

Woodlands Schools



WHISTLEBLOWING POLICY

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WHISTLEBLOWING POLICY

This policy should be read alongside the Safeguarding Child Protection Policy

Purpose

Under the Public Interest Disclosure Act 1998 (PIDA), the Employment Rights Act 1996 and the Enterprise and Regulatory Reform Act 2013, protection is afforded against victimisation or dismissal for workers who report ('blow the whistle') on criminal behaviour or other misconduct within an organisation either to the employer, a regulatory or other body.

Scope

This Policy applies to all employees of Woodlands Schools Ltd. The Legislation applies to 'workers' within Great Britain, including employees, contractors providing services, agency workers, home workers and trainees on work experience or vocational schemes. Employees or workers who are posted outside Great Britain but whose work is for the purpose of a business in Great Britain, whose base is in Great Britain or who has a substantial connection with Great Britain are covered.

Disclosures Made In The Public Interest

Disclosures should be made to the School first. If an employee feels unable to use the School's procedure, disclosure should be to a 'Prescribed Person or Body', so that employment rights are protected. Examples of the types of matters covered by the Legislation include but are not limited to the following:

- Those of a safeguarding nature where the welfare of children may be at risk;
- a criminal offence. Further to the introduction of the Bribery Act 2010;
- this includes the provision of or accepting of bribes in order to gain to improve the prospects of gaining business, failing to prevent bribery;
- fraud;
- financial mismanagement or corruption;
- health and safety issues in the workplace that put the safety of workers or visitors at risk;
- a failure to comply with a legal obligation or breaches of legislation;
- a miscarriage of justice;
- risks of damage to the environment;
- deliberate concealment of information relating to any of the above.

The legislation covers internal disclosures to the employer and disclosures to prescribed regulatory bodies such as those listed below:

Potential Safeguarding Issues

Essex Children's Safeguarding Board	0345 603 7627
NSPCC helpline (8-8 Mon to Fri)	0800 028 0285
DfE	0370 000 2288
ISI	0207 600 100
Ofsted (EYFS)	0300 123 1231

Other Contacts

H&S Executive	0300 003 1647
HMRC Tax	0800 788 887
Financial Conduct Authority	0207 066 9200
Information Commissioner	0303 123 1113
Pensions Regulator	0345 600 7000

For further information, visit gov.uk and search for "Whistleblowing"

Qualifying Conditions

Any disclosure must be made in the reasonable belief that it was in the public interest. The 'Whistleblower' must have a reasonable suspicion that the alleged malpractice has taken place, is taking place or is likely to take place. Disclosure to a **regulator** e.g. Health and Safety Executive, Financial Services Authority will be protected where, in addition, the whistleblower honestly and reasonably believes that the information and any allegation in it are substantially true. Disclosure to **other bodies** is protected if, in addition to the tests for regulatory disclosures, it is reasonable in all the circumstances and is not made for personal gain.

The 'Whistleblower' must also meet one or other of the following Preconditions:

- they reasonably believed that they would be victimised if they raised the matter internally
- they reasonably believed that the disclosure related to a criminal offence and was thus a 'qualifying disclosure'
- there was no prescribed regulator and they reasonably believed the evidence was likely to be concealed or destroyed
- the concern had already been raised with the employer or a prescribed regulator
- the concern is of an 'exceptionally serious' nature;
- they had suffered an identifiable detriment.

Procedure

In the first instance any concerns should be raised with the employee's Line Manager. This should be raised in writing.

If the above person is the employee's Manager and the individual does not feel able to raise the matter with them then the concern should be raised with the Head Teacher or they may consider raising the issue with the Board of Directors as well as or instead of a regulatory body.

Concerns raised will be treated with the utmost confidentiality as far as is possible and will be investigated fully. The employee will be advised of the outcome of the investigation and may need to be identified at a later stage in an ongoing investigation but would be notified in advance.

Employees should be reassured that there will not be any victimisation or detriment for reporting such actions as stated in section 2. If an employee has a genuine fear of reprisals then the employee can raise this matter directly with the regulator or other body.

If an employee believes that a safeguarding concern has not been followed up with ESCB and the DSL is not fulfilling their duties, or another member of staff is acting inappropriately towards a child, the employee MUST whistle-blow.

Employees who have concerns or complaints regarding their employment should raise these matters under the School's Grievance Procedure.

Employees who raise false or malicious claims under this policy will be subject to the School's Disciplinary Procedure.

Personal Liability

The Legislation make employees (including 'Workers') who subject 'Whistleblowers' to a detriment (for example bullying or harassment) personally liable for their action.