

includEd Learning

Independent Specialist Education Provider



WHISTLEBLOWING POLICY

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→ 1. Introduction

IncludEd Learning is a therapeutic independent school that is committed to conducting its business with honesty, integrity and with a strong sense of social responsibility. We expect all staff to maintain high standards in accordance with their contractual obligations and the School's policies and procedures. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns.

This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure.

The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

→ 2. Purpose of the Policy

Employees are often the first to realise that there may be something seriously wrong within the school. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. Each person working for IncludEd Learning needs to realise that they not only have a right, but also a duty to report any improper actions or omissions.

IncludEd Learning also recognises and appreciates that employees who raise concerns regarding malpractice or wrongdoing are an asset to the school, not a threat. This policy makes it clear that they can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The whistle blowing policy is intended to encourage and enable employees to raise serious concerns within the school. Although this can be difficult this is particularly important where the welfare of children may be at risk. Remember it is often the most vulnerable children or young person who is targeted. These children need someone like you to safeguard their welfare.

The policy applies to all school employees whether full-time or part-time, permanent or temporary; members of the school staff and those carrying out work for the school on school premises, for example agency workers, contractors, consultants. It also covers providers of works, services and supplies, including the school's external contractors and those providing services under a contract with the school in their own premises. However, to facilitate the reading of this policy, the terms 'staff' or 'members of staff' have been used, with the intention to cover all individuals mentioned above.

This policy aims to:

- encourage staff to feel confident in raising concerns and to question and act upon their concerns about practice;
- provide avenues to raise concerns and receive feedback on action taken;
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure staff that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith.

→ 3. What is Whistleblowing?

Whistle-blowing is the disclosure of information which relates to suspected wrongdoing or dangers at work.

This may include:

- Criminal activity;
- Child protection and/or safeguarding concerns; * See note at the end of this policy
- Miscarriages of justice;
- Danger to health and safety;
- Damage to the environment;
- Failure to comply with any legal or professional obligation or regulatory requirements;
- Financial fraud or mismanagement;
- Negligence;
- Breach of the school's internal policies and procedures including its Code of Conduct;
- Conduct likely to damage the School's reputation;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above matters.

A 'whistle-blower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the school's activities (a whistle-blowing concern) you should report it under this policy. This policy should not be used for complaints relating to staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure. If staff are uncertain whether something is within the scope of this policy they should seek advice from the Head of Centre and if the matter is in relation to an alleged wrongdoing by the Head of centre then staff should seek the advice of the Chair of the Advisory Panel.

→ 4. Harassment or Victimization

IncludEd Learning is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If a member of staff has a reasonable belief that what they are saying is true, they have nothing to fear because they will be doing their duty to their employer and/or those for whom they provide a service.

The school will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures). The school will take appropriate action to protect staff when they raise a concern, by supporting the member of staff and consider action under the appropriate procedure (for example disciplinary) against the person or persons responsible for the reported acts, provided the member of staff:

- Discloses the information in good faith
- Believes the concern is true
- Does not act maliciously or make false allegations
- Does not seek any personal gain, and
- Provided the allegations relate to one of the categories covered by the scope of the policy and referred to above.

There are national guidelines to help you as a whistle blower. You can find out more on the protection of whistleblowers from the Information Commissioner's Office (ICO)

<https://ico.org.uk/make-a-complaint/protection-for-whistleblowers-guidance/>

→ 5. Modern Slavery Act

Modern slavery is a crime and a violation of fundamental human rights. It takes various forms, such as slavery, servitude, forced and compulsory labour and human trafficking, all of which have in common the deprivation of a person's liberty by another to exploit them for personal or commercial gain. IncludEd has a zero-tolerance to modern slavery. We are committed to acting ethically and with integrity in all business dealings and relationships, and to implementing and enforcing effective systems and controls to ensure modern slavery is not taking place anywhere in IncludEd Learning's own business or in any of IncludEd Learning's supply chains.

