

Whistle-blowing policy

Eastward House School follows the guidance in the document

<https://gov.wales/sites/default/files/publications/2018-03/procedures-for-whistleblowing-in-schools-and-model-policy.pdf>

Whistleblowing has been defined as: ‘The disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’ (Public Concern at Work Guidelines 1997).

Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 (“PIDA”) as amended by the Enterprise and Regulatory Reform Act 2013 (ERRA 2013). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns they believe are in the public interest concerning conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

With effect from 25 June 2013, a qualifying disclosure (protected) for the purposes of the Employment Rights Act 1996 (as amended) (ERA 1996) s.43B(1) is any disclosure of information that a worker reasonably believes is in the public interest and tends to show one or more of the following:

1. A criminal offence has been, is being or is likely to be committed.
2. A person has failed, is failing or is likely to fail to comply with any of their legal obligations.
3. A miscarriage of justice has occurred, is occurring or is likely to occur.
4. The health or safety of any individual has been, is being or is likely to be endangered.
5. The environment has been, is being or is likely to be damaged.
6. That information tending to show any of the above matters has been, is being or is likely to be deliberately concealed.

The PIDA sets out the full statutory rights and obligations of members of the staff wishing to whistleblow. Where members of staff are unclear about any of the PIDA requirements they should seek further advice. Public Concern at Work is an independent charity that provides free advice for persons who wish to express concerns about wrongdoing, fraud or other serious malpractice (telephone 0207 404 6609 or www.pcaaw.co.uk).

This policy is based on the Welsh Government Whistleblowing in Schools Procedure and Model Policy.

Aims and scope of policy

Eastward House School is committed to high standards in all aspects of the school and expect staff to raise concerns of poor practice with the Business Manager in the first instance, who will share information with the Proprietor.

Where matters are raised in line with this policy the Proprietor will treat whistleblowing as a serious matter. In the line with the governing body’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.

Employees are encouraged to obtain the advice and support of their trade unions when considering how to deal with any concerns under this policy.

This policy aims to:

- Ensure that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in the public interest and within the meaning of the PIDA (as amended by the ERRA 2013).
- Give confidence to members of staff about raising concerns which they have a reasonable belief to be in the public interest about conduct or practice and which are potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
- Provide members of staff with avenues to raise concerns
- Ensure that members of staff receive a response in a timely manner to the concern they have raised and feedback on any action taken This policy applies to all staff including full and part time, casual, temporary or agency staff and individuals undertaking work experience in the school.

Any member of staff who victimises or harasses a member of staff as a result of them having raised a concern in accordance with the whistleblowing policy will be dealt with under the staff disciplinary procedures. The PIDA provides protection to employees in circumstances where their disclosure can be classed as a protected disclosure. Under the PIDA it would be unlawful to dismiss or make any employee/member of staff redundant because they had made a protected disclosure. It would be also unlawful to subject them to any other detriment, such as demotion or a fine. In the event of such action an Employment Tribunal have the power to order re-instatement, re-engagement or order the award of compensation to successful claimants. The Proprietor is fully committed to the principals of the Act and will provide appropriate assistance to staff who raise a relevant complaint.

Confidentiality

The Proprietor recognises that members of staff may want to raise concerns in confidence and will ensure that the identity of members of staff who raise a concern are kept totally confidential as far as reasonably practical. Any deliberate breach of confidentiality will be regarded as a serious matter. However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence which would be seen by all parties involved. If the investigation leads to prosecution the whistle blower is likely to be called in to give evidence in court. In the event that it may be necessary to disclose the identity of staff member, the Proprietor will discuss the matter with them and will provide reasonable support to alleviate concerns.

Anonymous Allegations

Staff should put their name to allegations whenever possible - anonymous concerns are much less powerful but will be considered at the discretion of the Proprietor. In relation to determining whether an anonymous allegation will be taken forward the following factors into account:

- The seriousness of the issue raised
- The credibility of the concern

· The likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Untrue and malicious/Vexatious Allegations

If a member of staff makes an allegation they reasonably believe is in the public interest but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and /or vexatious or made for a personal gain then the Proprietor will consider taking disciplinary action against the member of staff.

Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the DSL will urgently consult the Local Authority officer designated to lead on child protection (or if they are not available the designated manager for child protection in the authority's social services department) so that the action for the handling of such allegations under the All Wales Child Protection Procedures can be initiated. However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the Local Authority designated manager either before raising their concern with the DSL or where there is a failure to do so after raising their concern and the member of staff remains concerned about the situation.

Procedure for Making a Whistleblowing Allegation

Staff should raise their concern with Lead teacher in the first instance, or directly with the Proprietor. The person to be approached depends to an extent on the seriousness and sensitivity of the issue and who is thought to be involved. the Lead teacher, who should:

- obtain details of the allegation in writing, signed and dated
- keep a record of dates, times, location and names of potential witnesses.
- not investigate the allegation, or interview pupils, or discuss the allegation with the member of staff
- inform the Proprietor
- Contact the **Local Authority Safeguarding Team** _who will give urgent consideration as to whether or not there is sufficient substance to the allegation to warrant an investigation: The outcome will either be:

.without foundation

i.internal disciplinary procedures

ii.a referral under the Child Protection procedures

If the matter is one of finance, in the first instance consult the local police office (0845 3302000) or the Inland Revenue (0800 788887).

If your concern is educational, in the first instance contact Emma Verrier, General Secretary for the Welsh Independent Schools Council 0779 1891593 and she will be able to direct you appropriately.

Timescale for Response

The Proprietor will look into whistleblowing allegations and will normally provide a written response to you within 5 working days (except in the case of anonymous allegations):

- Acknowledging that the concern had been received
- Indicating how it is proposed to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Advising whether any enquiries have been made
- Advising whether further enquiries will take place
- Informing you of support available whilst matters are looked into
- Maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous. T

The Inquiry Process

The nominated person to deal with the complaint will:

- Look into the allegation – seeking evidence and interviewing witnesses as necessary.
- Maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistle blower can remain anonymous.
- If appropriate, for concerns of criminal behaviour refer the matter to the police.
- If appropriate, for concerns of child protection, refer the matter to the LA officer designated to lead on child protection/local authority social services designated manager for child protection.

The whistleblowing process will be suspended until the statutory authorities have completed their investigation and confirmed that it is appropriate to continue with the whistleblowing process. If the person appointed by the Proprietor needs to talk to you, you are permitted to be accompanied by a trade union or professional associated representative or a fellow member or staff not involved in the area of work which the concern relates. The target is to complete the inquiry within 10 -15 working days from the date of the initial written response where reasonably possible. If the enquiry extends beyond the timescales outlined for specific reasons all individuals concerned will be notified of this in writing with an indication when the inquiry will be completed. If the inquiry extends to involve the Police and you are required to provide them with information/evidence, they will make you aware of your rights and you are advised to seek advice/support from your trade union representative. In the event of Police or other statutory authority involvement, any investigation undertaken by them will take priority over internal process which may lead to a delay in timescales outlined above.

The Inquiry Report

Following completion of the inquiry process Proprietor will make a written report normally within 5 working days. The report will not contain the whistle-blower's name unless you have expressly stated that you wish to be named. Following receipt of the inquiry report, the Proprietor will convene a committee with an appointed independent committee to consider the inquiry report and decide on the action to be taken. This should normally take place within 5-10 working days following receipt of the inquiry report. Following notification of the committee's decision, the Proprietor will notify you of the outcome normally within 5 working days (except in relation to anonymous allegations), setting out the action to be taken or that no further action is to be taken and the reasons why.

Taking the matter further

If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the governing body's complaints procedure or raise your concerns with the other organisations as listed below: · The local authority · A relevant professional body or regulatory organisation such as the General Teacher Council for Wales (GTCW) or the Wales Audit Office · The children's commissioner for Wales · The public service Ombudsman for Wales · The Care and Social Services Inspector For Wales · A solicitor · The Police - for concerns of criminal behaviour · A trade union or professional association · Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 0207 404 6609 or www.pcaw.co.uk).

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