

Stone Bay School. Policy Document.

Group E Policy.

E16: Whistle Blowing Policy

Group E policies are not statutory and no paper copies will be kept. The original word copy will be stored in our policy library, a PDF version will be accessible on our website.

Author:	Nikky Howe
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Signed. Nikky Howe Date: Monday, 22 May 2017
Author.

Signed. Billy Mc Inally Date: Monday, 22 May 2017
Headteacher.

Contents

Mission Statement.....	2
Introduction	2
Aims of the Policy.....	2
Personal Awareness and Social Context	3
Safeguarding, Equality and Equal Opportunities Statement	3
Part A – Policy	4
1. Policy Statement	4
2. Scope.....	4
3. Adoption Arrangement and Date	5
4. Responsibilities of the School	5
5. Responsibilities of the Employee	5
6. Trade Union Representation.....	5
7. Responsible Officer and Monitoring of Complaints.....	6
Part B – Procedure	6
1. Raising a Concern.....	6
2. How the School will respond	7
3. Notification of the Outcome of the Concern	7
4. How the Matter may be taken further	8
Protection and Support for Employees.....	8
Protection from Detriment	8
Confidentiality.....	8
Anonymous Concerns	9
Support	9
Other Concurrent Processes	9
Record Keeping	9
Appendix A: Contact Details	10
Internal.....	10
External	10
Support for Employees	11

Mission Statement.

We accept all students **as they are** and believe that every one of them is **entitled** to the very **best education**, delivered in an **environment** that is **supportive, caring and safe**.

Our goal is to develop our students to become:

- **Successful** Learners.
- As **independent** as possible.
- **Confident** individuals and self-advocates.
- **Effective** communicators and **contributors**.
- **Responsible** citizens.

We will do this by working to **ensure we get every aspect of their provision just right**, helping them to achieve academically, personally, socially and morally.

Stone Bay School: ***“getting it right for every student”***.

Introduction

This policy arises out of both standard 4 and Appendix 1 within the National Care Standards for Residential Special Schools. Standard 4 deals with complaints and representations and appendix 1 requires the school to have procedures in place for responding to allegations or suspicions of abuse.

In the standards document whistle blowing is defined as – **“A person who in good faith reports significant concerns, allegations or suspicions of circumstances, situations or the behaviour of others which is likely to put a child’s safety or welfare at risk.”**

Some people within the school have considerable power over other adults and boarders. Research into the causes of abuse within residential settings has clearly shown a link between those who are in a position of power and an abuse of that power. It has been shown that staff that was aware of abuses taking place, would not speak out for fear of victimisation from their bosses.

Following the Waterhouse Inquiry into abuse within children home and residential schools in Wales, the National Care Standards Commission (now The Commission for Social Care Inspection) required that every residential school would have a so called “whistle blowers” charter.

Aims of the Policy

- 1.1 Staff and volunteers genuinely held concerns about abuses of power and trust by colleagues towards pupils.
- 1.2 This policy is designed to ensure that genuinely held concerns are raised and effectively addressed, by people working for Stone Bay School on a paid and unpaid basis. This policy also covers other people who come into the school in an official role i.e. students on placement and inspectors from outside agencies.

Genuine concerns may include, but are not limited to:

- Conduct which is, has been or is likely to be an offence or breach of law
- Conduct that has occurred, is occurring or is likely to occur - as a result of which the School fails to comply with a legal obligation

- Acts or potential acts of fraud / corruption or the misuse of public funds / resources
 - Miscarriages of justice
 - Past, current or likely health and safety risks
 - Concerns about any aspect of service provision
 - Concerns of a safeguarding / child protection nature
 - Unethical or unprofessional conduct that causes concern
 - The deliberate concealment of information relating to concerns listed above
- 1.3 No one exercising their right to raise a concern in good faith under this policy will be penalised for doing so. Any attempt to victimise staff, volunteers and students for raising genuine concerns, or to prevent such concerns being raised, will be regarded as a disciplinary matter.
- 1.4 This policy does not –
- Replace the Grievance Procedure.
 - Replace the school’s Complaints Procedure.
 - Replace the school’s Disciplinary Procedure.
 - Replace the Child Protection Policy.
 - Require staff, volunteers or students to prove that their suspicions are well founded, however they must have reasonable grounds for their suspicions.
- 1.5 Under this policy, managers are required to act promptly and appropriately when concerns have been raised.