IncludEd Learning is also committed to ensuring transparency in business and in approach to tackling modern slavery throughout IncludEd Learning's supply chains, consistent with the disclosure obligations under the Modern Slavery Act 2015. IncludEd Learning expects the same high standards from all contractors, suppliers and other business partners.

All employees and suppliers are permitted to report any wrongdoing which extends to human rights violations like modern slavery. All reports are fully investigated and appropriate remedial actions taken. The prevention, detection and reporting of modern slavery in any part of IncludEd Learning business or supply chains is the responsibility of all. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.

→ 6. External Disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their 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, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. In the case of safeguarding concerns the following helpline can be consulted if you are not satisfied by the response of the school – NSPCC whistleblowing helpline 0800 028 0285.

Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

→ 7. 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. Staff have a responsibility to discuss such a situation with their line manager so 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.

→ 8. Enquiries

Initial Enquiry

In order to protect the individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. If urgent action is required, this will be taken before any investigation is conducted.

Purpose of the initial enquiry is to ascertain if the conduct or behaviour involves a member of the school staff, a senior manager or other member of staff, so that further enquiries and investigation can be progressed accordingly.

Preliminary Enquiry

Preliminary enquiry establishes need to carry out an investigation. Further to the results of the initial and preliminary enquiries, and at the discretion of the senior management team/Proprietor, the following steps will then need to be considered:

- Concerns or allegations, which fall within the scope of specific procedures, e.g child protection and safeguarding or discrimination issues, will normally be referred for consideration under those procedures. In the case of child protection the LADO will be contacted.
- Where there is any financial impropriety, the concern should be referred to the Proprietor, before taking any other action.
- Ensure that matters of a criminal nature are reported to the Police.
- Whether the disciplinary or other relevant management policies, procedures and processes of the school need to be applied.
- Appointment of an officer to carry out the investigation under these procedures.

→ 9. Underpinning Values

7.1. Investigation and outcome

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. Staff have a responsibility to discuss such a situation with their line manager so 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.

The school will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the school concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under the School's Disciplinary Policy and Procedure.

Whilst the School cannot always guarantee the outcome a particular member of staff is seeking, the school will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Headteacher will have the right to refer any particular case to the CEO for review.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the School's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

7.2. What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation. No action will be taken against you if the concern proves to be unfounded and was raised in good faith. Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Depending on the nature of concerns, investigations may be carried out under the school's capability and/or disciplinary policy.

Investigation timescales:

Within 14 days of a report being received, the person who is dealing with the concern raised will respond in writing:

- Acknowledging that the concern has been received
- Supplying information on staff support mechanisms, and
- Advising whether further investigations or action is required and, if not, why not.

A further update will also be provided 28 days after the report was received, advising of additional progress made and the estimated date a final response will be available. If the whistleblower has chosen to remain anonymous and non-contactable, they need to contact their original whistle blowing route in order to receive updates.

Investigation process:

The impartial investigating manager appointed to undertake the investigation will establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised. It is essential that written records of all interviews be kept throughout the investigation, together with written details of any action taken. The investigation will result in a written report and recommendations for corrective action which will be passed to the manager responsible for deciding whether formal action should be taken.

Where any meeting is arranged involving an individual member of staff, which can be off-site, a recognised Trade Union representative or a work colleague may also attend.

The school will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive appropriate procedural and/or legal advice.

A member of staff raising a concern will be, subject to legal constraints, advised in writing of the outcome of the investigation and, where appropriate, what action is being taken.

→ 10. Unsubstantiated Allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

→ 11. Confidentiality

The School hopes that Staff will feel able to voice whistle-blowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the School will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the 'whistleblower's identity, the School will discuss this with the member of staff first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'Whistle-blowers' who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Head of Centre knows or has a suspicion that an employee comes into this category then s/he will take advice from the Advisory Panel who will help to determine what action should be taken.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline.

Their contact details are:

Public Concern at Work (Independent whistle-blowing charity)

Helpline: 020 7404 6609

E-mail: whistle@pcaw.co.uk

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

→ 12. How the School will Respond

IncludEd Learning will investigate and respond to all concerns raised by staff members or service users through any channels including the Contact Centre. While it is not essential that the concerns be provided in writing, the person receiving the concern, will ensure that a written account of it is made. This will help with the subsequent investigation by facilitating clear record keeping.

