



Whistle Blowing Policy

September 2021

Review Date: September 2022

**Mr Stuart Judge
Headteacher**



Whistle Blowing Policy

This Policy is applicable to all areas of the School

Introduction

The Whistle Blowing Policy encourages and enables employees to voice their concerns without fear of victimisation, subsequent discrimination or disadvantage.

Kirkstone House School is committed to the highest standards of openness, honesty, integrity and accountability. In line with that commitment, we encourage employees and others involved in the School to voice any concerns of a serious nature within a culture of openness and accountability.

The procedure in this policy accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions laid down in the Human Rights Act 1998. The policy is in accordance with revised statutory guidance and has regard to Working Together to Safeguard Children 2018, Keeping Children safe in Education (KCSIE September 2021) and to the DFE's Whistle Blowing Procedure 2014. The Policy has also been informed by the NSPCC Whistle Blowing Helpline.

Aims of the Policy:

- To provide colleagues with a means of raising serious concerns as soon as possible in the knowledge that their concerns will be taken seriously and investigated as appropriate.
- To inform colleagues how concerns will be followed up and to outline further procedures should more investigation be felt to be necessary.
- To reassure colleagues that they will be protected from possible reprisals if they have reasonable belief that a concern has been raised in good faith.
(The policy takes into account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.)

Scope

This policy applies to all employees of the school and volunteers or those who work in school on a casual basis. It also covers the Headteacher and Proprietors of the School. All staff are expected to familiarise themselves with the content of the policy which also forms part of the initial Safeguarding training for all new staff. Staff are also reminded of its contents in all Safeguarding training sessions and INSET. Staff are re-issued with this policy at the start of each academic year.

Concerns

The Whistle Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These might include:

- Conduct which is an offence or a breach of the law.
- Disclosures related to miscarriages of justice.
- Child Protection/Safeguarding Concerns (See Safeguarding Policy)
- Dangerous procedures or practice risking Health and Safety, including risks to the public as well as other employees and pupils.



- Damage to the environment.
- The unauthorised use of school funds.
- Fraud, theft or corruption.
- Practice which falls below established standards and practice.
- Breach of the School's internal policies and procedures including the Code of Conduct for staff.
- Harassment, discrimination, victimization or bullying of pupils or other colleagues.
- Failure to comply with any policy that has been agreed by the Proprietors.
- Misuse of School assets, including computer hardware and software, buildings, stock.
- Taking gifts or inducements and vehicles.
- Undertaking of undisclosed private work within school time.
- Sexual, physical, emotional or verbal abuse.
- Other unethical conduct.
- Conduct likely to damage the School's reputation
- Unauthorised disclosure of confidential information
- The deliberate concealment of any of the above matters.

Expected Standards of Practice

Expected standards of conduct and practice derive from a variety of sources including:

- Job descriptions.
- Policies, Procedures & Guidelines.
- Professional Standards.
- Legal requirements and guidelines.
- Inspection Standards & Reports.
- Code of Conduct.

This list is not exhaustive, but indicates a framework within which the School delivers its services. Employees should ensure that they are aware of standards expected of them. If they are in any doubt they should discuss this with the Headteacher.

The system for maintaining good standards is founded on an effective system of staff induction; appraisal; briefing sessions; training and development and where necessary, the use of the Capability and Disciplinary Procedures.

Promoting Good Practice

We always aim to promote good practice and staff are expected to have:

- a good understanding and awareness of all School policies and procedures;
- a good understanding of published advice and guidance KCSIE September 2021;
- a commitment to monitoring, evaluation and review so that procedures are amended as necessary;
- the confidence to question when we observe something that gives us concern;
- full engagement in School life;
- excellent communication skills;
- commitment to their own CPD.



Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal employees' identities, if that is their wish. However, this cannot be guaranteed especially in cases where an external agency (e.g. the Police / LADO) are involved.

How to Raise a Concern

When an employee feels concerned about bad practice or inappropriate behaviour which is likely to cause harm to a child/colleague, he/she will need to identify the issues carefully. An employee must be clear about the standards against which he/she is judging practice:

- Is the action illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it about one individual's behaviour or about general working practices?
- Does it contradict what the employee has been taught?
- Has the employee witnessed an incident to raise concern?
- Is the behaviour contrary to the School's Safeguarding Policy and procedures? In particular, has a member of staff behaved in a way that has harmed a child, or may have harmed a child; have they possibly committed a criminal offence against a child; have they behaved towards a child or children in a way that indicates he or she would pose a risk of harm if he or she work regularly or closely with children?

(Any allegations not meeting these criteria will be dealt with in accordance with the Cambridgeshire and Peterborough Safeguarding Children Partnership Board procedures. Advice from the Designated Officer will be sought in borderline cases.)

Procedure

When an incident has been witnessed, a written record should be made. This should be dated and signed. If there are further witnesses to the incident/event, further statements should be written. **All allegations must be dealt with as a priority without delay.**

Matters of concern should be made immediately to the Headteacher or in his absence immediately to the Designated Officer / LADO.