Personal Awareness and Social Context

- 2.1 However good we, and others, consider the practice at Stone Bay School, the school cannot work in isolation of the various scandals and inquiries that have impacted upon schools with residential provision. Parents and outside agencies are more demanding of reassurances that practice is sound and safe.
- 2.2 Professional practice and behaviour towards children and young people has changed over the last 20 years. Similarly, the behaviour of a small number of abusive staff in other establishments has meant that all residential staff have had their practice reviewed.
- 2.3 Staff should read through the practice guidelines on the child protection issues of children attending a residential school and the discussions around the concept of created vulnerability.

Safeguarding, Equality and Equal Opportunities Statement

Stone Bay School, and all policies and procedures, will promote equality of opportunity for all students and staff from all social, cultural and economic backgrounds. The school will ensure that no student or staff member is disadvantaged, discriminated against or treated less favourably because of their gender (including gender reassignment), race, disability, religion or belief, sexual orientation or due to pregnancy or maternity.

Stone Bay School aims to;

- Foster good relationships and create effective partnerships with all sections of the community
- Ensure that the school’s service delivery, commissioning and employment practices will not discriminate unlawfully, either directly or indirectly
- Provide an environment free from fear and discrimination, where diversity, respect and dignity are valued and celebrated

All aspects of Safeguarding will be embedded into school life and will remain the responsibility of all members of our school community.

Part A – Policy

1. Policy Statement

The School is committed to achieving the highest possible standards of probity and integrity regarding its practices.

The School recognises that it is important for all Employees to have a means by which they can raise serious concerns about any aspect of the operation of the School. The School further acknowledges its obligations under the Public Disclosure Act (1998) to ensure mechanisms are in place through which concerns relating to matters of public interest can be raised.

The School encourages Employees to raise any concerns internally at the earliest opportunity rather than disregarding issues or raising the matter externally.

The School will address concerns seriously and undertake as much investigation as is necessary given the circumstances – this may include referral to external agencies.

The School will endeavour to advise an Employee of any actions / outcome arising from a complaint where appropriate.

The School will provide reasonable support to an Employee who raises a concern.

The School will ensure that where a concern is raised, an Employee will be protected from detriment, harassment and victimisation. It is recognised that in certain cases it may be appropriate to consider concerns raised on a confidential or anonymous basis.

This policy and procedure explains:

- The mechanism for raising concerns
- The range of responses the School may take upon receipt of concerns
- The support and protection available to Employees

2. Scope

This Policy and Procedure applies to all employees of Stone Bay School. (This policy also applies to agency workers, volunteers, contractors and others working on School premises).

Public Concern at Work defines whistleblowing as:

‘The raising of a concern either within the work place or externally, about a danger, risk, malpractice or wrong doing which affects others.’

Concerns relating to an individual’s own employment should be raised through the School’s grievance and harassment procedures.

Employees may raise concerns about the practice of anyone who works for or on behalf the School including:

- All Employees
- Governors
- Volunteers
- Contractors

Concerns that Employees have may be raised individually or collectively. If collective concerns are raised staff should be prepared to give their own account during any investigation, should this be required.

There is no time limit for raising a concern – however Employees are encouraged to do so at the earliest opportunity since it may be difficult to address a matter if a significant time has elapsed.

3. Adoption Arrangement and Date

This procedure was adopted by the Governing Body of Stone Bay School on 15th December 2015 and supersedes any previous Whistleblowing Policy and Procedure.

This policy will be reviewed by the HR Manager every 3 years or earlier if there is a need. This will involve consultation with the recognised unions.

4. Responsibilities of the School

- To foster a culture where Employees can feel confident in raising concerns
- To ensure concerns are fully considered, investigated as necessary and action taken as appropriate
- To ensure that Employees raising concerns receive feedback on any action taken where appropriate
- To make employees aware how they can take matters further if they are not satisfied
- To reassure Employees that they will be protected against detriment and reprisal should they raise a concern

5. Responsibilities of the Employee

- To raise concerns only where there is a reasonable suspicion for doing so
- Not to knowingly raise a false allegation with malicious or vexatious intent
- To engage with internal / external actions to address any concerns – by attending meetings and / or participating in any investigation

6. Trade Union Representation

Employees may wish to consult and seek guidance from their Trade Union representative before making a disclosure under this procedure

Employees may be accompanied to any meeting by a trade union representative or workplace colleague who is not involved in the area of work to which the concern relates.

