



CHESHIRE ALTERNATIVE PROVISION SCHOOL

Whistle Blowing POLICY

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Cheshire Alternative Provision School operates within legal requirements and regulations and expects all employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of another employee acting inappropriately is obliged and encouraged to report this activity.

The school is committed to the values of accountability, but the determined perpetrator may find a way round systems and procedures. It is therefore necessary for all managers and staff to be aware of what is required in the event of suspicions. This document sets out the procedure for employees who wish to notify any suspicions and also how the school should respond.

Purpose

- ❖ To encourage employees to feel confident in raising serious concerns, to question and act upon their concerns about practice.
- ❖ To provide them with a method of raising concerns and receive feedback on how this is being followed up
- ❖ To ensure employees receive a response to their concerns and they are aware of how to pursue them if they are not satisfied
- ❖ To reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith

This policy applies to all employees and applies equally to those designated as casual, temporary, agency authorised volunteers or work experience, governors and those contractors working for the school or working on school premises, for example agency staff, builders, drivers. The grievance procedure is in place to enable employees to lodge a concern relating to their employment. The Whistle Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- Conduct which is an offence or a breach of law
- Disclosures related to miscarriages of justice
- dangerous procedures or practice risking Health and Safety, including risks to the public as well as other employees
- Damage to the environment
- Dangerous Practices
- The unauthorised use of public funds
- fraud or corruption
- Practice which falls below established standards
- Action which is contrary to the code of conduct for employees, sexual or physical abuse of pupils or others □ Other unethical conduct

Procedure Description

- ❖ The following important principles are contained within this policy:
- ❖ It contains the provisions that are required from the Public Interest Disclosure Act 1998

- ❖ The school is committed to tackling malpractice and employees should know that any matter regarding malpractice and other illegal acts will be dealt with seriously
- ❖ A trade union or employee representative or other representative of their choice may accompany any employee involving this procedure
- ❖ If a matter results in any disciplinary action, the Disciplinary Procedure will apply

The Whistle Blowing Policy encourages and enables employees to voice their concerns without fear of victimisation, subsequent discrimination or disadvantage. The school will not tolerate any harassment or victimisation and will take appropriate action to protect employees when a concern is raised in good faith.

Maintaining Good Practice

Expected standards of conduct and practice derive from a variety of sources including:

- Job descriptions
- Policies, Procedures and Guidelines
- Professional standards
- Legal requirements and guidelines
- Inspection standards and reports
- Code of Conduct

The above list is not exhaustive, but indicates the framework within which the School deliver its services. Employees should ensure that they are aware of the standards expected of them. If they are in any doubt they should discuss this with their Head Teacher. The school recognises that the decision to report a concern can be a difficult one to make. If what employees are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those who are providing a service.

Promoting Good Practice

There are several ways of promoting good practice as follows:

- ❖ We lead by example.
- ❖ We should know what the School's policies and procedures expect of us and inform others who do not
- ❖ We should ask questions. If a colleague does something strange we should question it. There is no need for aggression but by asking why something is done in a certain way and how it will improve the service will ensure standards are maintained and learn from the practice of others.
- ❖ We should keep up to date – CPD is important
- ❖ We need to talk to fellow professionals to learn from best practice
- ❖ Cooperate as fully as possible with any investigation into work practices arising from complaints from a service user and share any knowledge or concerns
- ❖ Know what is happening in the department – read emails, shared network, etc.

Concerns

All concerns will be treated in confidence and every effort will be made not to reveal employees' identities if that is their wish. However, this cannot be guaranteed, if the matter is considered by an external body, outside of the School's control, e.g. legal proceedings.

How to raise a concern

When an employee feels concerned about bad practice he or she will need to identify the issues carefully. An employee must be clear about the standards against which he or she is judging practice:

Is it illegal?

- ❖ Does it contravene professional codes of practice?
 - ❖ Is it against government guidelines?
 - ❖ Is it against the school's guidelines?
 - ❖ Is it about one individual's behaviour or is it about general working practices?
 - ❖ Does it contradict what the employee has been taught?
 - ❖ Has the employee witnessed the incident? If so he or she should write it down
 - ❖ Did anyone else witness the incident at the same time? If so they should write it down.
1. Who an employee should raise concerns with, depends upon on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example, there may be exceptional occasions when they are concerned about poor, or bad care practice by colleagues at work or where they are aware of a colleague acting in a way that is illegal, immoral, or unethical.
 2. As a first step, an employee should normally raise concerns with their Year team lead. However, if their concern is about their team leader they should contact their Head Teacher.
 3. If an employee's concern is about the Head Teacher, he or she should contact the Proprietor.

Once an employee is certain that bad practice exists the following action should be considered:

- Concerns may be raised verbally or in writing. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action
- If the employee wishes he or she may ask for a private confidential meeting with the person to whom he or she wishes to make the complaint
- An employee may take another person with them as a witness or for support
- The employee should take to the meeting – if possible - dated and signed written supporting statements from anyone who can confirm the allegations.
- When making the complaint verbally, the employee should write down any relevant information and date it. Keep copies of all correspondence and relevant information.
- The employee should ask the person to whom he or she is making the complaint what the next steps will be and if anything more is expected of them.
- Ask to be informed of the outcome of the investigation into the complaint.

Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

Employees may ask their trade union or professional association representative to advise them, or be present during any meetings or interviews in connection with the concerns they have raised.

Employees will not be victimised, disciplined or disadvantaged in any way for raising genuine concerns. All employees have legal protection under the Public Interest Disclosure Act 1998. This Act protects employees from victimisation by their employer as a result of raising genuine concerns both inside or outside their organisation. However, this does not apply where allegations are found to be malicious or deliberately false. Such behaviour will be dealt with under the Disciplinary Procedure.

Anonymous Allegations

This policy encourages employees to put their name to any allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the School. In exercising its discretion the factors to be taken into account would include:



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

How the school will Respond

The individual manager hearing the concern is encouraged to take advice from Human Resources at the LA. Where appropriate, the matters raised may:

- Be investigated by management, internal audit, or in conjunction with Human Resources through the disciplinary procedure
- Be referred to the police / LEA
- Be referred to the external auditor
- Form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and if so what form it should take. The overriding principle the school will have in mind is the public interest. Concerns or allegations, which fall within the scope of specific procedures (for example, 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 investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the manager hearing the concern will write to the employee, and:

- Acknowledge the concern has been received
- Indicate how the matter will be dealt with and who will be involved
- Where possible, give an estimate of how long it will take to provide a response
- Tell the employee whether any initial enquiries have been made
- Check whether he or she needs any personal support
- Tell the employee whether further investigations will take place and if not why not.

The school accepts that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, we will inform them of the outcome of any investigation, and the action that is to be taken against those whose action caused the concern. Also, if appropriate, what changes are to be made to monitor procedures to ensure that a similar concern is not raised in the future.

Untrue Allegations

If employees make an allegation in good faith, but it is not confirmed by the investigation no action will be taken against them. If however, they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them. In such cases, the Disciplinary Procedure will apply.

How Matters Can be Taken Further

If the employee is not satisfied with the outcome, they may take the matter to the Chair of Governors if they have not already been involved. Within ten days the Chair of Governors will write to the employee to acknowledge the concern has been received and indicate the steps that will be taken. The Chair of Governors may choose to refer



to the appeals governor and disciplinary committee to investigate. The Chair of Governors will then inform the employee of the outcome.

If employees take their concerns outside of the school, this policy does not apply. They should take advice about their rights and responsibilities. Employees should also make sure that as far as possible the matter is raised without personal information relating to other employees being disclosed.

Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.