

Date Valley School

Company number: 06845508 Registered Charity number: 1136298
Mitcham Court, Cricket Green, Mitcham, Surrey, CR4 4LB
Telephone: 0208 648 4647· Tel: 07980299717 Email: managingdirector@dvst.org.uk



Whistleblowing Policy

Date Valley School is committed to conducting practices 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.

Organisations face the risk of practices going wrong from time to time, or of unknowingly aiding illegal or unethical conduct. A culture of openness is essential to prevent such situations occurring or to address them when they do occur.

The whistleblowing procedure is not a substitute for normal line management processes but an addition to them. In the first instance staff should always consider using normal line management for raising concerns. This procedure is for the purpose of raising concerns about wrongdoing and is not a substitute for existing procedures such as:

- Complaints Procedure
- Dealing with Allegations of Abuse Against Teachers and Staff
- Disciplinary Procedures as stated in employment contract
- Staff Discipline, Conduct and Grievance Procedures

The whistleblowing procedure should only be used where all other internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through these procedures. For example, if a member of staff has a personal grievance, it must be raised through the grievance procedure; it would not be appropriate for it to be raised through the whistleblowing procedure.

The aim of this policy is 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

This policy takes account of the requirement stipulated in Working Together to Safeguard Children (2015): Chapter 2, paragraph 4; which states that organisations should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:

'clear whistleblowing procedures, which reflect the principles in Sir Robert Francis's Freedom to Speak Up review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed'

This policy applies to all individuals working at all levels of the organisation including trustees, headteacher, management team and all members of the staff team; paid, students and volunteers.

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
- Miscarriages of justice
- Danger to health and safety
- Damage to the environment
- Failure to comply with any legal or professional obligation or regulatory requirement
- 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 Whistle-blower is a person who raises a genuine concern in good faith relating to any of the above. Any genuine concerns related to suspected wrongdoing or danger affecting any of the school's practices or activities (a whistleblowing concern) should be reported under this policy.

If a staff member is uncertain whether something is within the scope of this policy they should seek advice from the Headteacher and if the matter is in relation to an alleged wrongdoing by the Headteacher then the staff member should seek the advice of a trustee.

Raising a whistleblowing concern

It is hoped that 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 a way of resolving a concern quickly and effectively.

Where the matter is more serious, or it is felt that the Line Manager has not addressed the concern, or it is preferred not to raise it with them for any reason, one of the following should be contacted:

- The Headteacher
- The Managing Director
- The Chair of the Trust Board

A meeting with the Whistle-blower will be arranged as soon as practicable to discuss their concern. The Line Manager, Headteacher, Managing Director or Chair of the Trust Board (known as the Concern Manager for the purposes of this policy) will record sufficient details to enable the matter to be thoroughly investigated.

As a minimum the name of the staff member, indication of whether the individual wishes his or her identity to remain confidential and the nature of the concern will be recorded.

The Concern Manager will endeavour to keep the staff member's identity confidential in so far as it is possible to do so. Proper investigation may be difficult or impossible if the Concern Manager cannot obtain further information due to maintaining confidentiality. It may be difficult to establish whether concerns are credible and have been made in good faith. In some cases, it will not be possible to maintain confidentiality and the Concern Manager should explain this to the staff member. In such instances the staff member will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

The Concern Manager will take notes and produce a written summary of the concern raised and provide the Whistle-blower with a copy as soon as practicable after the meeting. The Concern Manager will also aim to give the Whistle-blower an indication of how they it proposes to deal with the matter.

Investigation and outcome:

Once a staff member has raised a concern, the Concern Manager will carry out an initial assessment to determine the scope of any investigation. The Concern Manager will inform the Whistle-blower of the assessment outcome.

The staff member raising the concern may be required to attend additional meetings to provide further information. The staff member may bring a colleague to any meetings under this policy, who must respect the confidentiality of the concern raised and any subsequent investigation.