7. Responsible Officer and Monitoring of Complaints

The Governing Body has overall responsibility for the maintenance and operation of this policy and procedure.

The Headteacher will ensure the effective implementation of the whistle blowing arrangements, providing training as appropriate, and undertake an annual audit of the whistle blowing arrangements, reporting the outcome to the Full Governing Body.

The Headteacher will consider:

- The number and types of concerns raised and the outcomes of the investigations.
- Feedback from individuals who have used the arrangements
- Any complaints of victimisation
- Any complaints of failures to maintain confidentiality
- Any relevant litigation
- The level of staff awareness, trust and confidence in the arrangements

Any reporting will not identify the parties to the complaint.

Part B – Procedure

1. Raising a Concern

Wherever possible employees should initially raise concerns openly with their line manager or the Headteacher / Principal.

In instances of serious concern or where the complaint involves the line manager or Headteacher / Principal complaints may be raised with the Chair of Governors

Should the Headteacher / Principal have concerns – these should be raised with the Chair of Governors in the first instance.

Please refer to Appendix 1 for the appropriate internal contacts

Concerns may be raised verbally or in writing.

A concern raised in writing should:

- Set out the background and history of the concern - giving names, dates and places where possible
- Give the reason why the Employee is particularly concerned about the situation
- For clarity it would be helpful for the Employee to state that they wish their concerns to be addressed under the whistleblowing procedure

An Employee is not expected to prove the validity of their concern, however they will need to demonstrate that there is a reasonable suspicion for their complaint.

An Employee may invite a Trade Union representative to support them in raising a concern or raise the matter on their behalf or at a subsequent meeting to explore the complaint.

2. How the School will respond

Preliminary enquiries may be made to decide on the appropriate course of action. This may necessitate further discussion with the Employee who has raised the concern.

On occasion it may not be appropriate for the person who receives the complaint to progress the concern and the matter may be referred to another individual within the School or an external organisation.

It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation.

Where it is not possible to resolve the matter informally, the action taken by the School will depend on the nature of the concern and may include:

- Undertaking an internal management or disciplinary investigation
- Referral to the School's auditors
- Referral to another regulatory authority
- Referral to the Police
- Referral to the Local Authority

Within 10 working days of receipt of any concern, the person progressing the matter will write to the Employee to:

- Acknowledge that the concern has been received
- Indicate how and through whom the School proposes to address the matter including whether further investigation or referral to another organisation will be made
- Give an estimate of how long the investigation will take
- Indicate whether further information will be sought from the employee and the arrangements for obtaining this where known

The form of further contact between the Employee and the person progressing the complaint will depend on the nature of the matter raised and the follow up action required.

In instances where an investigation is prolonged or referral to an external agency takes place – arrangements will be made to provide the Employee with situational updates as far as is practicable.

On occasion the person considering the complaint may determine that it is not appropriate for further action to be taken. This may include where:

- There is no evidence that malpractice has occurred
- The matter is / has been the subject of internal proceedings under another school policy
- The matter is / has been the subject of external legal proceedings / been referred to another external agency
- A false and malicious or vexatious complaint has been made

3. Notification of the Outcome of the Concern

The School recognises that an Employee raising a concern would wish to be assured that the matter has been fully addressed. Feedback will be provided on the outcome of the complaint, wherever possible.

In some circumstances however it may not be appropriate or permissible to share this information (for example where legal / disciplinary or regulatory authority action is pending or if sharing information may infringe the duty of confidence owed to a third party). Where it is not appropriate to provide detailed feedback the Employee will be advised that the matter has been addressed or concluded as far as is practicable.

Where a matter is not to be considered further the Employee who raised the complaint will be advised of this in writing.

4. How the Matter may be taken further

This procedure is intended to provide Employees with a mechanism to raise concerns internally within the School.

Should this process be exhausted and the Employee feels that matters have not been fully / appropriately addressed or that concerns are ongoing they may wish to raise the matter outside of the School.

Appropriate contacts are listed at Appendix 1.

An Employee who intends to raise a concern externally is encouraged to consider carefully whether this is the most appropriate form of action to resolve the issue and whether all reasonable internal steps have been taken.

If a matter is raised outside of the School, an Employee should take all reasonable steps to ensure that confidential or privileged information is not disclosed.

