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Whistleblowing Policy

Last updated: November 2018

**Contents:**

[Statement of intent](#_Statement_of_intent_1)

1. [Introduction](#_Introduction)
2. [Legislative framework](#_Legislative_framework_1)
3. [Scope](#_Scope)
4. [What is a whistleblower](#_What_is_a)
5. [Harassment or victimisation](#_Harassment_or_victimisation)
6. [Procedure](#_Procedure)
7. [What happens next](#_What_happens_next)
8. [What the trust asks of you](#_What_the_trust)
9. [At the end of the process](#_At_the_end)
10. [Appeal process](#_Appeal_process)
11. [If you’re treated unfairly after whistleblowing](#_If_you’re_treated)
12. [Monitoring and review](#_Monitoring_and_review)

## **Statement of intent**

Tor School is committed to open and honest communication and the highest possible standards in integrity, and will treat whistleblowing as a serious matter.

In line with Tor School’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated, and appropriate action taken in response. Such action is termed “blowing the whistle”; this phrase is used throughout this policy, and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with the concern

|  |  |  |  |
| --- | --- | --- | --- |
| Signed by: | | | |
|  | Headteacher | Date: |  |
|  | Chair of governors | Date: |  |

# Introduction

* 1. Statutory protection for employees who whistleblow is provided by The Public Interest Disclosure Act 1998 (PIDA), which protects employees who speak out about concerns about conduct or practice within the school, which is potentially illegal, corrupt, improper, unsafe, unethical or amounts to malpractice.
  2. This policy has been written in accordance with the [Whistleblowing for Employees](https://www.gov.uk/whistleblowing) guidance document.
  3. Serious malpractice may involve governors, managers, colleagues/clients or suppliers of goods and services to the organisation, therefore, Tor School has introduced this policy to enable staff to raise concerns, which are in the public interest, through internal trust procedures.
  4. This policy applies to all school staff, including full and part time, casual, temporary, substitute staff, and to individuals undertaking work experience within the school.
  5. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. Details of any disclosure remain confidential.
  6. Name of headteacher is the first point of contact for whistleblowing queries. In the event that the allegation is related to the headteacher, then issues will be raised with name of chair of governors.

# Legislative framework

* 1. This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:
* The Public Interest Disclosure Act 1998
* The Public Concern at Work Guidelines 1997

# Scope

* 1. This policy will:
* 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.
* Provide members and 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.
  1. This policy will not be confused with the procedure on dealing with harassment at work or Tor School’s Grievance and Disciplinary procedures.
  2. This policy will complement the aforementioned procedures by covering concerns that fall outside their scope, such as issues relating to:
* Unlawful conduct, including financial or fraudulent malpractice such as embezzlement, bribery, corruption, dishonesty, etc.
* Establishment standards of practice.
* Improper conduct or a miscarriage of justice.
* Risks or damages to the environment.
  1. Tor School will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA. Any member of staff who victimises or harasses another 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 staff disciplinary procedures.
  2. If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action will be taken; however, if the inquiry shows that untrue allegations were malicious or made for personal gain, then Tor School will consider taking disciplinary action.

# What is a whistleblower

* 1. A whistleblower is an individual who discloses confidential information regarding an employee, which relates to some danger, fraud or other illegal or unethical conduct which is connected with the workplace.
  2. Under this policy, any of the following can raise a concern:
* Employees of the school.
* Employees of contractors working for the school for example, agency staff, builders and drivers.
* Employees of suppliers.
* Voluntary workers working with the school.
* A trainee, such as a student teacher.

# Harassment or victimisation

* 1. Tor School recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith.
  2. Staff are protected in law by the Public Interest Disclosure Act, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.
  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 this policy will be dealt with under Tor School’s staff disciplinary procedures.

# Procedure

* 1. Concerns will be expressed in writing to the headteacher, and will include: background and history of the concern, names, dates and places where possible, and express the reasons for the concern. Individuals are encouraged to let themselves be known, either in person, or through their union representative, as concerns expressed anonymously are difficult to investigate.
  2. Concerns regarding the Headteacher will be expressed in writing to Brian Wolton [BAWalton@educ.somerset.gov.uk](mailto:BAWalton@educ.somerset.gov.uk), Chair of the management committee or Dan Palmer [info@reachyouth.co.uk](mailto:info@reachyouth.co.uk), safeguarding lead for the management committee, and will include: background and history of the concern, names, dates and places where possible, and express the reasons for the concern. Individuals are encouraged to let themselves be known, either in person, or through their union representative, as concerns expressed anonymously are difficult to investigate.
  3. Anyone feeling unsure can seek confidential advice at any time from Public Concern at Work, a registered charity which advises on serious malpractice in the workplace. For more information, visit their [website](http://www.pcaw.co.uk/) or ring them on 020 7404 6609.
  4. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures.

