

(Book 3)

**Whistle-Blowing Policy**

<b>Date</b> June 2021	<b>Review Date</b> June 2023	<b>Coordinator</b> Director	<b>Nominated Trustee</b> Chair of Trustees
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**Introduction**

Employees are often the first to realise that there may be something seriously wrong with their organisation or another employee. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. 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 Mulberry Bush School (MBS) and its Trustees are committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees and others with genuine concerns to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear or reprisals. The whistle-blowing policy is intended to encourage and enable employees to raise such concerns within MBS or, when appropriate, to the Trustees rather than overlooking the problem. If neither recourse is appropriate or available this document should be used to help employees blow the whistle outside to other appropriate people/bodies.

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 MBS employees to raise concerns about the management of the school with the Trustees and to raise concerns about the governance of the school with named LA officers.

**Aims**

1. AIMS AND SCOPE OF THIS POLICY

This policy aims to:

- a) Provide avenues for you to raise genuine concerns and receive feedback on any action taken;

- b) Allow you to take the matter further if you are dissatisfied with the Charity Service Leads Group (SLG), School Leadership Team (SLT) or Trustees' response;
- c) Reassure you that steps will be taken to protect you from reprisals or victimisation for whistle-blowing in good faith.

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

That concern may be about something that:

- a) Is unlawful;
- b) Is against the MBS or policies;
- c) Falls below established standards of practice;
- d) Amounts to improper conduct;
- e) Is a Health and Safety risk, including risks to the public as well as pupils or other colleagues; Is damaging the environment;
- f) Contradicts the MBS's Codes of Conduct.

Further examples are provided at Appendix 1.

The procedure will be communicated to all school employees as well as agency workers and supply teachers working in schools on a temporary basis.

## **Procedure**

### **2. SAFEGUARDS**

#### **Harassment or Victimisation**

The MB recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The MB 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 Harassment and Bullying Policy and Code of Practice. This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistle-blowing.

#### **Confidentiality**

The MB will do its 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 at the discretion of the MB and its Trustees. In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

- a) The seriousness of the issues raised;
- b) The credibility of the allegation; and
- c) 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 accordance with the school's Disciplinary Procedure.

### 1. HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with your immediate line manager or a member of the SLT. This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the malpractice. For example, if you believe that your line manager is involved, you should approach a member of the SLT. If you feel the SLT may be involved, the CEO, COO or Chair of Trustees should be approached and/or one of the Authority Officers named in Appendix 2.

If the concern is about the Trustees the matter should be raised with a named LA officer (Appendix 2).

Advice and guidance on how matters of concern may be pursued can be obtained from:

- a) Your line manager;
- b) A member of the SLT;
- c) Chair of Trustees;
- d) Oxfordshire Safeguarding Team;

Concerns are better raised in writing. You are advised to set out the 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 arrange to meet an appropriate person (line manager or member of the SLG or SLT) 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.

You may ask your trade union representative to raise the matter on your behalf.

The earlier you express your concern, the easier it is for the MBS or Trustees.

Any member of the SLG, SLT or Chair of Trustees receiving any concern will also report it to the Safeguarding Team. This is because the Safeguarding Team has a statutory duty to consider any issue that has, or may, result in the school being in contravention of the law or a code of practice.

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.

## **2. HOW THE SLG, SLT OR TRUSTEES WILL RESPOND**

The action taken by the SLG, SLT or Trustees will depend on the nature of the concern. The matters raised may:

- a)** Be investigated internally
- b)** Be referred to the Police
- c)** Form the subject of an independent enquiry.

In order to protect individuals, the SLG, SLT and Trustees, 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 SLG, SLT or Trustees will write to you:

- a)** Acknowledging that the concern has been received;
- b)** Indicating how it proposes to deal with the matters;
- c)** Giving an estimate of how long it will take to deal with the matter;
- d)** Telling you whether any initial enquiries have been made; and
- e)** Telling you whether further investigations will take place, and if not, why not.

The amount of contact between the SLG, SLT and/or Trustees 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 also who could not be called as a witness.

The SLG, SLT or Trustees 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 SLG, SLT or Trustees will advise you about the procedure.

The SLG, SLT and the Trustees accept 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 the 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.

### **3. HOW THE MATTER CAN BE TAKEN FURTHER:**

This policy is intended to provide you with an avenue to raise concerns with the SLG, SLT or with the Trustees. The SLG, SLT and Trustees hope you will be satisfied. If you are not and you feel it is right to take the matter outside the SLG and SLT, the following are possible contact points:

- a)** Your local Council member (if you live in the area of the Council);
- b)** Ombudsman;
- c)** Relevant professional bodies or regulatory organisations;
- d)** Your solicitor;
- e)** The Police;
- f)** Other bodies prescribed under the Public Interest Disclosure Act 1998 e.g.:
- g)** Data Protection Registrar
- h)** Serious Fraud Office
- i)** Environment Agency
- j)** Health and Safety Executive

If you do take the matter outside the SLG, SLT or Trustees, 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.

#### 4. THE RESPONSIBLE OFFICER

Within the LA the Safeguarding Team has overall responsibility for the maintenance and operation of this policy. The Schools Team maintains a record of genuine concerns raised and the outcomes are reported as necessary to the MBS in a form that endeavours to maintain your confidentiality as far as possible (please see paragraph 3.2).

##### **Role of the Trustee Body**

The trustees work with the SLG and SLT to make decisions where there are concerns.

##### **Role of the Management Team**

The managers and staff have a commitment to high standards and a responsibility to voice concerns.

##### **Role of Staff**

As above

##### **Role of Parents / Carers**

Parents / carers are encouraged to talk to the SLG and SLT about any concerns they have.

#### **Appendices:**

##### **APPENDIX 1**

#### EXAMPLES OF CONCERNS

This list illustrates the kind of issues the Local Authority would consider as malpractice or wrongdoing that could be raised under this whistle-blowing policy. Reference should also be made to the Disciplinary Rules for Schools. However, neither list is exhaustive.

- a) Poor or unprofessional practice by a member of staff, Trustee or an agency which results in the service user not getting the same quality of service available to others;
- b) Improper/unacceptable behaviour towards a child which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain;
- c) Any unlawful activities, whether criminal or in breach of civil law;

- d) Fraud, theft or corruption;
- e) Concerns regarding possible breaches of Health and Safety Regulations;
- f) Harassment, discrimination, victimisation or bullying of employees and/or service users;
- g) Leaking confidential information in respect of activities and/or records;
- h) Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time;
- i) Inappropriate contact with members of the public within school facilities
- j) Taking gifts or inducements;
- k) Inappropriate use of external funding or school budget;
- l) Maladministration
- m) Breach of any Statutory Code of Practice;
- n) Breach or failure to implement or comply with any Trustees policy;
- o) Misuse of school assets, including computer hardware and software, buildings, stores, vehicles.

## **APPENDIX 2**

### **LIST OF LOCAL AUTHORITY OFFICERS WITH WHOM CONCERNS MAY BE RAISED**

#### Schools' Safeguarding Team

Jo Lloyd (Service Manager, Attendance & Welfare Schools) LADO -  
01865 815956

MASH - 0345 050 7666

Police – Child Abuse Investigation Unit - 101 / 999

Child Sexual Exploitation – The Kingfisher Team - 01865 815843