The local authority has a Designated Officer LADO or team of officers to be involved in the management and oversight of allegations against people that work with children. The Designated Officer will be informed immediately of any allegation by the DSL and in any event within one working day of all allegations that come to the School's attention. Allegations against a teacher who is no longer teaching and historical allegations will be referred to the police.

Who an employee raises a concern with depends upon the seriousness and sensitivity of the issue involved and who is suspected of the malpractice.

If the concern is about the Headteacher the Designated Officer will be informed immediately. The Headteacher will not be informed of the complaint in advance.

An allegation against the DDSL should be made to the DSL.



The Proprietors are always informed of serious concerns/complaints by the Headteacher.

If a member of staff raises a concern about the Proprietors of the School this will be reported immediately to the Designated Officer (LADO) by the DSL.

How the School will respond

When a concern/complaint has been made, the Headteacher will call a meeting to discuss the allegations with the person who has raised it. A written record of the meeting will be kept.

The Headteacher will then initiate an investigation. However, if the accusation involves a serious safeguarding issue the Local Authority Designated Officer (LADO) will be informed immediately.

In certain cases, concerns may be referred to the Police or another external agency.

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and if so in what form it should take. The overriding principle the School will have in mind is the public/pupils' interests, wellbeing and safety. **Concerns or allegations which fall within the scope of specific procedures (for example, Child Protection) will be referred for consideration under those specific procedures.**

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted. Within ten working days of a concern being raised, the Headteacher will write to the employee and do the following:

- Acknowledge the concern has been received.
- Indicate how the matter will be dealt with and who will be involved.
- Where possible give an estimate of how long it will take to provide a response.
- Tell the employee whether any initial enquiries have been made.
- Check whether he/she needs any support.
- Tell the employee whether any further investigations will be made and if not, why not.

The amount of contact between the Senior Staff considering the issues and the employee will depend on the nature of the matters raised; the potential difficulties involved and the clarity of the information provided. If necessary the School will seek further information from the employee through the investigation process.

The School will take steps to minimise any difficulties which employees may experience as a result of having raised a concern. For example, an employee required to give evidence in court will receive support.

The School accepts that individuals need to be assured that their concern has been addressed. Thus subject to legal constraints and the bounds of confidentiality, they will be informed of the outcome of the investigation and they will be informed of the action that is to be taken against those about whom the concern was raised. Also, if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.



The Headteacher maintains a record of all concerns that are raised formally and these are reported to the Proprietors of the School.

How matters can be taken further

If the employee is not satisfied with the outcome, they may take the matter to the Proprietor of the School. The Proprietor will then respond within ten working days informing the employee of the next steps to be taken. A further investigation may then be carried out and the outcome reported back to the employee who raised the concern. However, where a Safeguarding concern has been raised, advice is always taken from Children's Services and the LADO.

The policy is intended to give employees a way of raising concerns in school. However, if they are not satisfied, they may wish to take up the matter outside school, for example through a Trade Union, the Police, their solicitor. If employees take their concern outside of the School, this policy does not apply. They should take advice about their rights and responsibilities. Employees should also make sure that the matter is raised without personal information relating to other employees being disclosed.

Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

Once an employee is certain that bad practice exists, the following action should be taken:

- Concerns may be raised either verbally or in writing. Employees should give the background and history of the concern and the reasons behind their concern.
- A meeting will then be held to discuss the concern.
- The employee raising the concern may bring a colleague with them as a witness and for support if they so wish. In some cases employees may ask their Trade Union or Professional Association to advise them or to be present at the meeting.
- The employee should take to the meeting any dated and signed written supporting statements from any others who may be able to confirm the allegations as witnesses.
- A written record will be kept of the meeting and the person raising the concern will be alerted to the plan of action that will follow.
- The person raising the concern will be informed of the outcome of the complaint.
- NOTE: Safeguarding issues should always be raised with the DSL unless the complaint is against the DSL who is the Headteacher, in which case the complaint must be made directly to the LADO without informing the Headteacher beforehand.

Note: Employees will not be victimised, disciplined or disadvantaged in any way for raising genuine concerns. However this does not apply to allegations that are found to be flippant, malicious or deliberately false. Such behaviour will be dealt with under Disciplinary Procedure.

The Person against whom the Allegation is made:

The DSL will inform the person against whom the allegation is made as soon as possible. It may then be necessary to suspend that person with pay whilst an investigation is carried out. The matter will then be dealt with in line with the School's Disciplinary Procedure and Safeguarding Policy. Every care will be made to ensure that the person who is the subject of the allegation is supported at all times. The DSL will always seek the advice of the LADO where complaints are of a safeguarding nature before an investigation takes place.



Full details of an allegation will be kept on the employee's confidential personnel file unless the allegation is found to be malicious. Allegations which are proven to be false, unsubstantiated or malicious will not be referred to in employer references. In accordance with KCSIE, a history of repeated concerns or allegations which have all be found to be false, unsubstantiated or malicious will also not be included in any reference. The School will retain all safeguarding records and relevant personnel records for so long as is reasonably required.

