

## WHISTLEBLOWING POLICY

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| This policy has been written for  | <ul style="list-style-type: none"><li>• All staff at The Chelsea Group of Children</li></ul>   |   |
| Copies of this policy may be obtained                                     | <ul style="list-style-type: none"><li>• The Chelsea Group of Children website<br/><a href="http://www.chelseachildren.com/">http://www.chelseachildren.com/</a></li><li>• As a hard copy or email attachment on request from the School office</li></ul>   |   |
| This policy links with the following policies                             | <ul style="list-style-type: none"><li>• Health and Safety</li><li>• Record keeping</li></ul>   |   |
| Participants and consultees   | <ul style="list-style-type: none"><li>• Head Teacher</li></ul>   | <ul style="list-style-type: none"><li>• Other Staff</li></ul> |
| Relevant statutory guidance, legislation and other sources of information | <ul style="list-style-type: none"><li>• Ofsted: <a href="http://www.ofsted.gov.uk">http://www.ofsted.gov.uk</a></li><li>• DfE: <a href="https://www.gov.uk/whistleblowing">https://www.gov.uk/whistleblowing</a></li><li>• <a href="https://www.gov.uk/government/publications/whistleblowing-about-childrens-social-care-services-to-ofsted">https://www.gov.uk/government/publications/whistleblowing-about-childrens-social-care-services-to-ofsted</a></li><li>• <a href="https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2">https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2</a></li></ul> |   |
| The Lead Member of staff is   | <ul style="list-style-type: none"><li>• Head Teacher</li></ul>   |   |
| Definitions and key terms used in this policy                             | <ul style="list-style-type: none"><li>• CGC – Chelsea Group of Children</li></ul>  |   |
| Persons with particular responsibilities                                  | <ul style="list-style-type: none"><li>• The Head Teacher has overall responsibility for the maintenance and operation of this policy. The Head Teacher maintains a record of genuine concerns raised and the outcomes are reported as necessary, in a form that endeavours to maintain your confidentiality as far as possible</li></ul>   |   |
| Other participants and Stakeholders                                       | <ul style="list-style-type: none"><li>• Students</li><li>• Staff</li></ul>   |   |
| Monitoring and Evaluation   | <ul style="list-style-type: none"><li>• The Head Teacher and the Policy Administrator will ensure the policy is kept up to date and all members of staff are complying with the rules and guidelines</li><li>• The Head Teacher should pay particular regard to the identification of the number of racist incidents and racial harassment.</li></ul>  |   |

## INTRODUCTION

Employees are often the first to realise that there may be something seriously wrong with their school. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or to school. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrongdoing at work.

The Head Teacher is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees of the Chelsea Group of Children and others with genuine concerns about any person's work to come forward and voice those concerns. This policy document makes it clear that Chelsea Group of Children employees can do so without fear of reprisals. The whistleblowing policy is intended to encourage and enable employees to raise such concerns to the Chelsea Group of Children's Head Teacher rather than overlook the problem or blow the whistle outside.

## AIMS AND SCOPE OF THE POLICY

This policy aims to:

- provide avenues for you to raise genuine concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the Head Teacher's or Local Authority response;
- reassure you that steps will be taken to protect you from reprisals or victimisation for whistleblowing in good faith.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover genuine concerns that fall outside the scope of other procedures.

That concern may be about something that:

- is unlawful;
- is against the Head Teacher's policies;
- falls below established standards of practice;
- amounts to improper conduct;
- is a Health and Safety risk, including risks to the public as well as pupils or other colleagues;
- is damaging the environment;
- contradicts the school's Codes of Conduct.

## PROCEDURES AND PRACTICES

This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act 1998.

The procedure allows school-based employees to raise concerns about the management of the school with the Head Teacher and to raise concerns about the governance of the school outside agencies.

## SAFEGUARDS

### Harassment or Victimation

The Head Teacher will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, should you feel that you have suffered harassment, either directly or indirectly as a result of raising a concern, you should refer to the School's Anti-Bullying Policy and Staff Code of Professional Conduct.

