



WILDS LODGE SCHOOL

WHISTLEBLOWING POLICY

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Next Review Date: September 2024

Wilds Lodge School is owned and operated by Cavendish Education.

This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its students and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values.

While this current policy document may be referred to elsewhere in Wilds Lodge School documentation, including particulars of employment, it is non-contractual.

The school's policies, unless the specific context requires otherwise, the word "parent" is used in terms of Section 576 of the [Education Act 1996](#), which states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance [Understanding and dealing with issues relating to parental responsibility](#) considers a 'parent' to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative

- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

The school employs the services of the following consulting companies to ensure regulatory compliance and the implementation of best practice:

- Peninsula BrightHR
- Peninsula BusinessSafe (Health and Safety)
- Atlantic Data (DBS)
- Educare (online CPD)

Wilds Lodge School is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Wilds Lodge School.

The policy documents of Wilds Lodge School are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect between the re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Leadership Team, that the details of any policy document are still effectively current at a particular moment.

Whistleblowing Policy and Procedure

Introduction

The School is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the School's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management 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 the Grievance, Disciplinary Procedures for staff or the complaints procedure.

Aims of Policy

- 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 mistaken.

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the Executive Principal, Head, Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, and if ever used; casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information, which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns; * See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;

- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

If Staff are uncertain whether something is within the scope of this policy they should seek advice from the Head and if the matter is in relation to an alleged wrongdoing by the Head then Staff should seek the advice of the Designated Senior Lead for Safeguarding.

Raising a whistleblowing concern

The School hopes that in all cases, Staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree on a way of resolving a concern quickly and effectively. In some cases they may refer the matter to the Senior Leadership Team.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- **The Head**
- **The Designated Safeguarding Lead**

- **Ian Thorsteinsson, Executive Principal**

The Head will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum they will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases it will not be possible to maintain confidentiality and they should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The School will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The School will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

The School recognises that Whistleblowing can be difficult and stressful. Advice and support for stress is available from the School's Senior Leadership Team or the employee assistance helpline provided by HealthAssured either

- by phone on 0800 0474096 or
- online at <https://healthassuredeap.co.uk/> using User Name Peninsula and Password EAP .

If they are not happy with the response that they receive from the School, they may wish to raise the matter externally with:

- 'Public Concern at Work' * on 0207 4046609 or email whistle@pcaw.co.uk or helpline@pcaw.org.uk
- the NSPCC whistleblowing helpline is available for staff members who do not feel their concerns regarding child protection failures have been actioned appropriately within the School or Cavendish Education. Staff members can call 0800 028 0285 from 8am to 8pm Monday to Friday; alternatively, email help@nspcc.org.uk

- relevant professional bodies or regulatory organisations, eg the Health & Safety Executive

If a staff member raises a concern externally, it is their responsibility to ensure that confidential information is not disclosed - that is, they must not hand over confidential information, in whatever format, to a third party.

Public Concern at Work is a registered charity that you can contact for advice on how to raise a concern at work about poor practice. The charity may also provide the School with advice as to the best possible ways to address your concern(s).

Confidentiality

The School hopes that Staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise their concern confidentially, the School will endeavour to keep his or her identity secret insofar as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the whistleblower's identity, the School will discuss this with the member of staff first.

The School does not encourage Staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the School cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the School's Disciplinary Procedure. If the Head(s) knows or have a suspicion that an employee comes into this category then they will take this to discuss with the Senior Leadership Team who will help to determine what action should be taken.

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

[Independent advice](#)

Independent advice and support can be obtained from Protect (formerly known as "Public Concern at Work") (Independent Whistleblowing Charity):

Email address	whistle@protect-advice.org.uk
Tel	Tel. 0203 117 2520
Website	www.protect-advice.org.uk

Or, you can contact OFSTED Whistleblowing hotline: 0300 1233155

whistleblowing@ofsted.gov.uk

[Reporting concerns and whistleblowing about children's social care services - GOV.UK](#)

Concerns against Senior Leadership Team

If a concern against an SLT member is received, then this will not be treated in the same way as any other concern but it will receive the same serious consideration. This concern will be passed to a member of the Cavendish Governance or Ian Thorsteinsson, Executive Principal.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases Staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for Staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of School Staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows

Staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, Staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

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 Leadership Team to investigate any issue. In rare cases the School may appoint an investigator or 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 Policy and 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 his or her concern has been handled, he or she 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 will have the right to refer any particular case to the Head for review.

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

Protection and support for ‘whistleblowers’

It is understandable that ‘whistleblowers’ are sometimes worried about possible repercussions. The School aims to encourage openness and will support Staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

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 he or she has suffered any such treatment, he or she should inform the Head immediately. If the matter is not remedied the member of staff should raise it formally using the School’s Grievance Policy and Procedure.

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

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Head in the first instance.

Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that the Head is not taking seriously or that they believe there is a serious safeguarding issue involving them they should in the first instance contact the Executive Principal, Ian Thorsteinsson (i.thorsteinsson@newcomeeducation.com). Procedures, contacts and further guidance can be found in the Safeguarding Policy.

1. Introduction

The following guidance for dealing with allegations of abuse against teachers and other staff should be read and used to assist in identifying and reviewing specific arrangements and responsibilities for dealing with allegations of abuse against teachers and other staff at Wilds Lodge School and adapted as necessary.

The purpose of this guidance is to ensure that there is a plan in place for how allegations of abuse against teachers and other staff is dealt with and managed, and to ensure that staff are aware of their responsibilities and arrangements.

The Aims of this Guidance

To ensure that any allegation made against a teacher or other member of staff or volunteer is dealt with fairly, quickly, and consistently, in a way that provides effective protection for children, and at the same time supports the person who is the subject of the allegation.

