



Arun Court School: Policy Number 13C

Arun Court School – WHISTLEBLOWING – last updated January 2021

Ratified by main EMAT meeting:

Signature (+ date) Chair of EMAT: Mr Paul Phillips

Signature (+ date) Proprietor:Mrs Beverley-Sarah White

Signature (+ date) Principal of SchoolVicki Williams

Date of next review: January 2022 (Reviewed annually)

We recommend that you carefully read ALL policies but would particularly highlight these to be read in combination with this one:

- *Safeguarding & Child Protection Policy (3)*
- *Behaviour Policy (2)*
- *Bodycams Policy (3)*
- *Anti-bullying Policy (4A) The whole anti-discrimination suite (suite 4)*
- *Teaching, Learning and Assessment Policy (8A) Curriculum Policy (8B)*
- *Attendance Policy (9C)*
- *Admissions Policy (9A)*

Statement of intent

We're committed to running our school to high ethical and legal standards and want everyone to have an open, transparent and safe place to work. We take all malpractice very seriously, whether it is committed by a colleague or contractor.

This statement applies to all permanent and temporary employees, contractors and third parties. It's intended to complement statutory protection and, for the avoidance of doubt, statutory rights will not be affected in any way by this statement.

Colleagues and those who work closely with any school are often the first to realise that something doesn't seem quite right but may feel they can't share their concerns, thinking that by speaking up they're being disloyal to their colleagues or to the Company. They might also be worried about being harassed or victimised if they do speak up. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. At Arun Court School, we're committed to running our business to high ethical and legal standards along with protecting and supporting colleagues and third parties ability to speak up so that concerns or issues can be escalated and dealt with effectively, in the interests of the school, its colleagues, students, and other stakeholders.

In line with those commitments, we expect colleagues and others that we deal with, who have serious concerns about any aspect of the Company's operation to come forward and raise their concerns. We recognise that most cases are submitted on a confidential basis to EMAT.

Our policy is that colleagues and others should be able to raise matters of concern confidentially or anonymously. EMAT will do its best to protect the identity of anyone raising a concern, however it must be appreciated that any investigation process may reveal the source of the information and a statement may be required as part of the evidence.

The Company is committed to ensuring that all individuals have the ability to raise genuine concerns in good faith without fear of victimisation, subsequent discrimination or disadvantage, even if they turn out to be mistaken

Whistleblowing Policy and Procedure

Introduction

Arun Court School is committed to conducting its business with honesty and integrity, and expects all staff, employed and freelance, to maintain high standards in accordance with their contractual obligations and the settings 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 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.

Aims of Policy

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the school and the school reserves the right to amend its content at any time.

This Policy reflects the school's current practices and applies to all individuals working at all levels of the organization.

What is whistleblowing?

Whistleblowing 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; which will always involve the LADO and external advice to the school
- 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 'whistleblower' 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 whistleblowing 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.

Raising a whistleblowing concern

The school hopes that in many cases Staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

The headteacher / Principal

A DSL

The proprietor

Or, if it is not appropriate to contact one of the above (as may be the case if your concern is about either role)

The chair of EMAT (The External Monitoring & Advisory Board) (Chair of governance)

The chair (or proprietor / DSL) will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the chair will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases it will not be possible to maintain confidentiality and the investigator should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The school will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The school will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter. **In the case of safeguarding concerns this will always involve contacting the LADO and other agencies.** The process will be investigated, and a written outcome provided to the employee, within a **28 day** timescale where ever possible, and that is always the aim.

Confidentiality

The school hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, Arun Court will endeavor 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, Arun Court 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 we cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. 'whistleblower's

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 Centre's Disciplinary Procedure.

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: www.pcaw.co.uk

Concerns against Directors or Sole Proprietor

We would hope that staff would discuss these with us, but if it were a matter of child safety, we would advise that you contact Ofsted directly. In relation to Arun Court School you can also contact the Chair of the External Advisory Moderation Team who take on many of the duties traditionally carried out by a Governing Body.

Mr Paul Phillips can be contacted via the school address

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 recognizes 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.

Whistleblowing concerns usually relate to the conduct of Centre 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.

Documentation

This policy is to be read in conjunction with SSCB manual (online), Child Protection Policy and Surrey County Council Whistle Blowing Policy:

https://www.surreycc.gov.uk/_data/assets/pdf_file/0012/10380/Whistle-blowing-Policy--Nov-2017.pdf

Investigation and outcome

Once a member of Staff has raised a concern, the school will carry out an initial assessment to determine the scope of any investigation. The company will inform the 'whistleblower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

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 Disciplinary Policy and Procedure.

Whilst the school cannot always guarantee the outcome a particular member of staff is seeking, it 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.

Protection and support for 'whistleblower's

It is understandable that 'whistleblower's are sometimes worried about possible repercussions. The company aims to encourage openness and will support Staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied the member of staff should raise it formally using the company Grievance Policy and Procedure.

Staff must not threaten or retaliate against 'whistleblower's in any way. Anyone involved in such conduct will be subject to disciplinary action.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher in the first instance.

Appendix 1

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

Reasons for whistle blowing:

- 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:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken. It is important that staff feel able to raise a whistleblowing concern without prejudice and no matter what the circumstances, but this should wherever possible, be kept separate from other formal procedures within school (such as if you are having a disciplinary hearing) so it is clear that you are raising a specific concern and are 'whistleblowing'
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager or the Designated Child Safeguarding Officer.
- If your concern is about your immediate manager or you feel you need to take it to someone outside the school contact The Local Authority or Ofsted
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

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.

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. **This is a safeguarding issue.** Staff have a legal 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.

Further advice and support

It is recognized that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, HR department and/or your professional trade union.