

SEE

O L D H A M

Whistleblowing Policy

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Contents

Policy Statement	3
1. Policy Aims	3
2. Scope of Policy	3
3. Key Principles	3
4. Definitions	4
5. Responsibilities	4
6. Procedure	5
6.1 Procedure for Staff	6
6.2 Action for managers	6
7. Investigation and outcome	7
8. Protection and support for whistleblowers	8

Policy Statement

SEE (Oldham) is committed to the highest standards of openness, integrity and accountability. Employees with any concerns about our work or way of working must come forward and voice these concerns. This includes concerns about staff, senior leaders, contractors (external professionals coming into school) or Board Members.

It does not matter if the individual who raises the concern is mistaken about it – staff do not have to prove anything about the allegation they are making but must have a genuine concern, believe that they are acting in the public interest and that the disclosure highlights past, present or likely future wrongdoing.

1. Policy Aims

This policy is designed to:

- 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.

2. Scope of Policy

The Whistleblowing Policy applies to all employees of SEE (Oldham) School.

3. Key Principles

- Whistleblowing in schools for children and young people is an essential part of the safeguarding procedure and therefore all staff should familiarise themselves with this policy and their responsibilities.
- Placing authorities, relatives, parents/ guardians, relatives and inspection bodies are all reassured knowing that whistleblowing is an essential part of SEE (Oldham)'s culture as we aim to achieve the highest standards for our young people.
- It is vital that our young people feel safe at school and with our school staff, our staff should therefore understand their responsibility to their safety in the context of this policy and safeguarding procedures.
- SEE (Oldham) employees should feel able to report their concerns without fear of reprisal, stigma, ridicule or victimisation.
- Only concerns that are reported can be investigated and therefore if an employee has a genuine/sincere concern (whether there is direct evidence or not) it should be reported.
- This procedure is an addition to normal line management procedures. Staff should always first consider using normal line management communication 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 Grievance and Disciplinary Procedures for staff or the School's Complaints Procedure.
- This procedure should only be used when all other existing procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line

management communication. 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 their perception of mismanagement or weak management, rather than malpractice.

4. Definitions

Whistleblowing

Whistleblowing is when an employee of an organisation passes on information that they reasonably believe shows wrongdoing or a cover up. This might be about activity that is:

- illegal
- risks others' health and safety
- a miscarriage of justice
- about poor practice or leadership
- failure to meet statutory requirements
- covering up wrongdoing
- financial malpractice
- damaging to the environment
- damaging to the reputation of SEE (Oldham)

As long as you fit the criteria for whistleblowing, you are protected under the UK whistle blowing law.

Whistleblower

To be a whistleblower, you need to be a worker. This includes:

- employees
- temporary agency staff
- home workers
- trainees on vocational schemes
- people whose employment has ended

If you report your concern to the media in most cases you will lose your UK whistle blowing law rights.

Issues that are not classed as whistleblowing:

Complaints from students, parents, relatives, professionals not employed by SEE (Oldham) (e.g. social workers) these will be dealt with using the Complaints Policy.

Staff personal grievances e.g. bullying, harassment, discrimination unless they are in the public interest. These will be dealt with using the Staff Grievance Procedure.

5. Responsibilities

Every employee should be aware of the importance of preventing and eliminating wrongdoing at work. It is each employee's responsibility to be mindful of illegal or unethical conduct and report anything of that nature that they become aware of.

Whistleblowing can either be carried out confidentially (where your name is not given unless you agree) or anonymously (where your name is not given at all). Confidentiality will be respected unless management are required to share the information given as a matter of law or public interest. If you choose to whistleblow anonymously the investigation may not be able to progress if you do not provide all of the information that is needed.

Failure to whistleblow any perceived or actual wrongdoing is a disciplinary offence and disciplinary procedures will be followed. If an employee is asked to cover up wrongdoing this should be reported to at least one level above the person who requested this.

Victimisation of an employee for raising a qualified disclosure will result in disciplinary procedure.

6. Procedure

Ideally concerns about poor or unacceptable practice should be reported and addressed before they reach the whistleblowing stage. Staff are encouraged to raise questions relating to any aspect of practice that may cause them concern to a senior manager or if regarding a general issue in staff meetings.