### Confidentiality

The Head Teacher will do her best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

### Anonymous Allegations

You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken is at the discretion of the Head Teacher.

In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

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

### Malicious or Vexatious Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a malicious or vexatious allegation, disciplinary action may be taken against you.

In full from Peninsula emp. Handbook

## WHISTLE-BLOWERS

### A. Introduction

Under certain circumstances, employees are protected from suffering any detriment or termination of employment if they make disclosures about organisations for whom they work.

### B. Qualifying Disclosures

- 1) Certain disclosures are prescribed by law as "qualifying disclosures". A "qualifying disclosure" means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the company has committed a "relevant failure" by:
  - a. committing a criminal offence;
  - b. failing to comply with a legal obligation;
  - c. a miscarriage of justice;
  - d. endangering the health and safety of an individual;
  - e. environmental damage; or

- f. concealing any information relating to the above.
- 2) These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The company will take any concerns that you may raise relating to the above matters very seriously.
  - 3) The Employment Rights Act 1996 provides protection for workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice, or breach of health and safety has occurred or is likely to occur. The disclosure has to be "in the public interest." We encourage you to use the procedure to raise any such concerns.

### C. The Procedure

In the first instance you should report any concerns with the Head teacher who will treat the matter with complete confidence. If you are not satisfied with the explanation or reason given to you, you should raise matter with the appropriate official organisation or regulatory body.

If you do not report your concerns to the Head Teacher you should take them direct to the appropriate organisation or body.

If the concern is about the LA/ISA, the matter should be raised with a named LA/ISA officer. Advice and guidance on how matters of concern may be pursued can be obtained from the Head Teacher and/or Head Teacher.

### D. Treatment by others

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

Concerns are better raised in writing. You are advised to set out background and history of your concerns, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or arrange to meet an appropriate officer who will agree a written statement with you. If you are a member of a trade union, you may find it helpful to take advice from them about putting your concerns in writing.

The earlier you express your concern, the easier it is for the Head Teacher or LA to take action.

For concerns other than fraud, theft or corruption, you may choose to telephone the relevant LA/ISA officer. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

## HOW THE HEAD TEACHER WILL RESPOND

The action taken by the Head Teacher or LA/ISA will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to an external Auditor;
- form the subject of an independent enquiry.

In order to protect individuals, the Head Teacher and the LA/ISA, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for an investigation.

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

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matters;
- giving an estimate of how long it will take to deal with the matter;
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place, and if not, why not.

The amount of contact between the Head Teacher and/or LA/ISA officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought from you.

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 could not be called as witness. The Head Teacher or LA/ISA will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Head Teacher or LA/ISA will advise you about the procedure.

The Head Teacher and the LA/ISA accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations.

Any person who is subject of an allegation should, at the appropriate times be given details of the allegation in order to respond. They will have the right to trade union representation.

## HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue to raise concerns with the Head Teacher. The Head Teacher hopes you will be satisfied. If you are not and you feel it is right to take the matter outside the Council, you could contact PCAW (Public Concern at Work), an organisation which is entirely separate from the Council. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted by telephone on 020 7404 6609 or via e-mail on [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

## BLOWING THE WHISTLE OUTSIDE THE SCHOOL

In certain circumstances it may be appropriate to raise concerns outside the school to the appropriate 'prescribed regulator'. This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i.e. more than just suspicion. You are advised to discuss your concerns with a legal advisor, professional association, trade union or PCAW (see above) before reporting them outside the school.

Examples of prescribed regulators are set out below:

- Department for Education (DfE)
- The Audit Commission
- Data Protection Registrar
- The Standards Board for England
- Information Commissioner
- Environment Agency
- Health and Safety Executive
- General Social Care Council
- The Commission for Social Care Inspection
- National Care Standards Commission

If you do take the matter outside your Head Teacher or school, you need to ensure that you do not disclose confidential or privileged information. Where confidential or privileged information is inappropriately disclosed you may be subject to disciplinary action. Employees considering such action should make themselves aware of Part IVA of the Employment Rights Act 1996 as inserted by the Public Interest Disclosure Act 1998.