

Member of staff responsible : Mark Turner      Date of next review      : October 2018  
Date of policy review      : October 2017      Approved by Governors      : November 2017

## **King's House School Whistleblowing Policy**

### **Purpose of the Policy**

This policy is part of a portfolio of documents providing guidance to staff (including the Senior Management Team, Headmaster, all Governors, teaching and support staff – including temporary staff – and all volunteers) in understanding the role of whistleblowing. These documents may be found in the Policies section of the School's Central Resources Library. The School adheres to the local authority whistleblowing policy and procedures that enable staff to raise concerns.

The primary area of concern relates to children's welfare and safeguarding. In such cases, this document should be read in conjunction with the Safeguarding Children Policy and Procedures, which also lists further sources of advice and guidance. The key principles of which staff should be aware are laid out in statutory guidance: Keeping Children Safe in Education (September 2016, as amended) (KCSIE) Part 1 (Section 28) of the guidance indicates that 'If a child is in immediate danger or is at risk of harm, a referral should be made to children's social care and/or the police immediately. Anyone can make a referral'. See reporting procedure and contact details below for more information.

The framework under which staff may raise concerns is laid out in the Public Interest Disclosure Act (1998) and the Enterprise and Regulatory Reform Act (2013). This policy aims to support staff in appropriately reporting any concerns in these areas. It provides additional information to help staff to understand the role of whistleblowing in the context of poor, inappropriate or unsafe workplace practice and unacceptable conduct and attitudes towards children.

### **When to use the Whistleblowing Policy**

In general, whistleblowing concerns relate to wrongdoing, fraud or misconduct at work. Where the concerns relate to children's welfare and safeguarding (see below), staff should also be aware of and follow the guidance set out in the Safeguarding Children Policy and Procedures (SCPP), Section 11 – Allegations of abuse against staff (including volunteers).

The whistleblowing procedures and this policy may be used by anyone employed by the School in a paid or voluntary capacity who believes they have reason to suspect that one or more person(s) involved with the School might have committed:

- A crime or other unlawful act or miscarriage of justice.
- A breach of a legal obligation.
- A discriminatory act or other substantive breach of the School's Equality of Opportunity Policy.
- A substantive breach of the School's Health and Safety Policy.
- Damage to the environment or property.

- Unauthorised use of school funds or other fraud.
- Conduct likely to damage our reputation or financial wellbeing.
- Unauthorised disclosure of confidential information.
- Any other act constituting possible gross misconduct (see the School’s disciplinary procedure).
- Inappropriate or harmful conduct towards a child (or children), including but not confined to:
  - Bullying, humiliation or any other kind of abuse.
  - Contravening health and safety guidelines in place to protect children.
  - Serious breaches of the School’s relevant Staff Code of Conduct.
  - Professional practice that falls short of normally accepted standards.
  - Compromising pupils’ welfare, but in a way that does not meet the threshold for child protection intervention.

Or that they have concealed or are attempting to conceal any of the above.

The list above is intended to be indicative rather than exhaustive; there may be evidence of other kinds of behaviour not explicitly outlined above which justifies whistleblowing. This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure.

### **Reasons for blowing the whistle**

In terms of children’s welfare and safeguarding, all staff have a responsibility to provide a safe environment in which children can learn. All teachers share responsibility for safeguarding children’s wellbeing and maintaining public trust in the teaching profession as part of their professional duties. Staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the School’s safeguarding regime.

More widely, it is important that wrongdoing, fraud or misconduct are confronted. Apparently minor incidents may escalate with serious consequences. Reporting concerns deters any suggestion of collusion in poor practice and ensures that the School is able to address problems promptly and openly.

Whistleblowing can also support the member of staff who is the subject of the concern. Their conduct may result from inexperience or lack of training that can be addressed by the School or they may be under stress and be relieved when their conduct is questioned. Those who deliberately fail children and show no remorse or desire to improve are unlikely to welcome being exposed, but their conduct has to be confronted for the sake of the child and the welfare of the whole School community.

### **Barriers to whistleblowing**

All staff should be aware that children’s welfare is paramount and that, in cases relating to children’s welfare and safeguarding, other considerations should not apply.

In terms of whistleblowing regarding other issues, individuals may worry that they have insufficient evidence to raise a concern; that they will set in train an unstoppable chain of events; that there will be adverse repercussions for their career; that they may suffer harassment or victimisation; or that their suspicion or concern might be misplaced. These concerns are entirely understandable, but staff should be reassured that whistleblowing procedures and the wider legal framework address these issues.

The Public Interest Disclosure Act 1998, and subsequent amendments, protects employees from reprisals for public interest whistleblowing. Unions, solicitors or the local authority legal services can provide information about the legal position. In particular, a person making a disclosure is protected in law provided they:

- Do so in the public interest;
- Do so to an appropriate person e.g. their line manager, Head of Department, the Head, a governor or a relevant external person such as the Local Authority Designated Officer (LADO);
- Reasonably believe that the information disclosed and any allegation contained in it, are substantially true.