If your concern is of a safeguarding nature you should raise it with one of the designated safeguarding team:

Leo Casey, Head of School

Michelle Heap, Assistant Head of School

If you have a concern regarding this policy in the first instance you should tell the Head of School or Deputy Head of School. If you feel that you cannot share this information with them or the concern is regarding them you can report your concern directly Directors.

Gregory Cookson, Greg.Cookson@outlook.com

You may contact OFSTED or Oldham Safeguarding Board if you have a legitimate reason you do not wish to report to those listed above. This is only relevant to whistleblowing in the event of you having:

- a genuine belief that the concern will be covered up
- the feeling that you will be treated unfairly within SEE (Oldham) if you whistleblow.
- you have already followed the whistle-blowing procedure and it has not been acted on or resolved.

SEE (Oldham) expects that all employees allow the senior management to follow the Whistleblowing Policy and procedure in the first instance.

When a concern has been raised it will be taken seriously and acted on immediately. It is acknowledged that 'blowing the whistle' is always difficult and can potentially cause ill feeling. The open and honest sharing of concerns using transparent procedures is an essential safeguarding mechanism if problems are not to escalate.

If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, which offers a confidential helpline. Their contact details are:

Helpline: 020 3117 2520

Website: <https://protect-advice.org.uk/>

6.1 Procedure for Staff

- It is important that you carefully identify what is wrong.
- Why is it wrong? – is what is happening illegal/ against government guidelines? Ensure that you have the facts not opinion.
- Write down what you have witnessed:
 - Background and history of your concern
 - Names, dates and places (where possible)
 - Have others witnessed the same? If so ask them to do the same.
 - Reason why you are concerned about this situation
 - At the earliest opportunity make your concerns known.
- Keep copies of your report, all correspondence and other relevant information (in a way that doesn't break confidentiality/ data protection).
- Ask to be kept informed about the outcome of the investigation.
- Any employee who whistleblow's will be provided with confidential support by a member of the management to discuss any concerns. The employee will also be consulted about what measures are to be implemented to protect them and ensure they can continue to carry out their duties.
- Employees are reassured that any matter that is raised will be investigated thoroughly, promptly and confidentially and the outcome/update reported back to them within 30 days of an issue being raised. If an investigation takes longer than this the employee will be kept updated to reassure them that the concern is being dealt with properly.

6.2 Action for managers

- Act immediately
- Address the concern using the relevant policies
- Question/ interview the whistleblower to ensure there is a genuine case for concern – carefully and comprehensively record the discussion and give some feedback about your intended actions.
- Share this information with another elected manager unless it is about this person in which case they should share it with the Head of School.
- If you suspect a criminal act contact the Head of School.
- Notify a fellow senior manager or Proprietor about the concern and action taken.
- Ensure any evidence (written/material) is not tampered with (store correctly – confidentiality/ data protection).
- Ensure a plan is in place to ensure the safety of all.

- Keep a chronological record of all action taken.
- If criminal activity is discovered as a result of any investigation under this procedure the relevant authorities will be informed.
- If safeguarding concerns are discovered during an investigation the Safeguarding Policy will be followed.
- Consider whether formal notification to OFSTED is necessary. If so make a notification, inform significant agencies/ stakeholders.
- If as a result of whistleblowing a serious complaint of allegation is being made about a member of staff, OFSTED will be notified.
- The disciplinary procedure must be followed if:
 - Misconduct is discovered as a result of any investigation under this policy
 - Somebody is found to have made a malicious allegation under this policy

7. 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 School 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.

In most cases a panel of three senior staff (or the Proprietor and/or the Critical Friend if the issue concerns the Head of School) will investigate any issue. In rare cases, the School may appoint an investigator or a team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the School to minimise the risk of future wrongdoing.

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 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 their concern has been handled, they 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 Head of School has the right to seek external advice.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Head of School or a member of the SLT, 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.

8. Protection and support for whistleblowers

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 they have suffered any such treatment, they should inform the Head of School or another member of the Senior Management Team, immediately.

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