This guidance outlines the initial response to an allegation of abuse against a teacher or another member of staff. For more detailed guidance, particularly action following the outcome of an initial investigation reference must be made to the DfE Guidance.

Legislation

This guidance is based on:

The Children Act 1989 Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector). Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010.

The Children Act 2004. Section 11 of the Children Act 2004 (other agencies).

Keeping Children Safe in Education September 2016/18/19/20/22 and 2023

LSCB

Children can be subjected to abuse by those who work with them in any and every setting. Any allegation of abuse or maltreatment of children by a member of staff at Wilds Lodge must be taken seriously and treated in accordance with our written Safeguarding procedures. Every child has the right to receive the highest possible standards of care and to be protected from abuse while in the care of adults outside the family. All allegations that are reported to the appropriate safeguarding team will be examined objectively by experienced and properly trained specialists, who are independent of the school.

There is a likelihood that **every** member of staff who works with children with social, emotional and mental health difficulties may be subject to a complaint at some point during their career. It is recognised that this will always be a stressful and difficult time as their

professional integrity and practice is closely examined. They too, are entitled to support and advice while the investigation is being conducted. This document describes some of their rights and entitlements while the investigation proceeds and the ways in which support can be obtained.

2. Professional Associations

It is strongly recommended that every member of staff at Wilds Lodge should be a member of a union or professional association.

During the last couple of decades, there has properly been a huge emphasis on both safeguarding training for professionals and creating structures that properly protect children and young people. This led to the emergence of the local safeguarding boards.

The member of staff facing allegations against them can expect to have the complaints investigated by experts in the field of child protection/Safeguarding. They should also have their interests represented by equally specialist advice. The professional associations will provide this assistance as a benefit of membership.

3. The Role of the School

The requirement is for the school to take a far more objective and uncommitted view of the allegations, despite any personal opinions or attitudes about their veracity that might be held by any member of the senior staff. This will preclude the ability of the school either to engage legal advice on behalf of the member of staff, or provide the financial means for them to do so. Every action made by the school has to be seen as strictly neutral by all parties and agencies during the course of the investigation.

4. The Enquiry

Any investigation may well have three related, but independent strands, all of which need to be thoroughly assessed and a definite conclusion reached. These are:

- Safeguarding enquiries relating to the safety and welfare of any children who are, or may have been involved.

- A police investigation into a possible offence.
- Disciplinary investigations, where it appears that allegations might amount to misconduct or gross misconduct on the part of staff.

The fact that a prosecution does not proceed, because there might be insufficient evidence for example, does not mean that disciplinary action by the school may not occur. For this reason, all members of staff at the school have to be extremely cautious in what they say and do in relation to the allegations and subsequent investigation.

The criminal process has to establish guilt beyond reasonable doubt. As a school, we have to balance duty to the employee with the duty to protect children and reach conclusions based on the balance of probabilities.

5. Entitlements

A clear focus on safeguarding children has to be maintained at all times, but members of staff facing allegations have certain entitlements too:

5.1 Suspension

The decision whether a member of staff should be suspended or not, remains with the Head and Governors of the school. Obviously, the views of other agencies, particularly the Local Authority's Designated Officer (LADO) will be considered, but suspension is not an automatic process when a complaint is made.

A member of staff will usually only be suspended or one or more of three reasons:

- The allegation is so serious that it would constitute gross misconduct and grounds for dismissal;
- The member of staff's continued presence could present risk of significant harm to the child or other children;
- The member of staff's continued presence could impede an investigation.

5.2 Information

Those who are facing complaints are entitled to be kept informed of the progress of the inquiry, and the processes involved, except where advising of the fact of an allegation could impede an investigation. The initial strategy meeting will agree what is told to the person under complaint, when and by whom.

5.3 Fast Resolution

The LSCB guidelines state that investigations should be completed without delay, consistent with their effective conduct. There should be agreed written timescales which avoid delay, at every stage of the process. Consideration should also be given to fast tracking cases involving childcare professionals. LSCB guidelines (13.32) state that child protection enquiries should usually be complete within 15 working days.

- An initial strategy meeting should normally take place within one to three working days (LSCB 13.58)
- When there is no police or social care investigation, the school will determine what action is needed within three working days.
- When police and social care is needed and concluded, the school will determine whether any further investigation is needed within three working days. If this is deemed necessary, it should be concluded within ten working days.
- If a disciplinary hearing is required, without or on completion of an investigation, this will aim to be held within fifteen working days.

6. Confidentiality

Information about allegations against staff will be restricted to those who need to know in order to protect children, investigate the allegation, and manage the disciplinary/complaints aspects of the matter. Any breach of confidentiality may lead to disciplinary action.

Information about criminal investigations will not usually be made public until a person is charged with a criminal offence.

7. Returning to work

A member of staff returning to work after a suspension or a period of investigation will receive all the support necessary from the Head, senior and counselling staff to ensure that this is a successful transition. If the child who made the allegations is still within the school, consideration will be given to managing any contact that may be necessary.

8. Recording allegations and communicating concerns

Where allegations or concerns about staff are investigated, a clear and comprehensive summary is recorded on Confide, (a secure software solution for recording and case-managing allegations and concerns against staff). Only the Allegation Managers/Head have access to Confide, and all data will be stored in accordance with the school's GDPR and data protection policies. A record is also placed on the member of staff's confidential file and a copy provided to the person concerned:

- The allegation or suspicion
- The enquiries undertaken
- The outcome of those enquiries
- A clear account of the decisions taken
- The reason for them.

The record will be kept for a period of 50 years, including 20 years after the usual retirement age.