### **Confidentiality and anonymity**

In terms of children’s welfare and safeguarding, the principles of confidentiality are laid out in the SCPP. Child protection issues warrant a high level of confidentiality, not only out of respect for the child and staff involved, but also to ensure that any information released into the public domain does not compromise evidence.

In other whistleblowing cases, all concerns will be treated in confidence to the extent possible, but absolute confidentiality cannot be guaranteed in all eventualities.

Staff may raise concerns anonymously, however, this carries additional risks. It is harder to investigate anonymous concerns; it is easier to get protection under the Public Interest Disclosure Act if the concerns are raised openly and it does not stop others from successfully guessing who raised the concern. Usually, the best way to raise a concern is to do so openly. The School would need to decide whether the gravity and credibility of the concern warrants investigation if the source of the concern, and the key evidence, are not readily available.

The School will fully support staff and do all it can to protect them from any adverse repercussions that may arise from whistleblowing. Allegations that prove to be deliberately fabricated and malicious will be dealt with through staff disciplinary procedures, however, no action will be taken against any member of staff who raises a genuine concern that proves to be unfounded.

### **Reporting procedure**

It may help if you write down, for your own benefit, what you have observed or heard that is causing alarm. One useful way to decide whether your concern should be reported is to consider whether you would want the conduct of this member of staff to continue unchecked if your own child or another young family member was involved. You may raise your concern verbally or in writing, but you should not notify the person about whom you are reporting a concern.

If the concern is in the realm of children’s welfare and safeguarding, staff should follow the procedures laid out in Section 11 of the SCPP, which are quoted below:

‘All allegations against a member of staff or volunteer must be brought immediately to the attention of the Head. If the Head is unavailable, the Chairman of Governors should be told at once’.

'If an allegation is made against the Head, the member of staff must immediately inform the Chairman of the Board of Governors without the Head being informed first. An allegation against any member of the Governing Body must also be reported to the Chairman of the Board of Governors'.

In addition, concerns about the Chairman of the Board of Governors should be raised directly with the LADO.

If at any point there is a risk of immediate or serious harm to a child, a referral should be made to children's social care and/or the police immediately. Anybody can make a referral. If the child's situation does not appear to be improving, the staff member with concerns should press for reconsideration. Concerns should always lead to help for the child at some point.

KCSIE (September 2016) gives the following guidance on staff who would pose a risk of harm if they continue to work in regular contact with children. It should be used where a teacher or member of staff (or volunteer) has:

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed an offence against or related to a child; or
- Behaved toward a child in a way that indicates he or she would pose a risk of harm to children.

Issues relating to wrongdoing, fraud or misconduct may be addressed to the relevant line manager or Head of Department in the first instance. If there are concerns about doing so, or about the process of any investigation once raised, staff should follow the reporting hierarchy; reporting to Head of Nursery or Head of the Junior Department, to the Head and then the Chair of the Governors.

If the staff member cannot tell any member of the school's reporting hierarchy, they should contact a relevant prescribed person or body. A list of prescribed persons can be accessed at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

A staff member should only tell a prescribed person or body if they think the employer:

- Will cover it up.
- Would treat them unfairly if they complained.
- Has already been told and has failed or refused to address the matter appropriately.

Staff members who decide to blow the whistle to a prescribed person rather than within the school, must make sure that they approach the most appropriate person or body for the issue. To assist with this decision, the list of prescribed persons linked above also provides a brief description about the matters that can be reported to each prescribed person or body.

### **Process and outcome**

In cases involving the safety and welfare of children, the Head or Chair of Governors (or Vice Chair) will proceed in accordance with the procedures given in the SCPP.

In cases of fraud, theft or other criminal activity not involving the safety and welfare of children, Action Fraud and/or the police will be informed by the Head or Chair of Governors (or Vice Chair) and, where the police judge that the incident meets the threshold for a criminal investigation, the matter will not be investigated by the School until after any police investigation has been concluded.

All serious incidents, as defined by the Charity Commission, include:

- Suspicions, allegations and incidents of abuse or mistreatment of pupils.
- Fraud, theft, other significant loss or criminal activity and/or a criminal investigation.
- Investigation or sanctions imposed by another regulator or agency (such as HMRC, the Health and Safety Executive, DfE).
- Where a person disqualified from acting as a trustee has been, or is currently, acting as a Governor of the School.
- Where the School (including any individual member of staff, Governor or volunteers) has any known or suspected monetary/finance based links to a proscribed (banned) organisation or to terrorist or other unlawful activity.
- Significant sums of money or other property donated to the School from an unknown or unverified source, will also be reported to the Charity Commission in accordance with its guidance, by the Chair of Governors (or Vice Chair).

In cases of wrongdoing or misconduct which do not meet the criminal or 'serious incident' threshold, the line manager or Head of Department to whom the wrongdoing is reported will normally investigate. The whistleblower will be kept informed of the progress of the inquiry and of the outcome as appropriate.

