may be adverse repercussions for your career and you may suffer harassment or victimization. You may also worry that speaking out would be disloyal to colleagues and that it is easier to ignore your suspicions. We appreciate these concerns and this policy addresses these issues as per the PIDA, which protects staff from reprisals and we will not tolerate bullying or harassment of our staff. Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence as will misusing this policy to make allegations.

The School has a culture of openness and support and will resolve any concerns as swiftly and sensitively as it can and in a proportionate way to reach a successful resolution. The School has an ethos of reflective practice and one where everyone working at Bute is valued and welcomed so we encourage anyone with concerns to raise them without fear.

Reporting Procedures

You should voice your concerns, suspicions, or uneasiness as soon as you can with the Head so action can be taken immediately. All agency workers, contractors and volunteers will be given the support to report any concerns as per this procedure.

- Try to pinpoint exactly what practice is concerning you and why. Ideally these should be put in writing for the avoidance of doubt, but it can be a verbal report if you prefer. If it is verbal notes will be taken and read back to confirm accuracy. You do not have to provide proof of your allegations, but you should demonstrate sufficient cause for concern.
- If your concern is about the Head then you should approach the Chair of Governors, Simon Wathen on 07810 827286 or at swjwathen@btinternet.com

All concerns will be treated promptly and in confidence and as far as possible your identity will be protected, however, we cannot guarantee absolute confidentiality if an investigation results in a court hearing. The School will also investigate anonymous allegations in the same way, but you are strongly encouraged to put your name to any allegation, as those expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of the Head. The School will endeavour to deal as swiftly as possible with concerns.

All allegations will:-

- Be investigated internally
- Be referred to an external Auditor or other body where required
- Form the subject of an independent enquiry
- Be referred to the Police if it related to alleged criminal activity
- Be referred to LADO when it concerns a child – see reporting below for safeguarding issues

Within five working days of a concern being received, the Head will write to you:-

- Acknowledging that the concern has been received;
- Indicating how she proposes to deal with the matter;
- Giving an estimate of how long it will take to deal with the matter – the target is to complete inquiries within 10-15 working days, but if the concern is complex and requires longer the Head will write to you to with an indication of the new time for completion,
- You will be kept informed of the progress of the investigation, but it must be recognised that there may be circumstances in which due to confidentiality she cannot give specific information.
- You will be provided with support throughout the process.

When any meeting is arranged to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative, or a work colleague who is not involved in the area of work to which the concern relates and who also could not be called as a witness.

If you are already the subject of a disciplinary or grievance procedure these proceedings will not necessarily be halted by the whistleblowing. However, it must be reviewed to see if there is any link between them and then conclude the appropriate action to take.

Reporting Procedures when it is a Safeguarding Concern

When a whistleblowing allegation concerns a safeguarding issue the School has to respond in a different way from other allegations and with immediate effect. This applies also when during any whistleblowing investigation there is reason to believe that a child is at risk of significant harm.

In the first instance, the Head, or where the Head is the subject of an allegation, the Chair of Governors should immediately discuss the allegation with LADO. The purpose of an initial discussion is for the LADO and the Head to consider the nature, content and context of the

allegation and agree a course of action. The LADO may ask the Head to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the Head will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the Head should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the Head and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Head should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

The Head should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the Head provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the Head should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.

The Head should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual.

We at Bute House recognise we have a duty of care to our employees. We will act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

We understand that parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the Head should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

We recognise that it is extremely important that when an allegation is made, the school or college makes every effort to maintain confidentiality and guard against unwanted publicity while an

allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.⁶⁸ The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The case manager should take advice from the designated officer(s), police and children's social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise

Reporting Outcome

The Head, or Chair will investigate to establish the facts of the allegation(s) and will notify the whistleblower of the outcome of the inquiry in writing within 5 working days of its completion. The outcome will be one of the following:-

- **Unsubstantiated** – There is insufficient evidence to prove or disprove the allegation of poor practice or wrong doing.
- **False** – There is sufficient evidence to disprove the allegation.
- **Malicious** – There is sufficient evidence to disprove the allegation, and there has been a deliberate attempt at deception.
- **Substantiated** – There is sufficient evidence to prove the allegation and disciplinary proceedings are initiated.
- When the concern is more serious and a further investigation is initiated. This investigation may involve our legal representatives, children's social care or the police.

If you have raised a concern and are dissatisfied with the way the School has managed the investigation or with the outcome then you may take the matter further by contacting the Chair of Governors in writing.

Extreme Circumstances

We would obviously prefer you to follow the School's procedure, but if you believe that you cannot raise your concerns with either the Head, or the Chair of Governors, then you may feel the need to go to an outside body.

The circumstances which may arise for this belief may be:-

- That approaching the school will subject you to detriment if a disclosure is made to the Head or Chair of Governors.
- That the school is mounting a cover up.
- That you have previously made a complaint or know other disclosures have been made and have not prompted a satisfactory response.
- In the reasonable belief of the individual making the disclosure that it tends to show malpractice.

The disclosure is protected under the Employment Rights Act 1996 if the staff member makes it to a legal adviser, or a prescribed person or body listed in the schedule to Public Interest Disclosure (Prescribed Persons) Order 2014 (SI 2014/2418). A member of staff can make a disclosure and still retain protection under the Act to a non-prescribed person if certain conditions are met. This is namely that they believe the information is substantially true; they are not making the disclosure for personal gain; and in all the circumstances, it is reasonable for the worker to make the disclosure.

You need to be aware that this will be a breach of your duty of confidentiality towards the School and consider carefully before following this course of action.

Monitoring and Review

The School recognises that this policy is essential for its culture and ethos both of inclusivity and for the welfare of its staff and pupils and will therefore ensure that new staff are made aware of it as part of their induction to the School and for existing staff in training as part of the School's safeguarding procedures. A copy will be placed on the School's website and this will be communicated to all staff so that they understand what and how concerns are dealt with to enable them to easily raise concerns and be supported in doing so. All staff including casual, temporary, contractors, and volunteers will be made aware of this policy and our codes of conduct by the Designated Safeguarding Person and be required to read it as part of the Safeguarding procedures in the School. This policy is also linked to our Safeguarding (Child Protection) Policy, Safer Recruitment and the School's Behaviour Policy.

The Head will inform the Chair of Governors of any complaints she receives and the action taken to resolve it. The Governing Body will review this policy annually.