When a concern is raised directly with the school, they should undertake the following actions:

- Take the concern seriously
- Consider the concerns fully and objectively
- Recognise that raising a concern can be a difficult experience for employees
- Ensure confidentiality
- Refer to a manager, to agree the level at which the concern will be investigated. Identify who will take responsibility for coordinating the enquiry.

Staff members who are under investigation will not be involved in the investigation.

→ 13. Monitoring Arrangements

The Head of Centre in consultation with the senior management team has overall responsibility for the maintenance and operation of this policy. The Head of Centre and senior management team will ensure that the whistle blowing procedures are defined, documented, widely circulated and reviewed at appropriate intervals.

The practical aspects of monitoring are to assess whether:

- The policy is being used appropriately
- Concerns are being handled and investigated properly
- There are any discernible patterns of concern across the school
- The policy has been effective in identifying and deterring malpractice, and
- More needs to be done to raise awareness of the policy.

This policy should be read in accordance with the Child Protection and Safeguarding policy, Staff Code of Conduct, Staff Handbook, Capability and Disciplinary policies.

→ 14. Reasons for Whistleblowing

Don't think what if I'm wrong – think what if I'm right

Reasons for whistleblowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent becoming implicated yourself.

What stops people from whistle blowing:

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

How to raise a concern:

- Staff may raise concerns with their Head of Centre, the DSL and DDSL.
- If your concern is about the Head of Centre contact the DDSL or The Chair of the Advisory Panel.
- Concerns may be raised verbally or in writing. Staff members who wish to make a written report are asked to provide the background and history of the concern (including relevant dates) and the reason why they are particularly concerned about the situation.
- The earlier the concern is expressed, the easier it is to take action. In order to assist with investigation, staff members should provide as much detail and supporting evidence as possible.
- A member of staff is not expected to prove that an allegation is true, only to have sufficient grounds for concern.
- While concerns will usually be raised internally, the school recognises that employees may feel unable to do this, and that they may wish to contact an independent, external organisation such as:

NSPCC Whistleblowing helpline hotline: 0800 028 0285, 8am - 8pm Mon - Fri

Email; help@nspcc.org.uk

The Whistleblowing Helpline on 08000 724725 email: enquiries@wbhelpline.org.uk

Manchester Safeguarding LADO: 0161 234 1214

Appendix 1. Whistleblowing Guidance

Whistleblowing Guidance

1 Should I blow the whistle?

Whistleblowing is when one colleague reports another for an alleged wrongdoing. Typically, that concern will be related to something that has happened at work; it should always be in the public interest.

2 Can I report internally?

A whistleblowing disclosure should be made to your headteacher, a senior leader, chair of governors, or other designated individual.

3 Can I report externally?

You can blow the whistle to a legal advisor, your local MP or any other 'prescribed person'. Rarely will any whistleblowing reports made directly to the media be protected under whistleblowing law.

4 How do I make a disclosure?

You can make a disclosure verbally or in writing; you do not need evidence to make a disclosure. You can report anonymously but if it leads to an investigation, it is helpful if those investigating can contact you.

5 What action will be taken?

There is no standard response time or manner for actioning whistleblowing complaints. If you made your disclosure externally, the body or person to whom you made the report will have their own procedure which can normally be found on their website.

6 What happens if I am treated unfairly following a disclosure?

The Public Interest Disclosure Act (1998) protects whistleblowers from negative treatment or unfair dismissal. If you feel you have been treated unfairly following a disclosure, you may choose to speak to the NSPCC on The Whistleblowing Advice Line **0800 028 0285** or to Protect, a UK-based charity dedicated to whistleblowing cases, on **020 3117 2520**

Disclaimer: This resource is provided for informational purposes only. It is your responsibility to ensure that the information this resource contains is appropriate to use in your situation.



**Whistleblowing:
Guidance for
Head Teachers**