



# Whistleblowing policy

See also [What we do & how we do it](#), [Safeguarding policy](#)

Our vision is to provide pupils with the confidence, skills and ambition to achieve a successful and productive life. We aim to ensure they leave us with the opportunities and are able to become positive members of their communities. To do this, we have 3 principles that underpin our policies, practices and everything we do:

- Everyone can learn, achieve and has the potential to be successful
- Positive relationships are key to success and are underpinned by mutual trust, respect and caring for one another
  - We have high expectations in everything we do

**W**onderful  
**E**xcellent  
**L**ovely  
**C**lever  
**O**utstanding  
**M**agnificent  
**E**nthusiastic

(Acronym created by White Trees pupils)

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## **Purpose**

The purpose of the following procedure is to provide a framework within which staff can feel confident both in voicing genuine held concerns about practice without fear of reprimand, and in White Trees' (as part of Surecare) commitment to investigating and taking firm management action where malpractice may be substantiated.

The procedure applies to all staff including Senior Management, Volunteers, Student Placements, Agency Staff, and Official Visitors or contracted staff providing service to or on behalf of White Trees/Surecare.

## **Definition**

Whistleblowing occurs when an employee or worker provides certain types of information, usually to the employer or a regulator, which has come to their attention through work. A regulator can mean any body, professional or otherwise, which has an interest in the type of work being carried out eg OFSTED.

The whistleblower is not always directly, personally affected by the danger or illegality, although they may be. Whistle blowing is therefore 'making a disclosure in the public interest' and occurs when a worker raises a concern about danger or illegality that affects others. Affecting others can mean members of the public, students or staff they are working with.

## **Introduction**

White Trees (as part of SureCare) is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of White Trees to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation, then this information should be disclosed internally without fear of reprisal. There are arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. White Trees/SureCare has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by White Trees/SureCare, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the 'whistleblowing' procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside White Trees/SureCare.

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## **Scope of Policy**

This policy is designed to enable employees of White Trees to raise concerns internally and at a high level and to disclose information that the individual believes shows malpractice or impropriety. This policy is intended to cover concerns that are in the public interest and may at least initially be investigated

separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud or corruption
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these
- Abuse of young people or others

Within the context of White Trees/SureCare there may be serious concerns about service provision or the conduct of staff towards others [students or staff]. Such concerns will be based on:

- Behaviour that falls below the acceptable standards or practices measured against the requirements of the Independent School Standards 2012
- Behaviour that is against the in-house Company Policy
- Behaviour that reflects gross or improper misconduct

## **Links to other policies**

This procedure does not replace the Complaints Procedure. Similarly the procedure primarily concerns matters which have the 'Welfare of the Child' as its paramount basis.

If you are concerned about an issue relating to your personal position at work, you should use the Grievance Procedure or other appropriate Human Resources Procedure.

**The Child Protection/Safeguarding Policy is not superseded by this policy and where concerns involve child protection the procedures from that policy are immediately invoked.**

## **Safeguards**

### **i. Protection**

This policy is designed to offer protection to those employees of White Trees who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegation could give rise to legal action on the part of the persons complained about.

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## ii. Confidentiality

White Trees/SureCare will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. If a situation arises where we are not able to resolve the concern without disclosing your identity we will discuss with you whether or how to proceed.

We will not tolerate harassment or victimisation of anyone raising a genuine concern and such conduct will result in appropriate Disciplinary Action being taken. However, we recognise that there may be a situation where you wish to raise concern in confidence under this policy.

If you ask us to keep your identity confidential we will not disclose it without your consent unless your concern is a **child protection matter**.

## iii. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of White Trees/SureCare.

In exercising this discretion, the factors to be taken into account will include:

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

## iv. Malicious or Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

## Procedures for Making a Disclosure

### Making the decision

All staff have an important contribution to make to this process and they have a valuable part to play in protecting White Trees/SureCare's position within the community. Staff are often best placed to identify and draw attention to problems at an early stage.

Remember that by speaking up, **it is not your responsibility to prove your concern**. However, you must be prepared to give full background details and the reason why you feel particularly troubled.

White Trees/SureCare recognise that staff may feel reluctant to come forward to raise concerns – to 'blow the whistle' – for a range of reasons. You may feel that:

- You don't know the right way
- It's none of your business
- It's only a 'gut feeling'
- It would be disloyal
- There may be 'recriminations'

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It may seem easier to just look the other way but everyone has a responsibility to be alert to and speak up about any serious concerns they may hold about malpractice on the part of others.

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Head Teacher, unless the complaint is against the Head Teacher or is in any way related to the actions of the Head Teacher. In such cases, the complaint should be passed to the Director for referral.
- In the case of a complaint, which is any way connected with but not against the Head Teacher, the Director will nominate another Manager to act as the alternative investigating officer.
- Complaints against the Directors should be passed to the Head Teacher who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Director. The Director has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

<b>WHO WILL LEAD AN INVESTIGATION IN THE FIRST PLACE?</b>	
<b>Concern about...</b>	<b>Who will investigate?</b>
About any member or members of staff below the senior leadership team	Head Teacher
About a head teacher or member of the senior leadership team	Director of operations and Vice Chair of Governors, Emma Barr
About the proprietor	Local Authority Designated Officer (LADO)

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach OFSTED **0845 6404040** who are trained as an independent point of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible external avenues of complaint open to them.

If there is evidence of criminal activity then the investigating officer should inform the police. White Trees/SureCare will ensure that any internal investigation does not hinder a formal police investigation.

## Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

However, we would normally do the following within **ten working days** of you raising the concern:

- Write to you summarising your concerns
- Tell you

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- who is handling the matter
- how you can contact them
- whether your further assistance may be needed

You will also be told of other support mechanisms, which may be available to you. Subject to legal constraints, you will be informed of the outcome of the investigation.

### Investigating Procedure

The investigating officer (Designated Person) should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of White Trees/SureCare auditors and the Police at this stage and should consult with the Directors.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgment concerning the complaint and validity of the complaint will be made by the investigating officer. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgment. The report will be passed to the Directors as appropriate.
- The Directors will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate SureCare procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the White Trees/SureCare Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Directors.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, White Trees/SureCare recognise the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or OFSTED), or, where justified, elsewhere.

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