Protection and Support for Employees

The School will take reasonable measures to support and protect Employees who raise concerns.

Protection from Detriment

Employees raising a concern with reasonable suspicion for doing so will not be subject to discrimination, harassment or victimisation. Should an Employee believe they have been subject to detriment or retribution they should report this to the Chair of Governors who may address the matter in accordance with the School's disciplinary procedure.

No action will be taken against an Employee where concerns raised are subsequently unproven.

However disciplinary action may be taken against individuals who knowingly make 'false, malicious and / or vexatious allegations.

Should an employee commit a criminal offence in raising a concern (e.g. accepting a bribe or an act of corruption) – protection from detriment may be lost and the Employee may be subject to the School's disciplinary procedures.

Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for the School to assess and investigate the issue. However, it is recognised that there may be some circumstances where an employee would prefer to raise a concern in confidence. Employees should make the School aware of this when raising their concern.

Where appropriate every effort and consideration will be given to arrangements to maintain the Employee's confidentiality – including off site meetings where appropriate.

Every effort will be made not to reveal the Employee's identity, without their prior consent, if this is their wish.

However, in certain cases, it may not be possible to maintain confidentiality if the concern is subject to an external / police investigation where disclosure is required. An Employee will be advised should there be a possibility that their confidentiality cannot be maintained.

Anonymous Concerns

Employees are encouraged to put their name to any allegation where possible.

Anonymous allegations will be considered and investigated at the School's discretion.

In exercising the discretion, the following factors may be considered:

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

It should be noted that it may be more difficult to address the concern, support an employee or advise them of the outcome where a concern is reported anonymously.

Support

Employees who raise a concern may wish to make use of the confidential counselling service provided by the School, if appropriate.

Employees may also wish to consult their professional association or Trade Union if they are a member.

Other sources of support are provided in Appendix A.

Should an employee be required to give evidence in criminal or disciplinary proceedings – consideration will be given to appropriate support.

Other Concurrent Processes

Where a complaint is raised under the whistleblowing procedure this will not in itself be sufficient to halt any other ongoing processes relating to absence, conduct, performance or redundancy.

However, each case will be considered on its merits to ensure that the School is acting reasonably.

Record Keeping

Notes may be taken of all meetings with the Employee held under this procedure. Where notes are taken a copy will be made available to the Employee.

All records will be treated as confidential and processed in accordance with the Data Protection Act (1998) which provides individual's with the right to request and have access to certain data.

A central record of whistle blowing will be maintained by the Governing Body. This record will include, a summary of the concern raised, action taken and the resulting outcome. Senior staff or Governors who receive whistle blowing concerns must ensure the concern is recorded.

Appendix A: Contact Details

It is the usual expectation that an Employee will have endeavoured to raise the concern internally within the school before referring the matter to an external organisation

Internal

<i>Contact</i>	<i>Telephone Number</i>	<i>Email</i>
Billy McInally	07975 503851	billymcheadteacher@stone-bay.kent.sch.uk
Richard Farr		rfarr@stone-bay.kent.sch.uk

Or in writing to the above named at the following address:

Stone Bay School
70 Stone Road
Broadstairs
Kent
CT10 3BH

External

Patrick Leeson
Corporate Director – Education and Young Peoples Services
Kent County Council
Sessions House
County Road
Maidstone
ME14 1XQ

Via KCC's Whistleblowing Helpline on 03000 414 500 or by emailing

internalaudit@kent.gov.uk

<i>Contact</i>	<i>Telephone Number</i>	<i>Email / Website</i>
Public Concern at Work	020 7404 6609	www.pcaw.org.uk ;
Department for Education	0370 000 2288	www.education.gov.uk ;
Ofsted	0300 123 3155	whistleblowing@ofsted.gov.uk ;

Local Government Ombudsman	0300 061 0614	www.lgo.org.uk ;
Office of Qualifications & Examinations Regulation	0300 303 3346	Public.Enquiries@ofqual.gov.uk;

Employees may also wish to raise a concern with:

- An elected member of the local authority
- Relevant trade union or professional association where the employee is a member
- A solicitor
- The police

Support for Employees

- Confidential Counselling Service - *Staff Care Services on 03000 411411*
- Teachers Support Line www.teachersupport.info;
- Trade Union or Professional Association where the employee is a member
- Citizen's Advice Bureau www.citizensadvice.org.uk