The Concern Manager will aim to keep the staff member informed of the progress of the investigation, its likely timescale and where appropriate the outcome. Sometimes the need for confidentiality and addressing matters sensitively may prevent the Concern Manager from giving specific details of the investigation or any disciplinary action taken as a result. The staff member is required to treat any information about the investigation as strictly confidential.

Whilst the Concern Manager cannot always guarantee the outcome the Whistle-blower is seeking, the Concern Manager will try to deal with the concern fairly and in an appropriate way. If the Whistle-blower 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.

The Concern Manager may make recommendations for change to enable the school to minimise the risk of future wrongdoing.

If the Concern Manager concludes that the Whistle-blower has made false allegations maliciously, in bad faith, with a view to personal gain or by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the school's disciplinary procedures. If the Concern Manager has a suspicion that a staff member comes into this category then s/he will take advice from the Headteacher (or Chair of the Trust Board if the Concern Manager is the Headteacher or the Managing Director) who will help to determine what action should be taken.

There are no rights of appeal against any decisions taken under this procedure. However, the staff member, Headteacher or Managing Director will have the right to refer the case to the Chair of the Trust Board for review.

If the concern is against the Headteacher or the Managing Director it should be taken directly to the Chair of the Trust Board who will decide with the trustees on how the concern should be dealt with.

If the concern is against the Chair of the Trust Board this process cannot be followed. In such circumstances, the concern should be taken to the Children, Schools and Families department at Merton Council for action.

Safeguarding:

If staff members suspect that there is a serious safeguarding issue that they feel that the Headteacher or Managing director is not taking seriously or that they believe there is a serious safeguarding issue involving either of them, they should in the first instance contact the Chair of the Trust Board.

External disclosures:

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

The law recognises that in some circumstances it may be appropriate for staff members to report their concerns to an external body such as a regulator. It is strongly encouraged to seek advice from the Headteacher before reporting a concern to anyone external.

The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline (Appendix 1). 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.

Protection and support for whistle-blowers:

It is understandable that whistle-blowers are sometimes worried about possible repercussions. Date Valley School aims to encourage openness and will support staff members 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 staff member believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied the member of staff should raise it formally using the Staff Discipline, Conduct and Grievance Procedure.

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

All staff members 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 Managing Director or Headteacher in the first instance.

This policy has been read and approved for Date Valley School, by the Managing Director and the Chair of DVST.

Date: March 2018

Appendix 1: Whistleblowing guidance for staff

Don't think what if I'm wrong – think what if I'm right

Reasons for whistleblowing:

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour
- To prevent the problem worsening
- To protect or reduce risks to others
- To prevent becoming implicated yourself

What stops people from whistleblowing:

- Starting a chain of events which spirals
- Disrupting work commitments or increasing workload
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken
- Try to pinpoint exactly what practice is concerning you and why
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern
- Make sure you get a satisfactory response – don't let matters rest
- In the first instance approach your Line Manager
- In the event the concern has not been dealt with satisfactorily or you do not want to speak with your Line Manager, approach either the Headteacher, Managing Director or Chair of the Trust Board
- If your concern is about the Headteacher or Managing Director please approach the Chair of the Trust Board
- If your concern is about the Chair of the Trust Board contact:
Children, Schools and Families, London Borough of Merton, Civic Centre, London Road, Morden
SM4 5DX, Tel: 020 8274 4901

What happens next:

- You should be given information on the nature and progress of any enquiries
- Date Valley School as your employer has a responsibility to protect you from harassment or victimisation
- No action will be taken against you if the concern proves to be unfounded and was raised in good faith
- Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken

Self-reporting:

There may be occasions where a member of staff has a personal difficulty, or perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff members have a responsibility to discuss such a situation with their Line Manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support:

Public Concern at Work – A Whistleblowing Charity:

www.pcaw.org.uk

Tel: 020 7404 6609

Whistleblowing: www.gov.uk/whistleblowing