# What happens next

* 1. Once Tor School has been informed of the concern, it is then the responsibility of the school to investigate the matter further.
  2. The headteacher will write to the individual within 10 days of the initial meeting in order to confirm that the concern has been received, as well as indicate proposals for dealing with the matter.
  3. The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed.
  4. If an investigation is carried out, the whistleblower will be informed of the final outcome.
  5. If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend, or a fellow member of staff not involved in the area of work to which the concern relates. This person will provide support only, and will not be allowed to become involved in the proceedings.
  6. If no action is to be taken, and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under Tor School’s complaints procedure.

# What the school asks of you

* 1. The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:
* Do not take the concern outside the school.
* Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

# At the end of the process

* 1. A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, in order to monitor any patterns of concern across Tor School, and to assist in monitoring the procedure.
  2. The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights; where action is not taken, the individual will be given an explanation.

# Appeal process

* 1. If the whistleblower disagrees with the decision made, they will request, in writing to the headteacher, within two weeks of receiving the notification, a review of the decision stating the grounds for requesting the review.

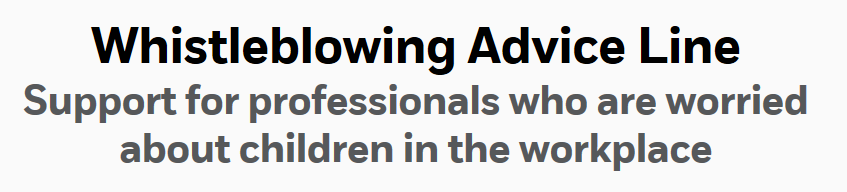
# If you’re treated unfairly after whistleblowing

* 1. An individual can take a case to an employment tribunal if they have been treated unfairly as a result of whistleblowing.
  2. Further information can be sought from the Citizen’s Advice Bureau, the whistleblowing charity Public Concern at Work, or from an individual’s trade union.
  3. Any claims of unfair dismissal needs be made within three months of the investigation ending.

# Monitoring and review

* 1. The governing body will review this policy every three years, ensuring that all procedures are up-to-date.
  2. Any changes made to this policy will be communicated to all members of staff.





The NSPCC whistleblowing Advice Line offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation.

**What is whistleblowing?**

Whistleblowing is when someone raises a concern about a dangerous or illegal activity or any wrongdoing within their organisation.

Raising a concern is known as “blowing the whistle” and is a vital process for identifying risk to children, young people and vulnerable adults. In recent years there have been several high profile cases of institutional abuse which have come to light as a result of whistleblowing.

Sharing information or talking through a concern can be the first step to helping an organisation identify problems, improve practice and safeguard the welfare of children, young people and vulnerable adults.



The government website [www.gov.uk](http://www.gov.uk) also has valuable information for whistleblowers in relation to their rights, support and who to tell. This can be accessed at: <https://www.gov.uk/whistleblowing>

# Appendix C

**Action to be taken where there are concerns about the welfare of a child or young person or the conduct/actions of Staff or Visitors**

**General Information and Advice**

Always act in the best interests of the child or young person: the welfare of the child is paramount **Children Act 1989**

Always maintain an attitude of ‘**it could happen here’:** Learning lessons from Serious Case Reviews e.g. Daniel Pelka and Nigel Leat

**Be alert to the signs of abuse and neglect supporting documents include:**

Tor School Safeguarding (Child Protection) Policy & Procedures: Part One: Keeping Children Safe in Education (September 2019):

What to do if you’re worried a child is being abused (DfE March 2015) Advice for Practitioners: Working Together to Safeguard Children (2018)

These can be accessed on the website.

**If, a child or young person is in immediate danger or is at risk of significant harm**

Anyone can make a referral to Children’s Social Care and/or the Police (but the Designated Safeguarding Lead (DSL) should be informed if a referral has been made). **Contact details:**  Insert Somerset details Office Hours telephone number : Emergency Duty Team (EDT) outside office hours, weekends or bank holidays **telephone number** or contact the **Police on 999**

If you have a concern relating to dangerous or illegal activity or any wrongdoing within the organisation and you do not feel you can raise a concern directly you can contact the **NSPCC** Whistleblowing helpline 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday or Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

**Child Welfare**

Discuss your concerns with your immediate line manager

Or

Discuss your concerns with the Designated or Deputy Safeguarding Lead (DSL)

**You must act to safeguard**

**How to report child welfare or child protection concerns at Tor School**

**Concerns relating to the conduct or actions of a staff member:** The DSL will liaise with the Headteacher or you can refer your concerns directly. If concerns relate to Headteacher the Chair of Governors must be notified. All allegations will be investigated following statutory guidance and Somerset Safeguarding Partnership procedures by the Local Authority Designated Officer (LADO)

**Safeguarding/Child Protection Concerns**

The DSL will consider what information is already known consider indicators of risk and following multi-agency guidelines take appropriate action

**Immediate Concerns and/or immediate action is required**