The LADO (Local Authority Designated Officer)

Allegations relating to Safeguarding and Child Protection:

If a member of staff has a concern of a Safeguarding nature in relation to a colleague or other employee of the school a referral may be made directly to the LADO in line with the School's Safeguarding Policy. Unless the referral is made about the Headteacher himself. Concerns about the Headteacher should always be made directly to the Proprietor / LADO.

Contacts:

Lincolnshire: 01522554674

Peterborough 01733863713

The NSPCC Whistle Blowing Helpline

Advice can be sought from the NSPCC Whistle Blowing Helpline on: 0800 028 0285

e-mail help@nspcc.org.uk

Ceasing to use staff:

If the School ceases to use the services of any individual (whether employed, contracted, a volunteer or pupil) because they are unsuitable to work with children, no settlement/compromise agreement will be agreed and a referral to the Disclosure and Barring Service will be made promptly if the person has:

1. Behaved in a way that has harmed a child, or may have harmed a child;
2. Possibly committed a criminal offence against or related to a child; or
3. Behaved towards a child in a way that indicates he/she would pose a risk of harm if he/she worked regularly or closely with children.

Any such incidents are always followed by a review of safeguarding procedures within the School.

If any individual tenders his or her resignation, or ceases to provide his/her services, any child protection allegations will still be followed up by the School in accordance with the Safeguarding Policy.

Consideration is given by the Headteacher as to whether a referral to the Teaching and Regulation Agency (TRA) should be made where a teacher has been dismissed or would have been dismissed had he/she not resigned and a prohibition order may be appropriate because of 'unacceptable professional conduct', 'conduct that may bring the profession into disrepute' or a 'conviction at any time for a relevant offence'.



Anonymous Allegations

This policy encourages employees to put their name to any allegation whenever possible. Concerns expressed anonymously are more difficult but they will be considered at the discretion of the School. In exercising its discretion, the factors to be taken into account would be:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If employees make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them. Allegations found to be malicious will be removed from personnel records.

External Procedures for Protected Disclosures

The aim of the Whistleblowing Policy is to provide an internal mechanism for reporting, investigating and remedying any wrong doing in the workplace. In most cases it should not be necessary to alert anyone externally. However, where all internal processes have been exhausted and the person raising the Protected Disclosure has raised the issues for review with the proprietors of the School, then it may be appropriate for that person to approach a responsible statutory body.

When making a Protected Disclosure to the responsible statutory body, the person will be protected from possible reprisals or victimization where they:

- reasonably believe the concern to be true before making such a disclosure;
- reasonably believe that there has been committed; is being committed or is likely to be committed and act of wrongdoing covered by the PIDA (Public Information Disclosure Act) and
- do not make the disclosure for personal gain.

The Government has prescribed a list of appropriate bodies for external reporting of a Protected Disclosure. The main bodies are as follows:

- Lincolnshire and Peterborough Adult and Children's Initial Contact Teams (See Safeguarding Policy)
- The Department for Education
- The Independent School's Inspectorate
- The Charity Commission
- The Police
- The Health and Safety Executive
- The Environment Agency
- The Information Commissioner
- The National Society for the Prevention of Cruelty to Children



Third Parties

Whistleblowing concerns usually relate to the conduct of the School's staff, but they may sometimes relate to actions of a third party such as a supplier or contractor. The law allows a person to make a Protected Disclosure in good faith where that person reasonably believes the concern relates mainly to a third party's actions or something that is legally the third party's responsibility. The School encourages people to report such concerns internally in the first instance.

Publication and the Media

Once all avenues outlined in this policy have been exhausted, it will rarely if ever be appropriate to approach a commercial body or media with details of suspected wrongdoing. A person should seek independent advice from Public Concern at Work, the Independent Whistleblowing charity) before reporting a concern to a commercial body or the media. Where any person approaches a commercial body or the media for personal gain, the School may take disciplinary action including summary dismissal for gross misconduct.

Self-Reporting

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

Disclosure of Information

If the allegation involves harm or potential harm to a child, the parents / carers of the child will be informed of the allegation as soon as possible. They may also be informed of the progress of the case including the outcome of any disciplinary process. The timing and extent of disclosures and the terms on which they are made will be dependent upon and subject to the laws on confidence and data protection and the advice of external agencies.

Where the Designated Officer advises that a strategy discussion is needed or the Police or Children's care need to be involved, the accused and parents will not be informed until these agencies have been consulted and it has been agreed what information can be disclosed.

Monitoring the Policy

This policy will be reviewed and monitored on an annual basis. This will be carried out by the Headteacher and the DSL who will report to the Proprietors and member of the School's Advisory Board in her annual review of safeguarding or before as appropriate.

Links with other policies:

Equal Opportunities Policy
Safeguarding Policy
Staff Code of Conduct



Authorised by

Mr S Judge
Headteacher
On behalf of the Proprietors

Dated

September 2021

Date of next review

September 2022