When whistleblowing directly to the Head or Chair of Governors (or Vice Chair) for the reasons above, it should be noted that a friend, colleague or union representative may accompany a whistleblower to the meeting if desired. Whistleblowers should ensure the Head or Chair of Governors (or Vice Chair) informs them of their proposed action and sets a date for a second meeting.

Timescales will depend on the complexity of the initial inquiry, but the case should not be allowed to stall and initial feedback should be provided within 10 working days. The timescale for subsequent feedback should then be agreed. If there is a need for mediation or dispute resolution, this should be handled carefully and fairly by the appropriate person dealing with the whistleblowing allegation.

The whistleblower should ask for clarification about confidentiality and ensure their wishes regarding the protection of their identity are recorded.

### **Contact details**

At King's House School:

- Mr Mark Turner, Headmaster, is the Designated Safeguarding Lead for Child Protection (DSL) (020 8940 1878).
- The Deputy Head, Mr Martin Shore, is the Deputy Designated Safeguarding Lead (DDSL) (020 8940 1878).
- The Head of the Junior Department, Mr Simon Gower, is the Deputy Designated Safeguarding Lead for the Junior Department (DSL - JD) (020 8940 7015).

- The Head of Nursery, Mrs Jane O'Brien, is the Deputy Designated Safeguarding Lead for EYFS & Before and After School (DSL - Nursery) (020 8948 5655).
- The Safeguarding Governor for the School is Mr Richard Girvan, the Surmaster at St Paul's School.
- The Chairman of Governors is Mr Graham Corbishley (contactable through the school office).
- The Vice Chair of the Governors is Mrs Jane Shalders (contactable through the school office).

### **Other Contact details**

Richmond Local Safeguarding Children Board (LSCB) is responsible for co-ordinating the response on behalf of Richmond Local Authority to allegations of a safeguarding nature made against a member of school staff. Its contact details are:

Richmond LSCB  
1st Floor  
44 York Street  
Twickenham  
TW1 3BZ

**Tel:** 020 8831 6323

**Email:** [lscb-support@achievingforchildren.org.uk](mailto:lscb-support@achievingforchildren.org.uk)

Further information is available at: <http://kingstonandrichmondscb.org.uk/>

If you are concerned about a child please contact: [Richmond Single Point of Access \(SPA\)](#) on 020 8547 5008 (outside of office hours, please ring 020 8770 5000).

The Local Authority Designated Officer (LADO) has the responsibility to help safeguard children and is contactable via the LSCB/SPA.

The NSPCC runs a whistleblowing helpline for employees in England to raise concerns about child protection failures. The phone number is an alternative avenue for staff who don't feel able to raise any such concerns with the Head. The helpline number (0800 028 0285) is displayed in appropriate staff areas. Any concerns raised via the helpline will be passed on to relevant authorities to investigate.

Charity Commission - Guidance is available online at <http://www.charitycommission.gov.uk/how-to-complain/complain-about-a-charity/guidance-for-employees/>

General inquiries can be made via: <http://forms.charitycommission.gov.uk/enquiry-intro/>

Charity Commission Whistleblowing Tel. 03000 669 197

### **Further advice**

In cases of children's welfare and safeguarding consult the SCPP.

In terms of other whistleblowing issues, advice may be available from the governing body or local authority. The government provides advice on whistleblowing at <https://www.gov.uk/whistleblowing>.

Alternatively, advice may be available from unions or professional associations, a solicitor, the police, children’s social care or Public Concern at Work (PCaW), a registered charity that offers free and confidential legal advice on workplace malpractice.

PCaW maintains a useful page of FAQs on whistle-blowing at: <http://www.pcaw.org.uk/individual-advice/faqs>.

Their full contact details are below:

Public Concern at Work  
 CAN Mezzanine  
 7 - 14 Great Dover Street  
 London SE1 4YR  
 020 7404 6609  
[whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)  
<http://www.pcaw.org.uk/>

**Schedule of Policy Updates**

Date	Change	
<b>12/2014 Updated by Head</b>		
12/2014	Policy reviewed and re-written by the Head and then reviewed by Mar 2015 FGB.	
<b>05/2015 Updated by Head</b>		
05/2015	KCSIE updated to 2015 and update reference to Section 18 (prev 17)	
	Inserted section from KCSIE (Section 107) about where a staff member may need to be reported	
	Sentence on mediation and dispute resolution inserted in line with ISI para 91	
	Amendments suggested by Safeguarding Governor at review to various parts – P2 reference to Safeguarding, P4 section on proscribed persons or body, P6 LADO details and reference to Charity Commission	
04/16	Whistleblowing helpline information added.	
<b>11/2016 Updated by Head</b>		
11/2016	KCSIE 2016 Part 1 S.28 wording replaces previous wording.	
	Amendments made to reflect change in names of school’s policies.	
	S11 SCPP wording replaces S12 wording from previous policy.	
<b>10/2017 Updated by Barlow Robbins LLP</b>		

10/2017	Updating legal definitions of whistleblowing and broadening categories of conduct that should be reported	
	Updating contact details for external contacts	
	General minor amends	