

Whistleblowing Policy

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Policy Statement

South Devon Steiner School (SDSS) aims to provide a caring, positive and safe working environment for its employees and volunteers. We are committed to maintaining a culture of openness, accountability and integrity. We seek to ensure that employees and volunteers feel secure in raising concerns about any activity which may harm individuals or undermine the status of the school. The school has used the Devon County Council Whistleblowing policy for guidance on appropriate procedure. This policy gives clear guidance to those who may need to raise concerns.

Introduction:

1.1 The *Public Interest Disclosure Act 1998* was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of the SDSS. It is essentially a concerns and complaints process for staff, volunteers and contractors.

1.3 As a person working for the SDSS you may be the first to realise that there could be something seriously wrong within the school. However, you may feel that speaking up would be disloyal to your colleagues. You may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.4 We are committed to the highest possible standards of openness, integrity and accountability. We expect employees, and others that we deal with, who have serious concerns about any aspect of our work to come forward and voice those concerns. This policy ensures that concerns will be raised in confidence without fear of victimisation, subsequent discrimination or disadvantage. We encourage that any serious concerns are raised in the first instance within the School rather than

overlooking a problem or 'blowing the whistle' outside, and we would rather the matter is raised when it is just a concern rather than waiting for proof.

The Policy and Procedure applies to all employees, volunteers, and those contractors working for us, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with SDSS.

1.5 We recognise employees may wish to seek advice and be represented by their trade union representative when raising a concern under the Policy, and acknowledges and endorses the role trade union representatives play in this area. Trade union representatives acting in accordance with the Policy and Procedure will not suffer detriment in their employment with us.

2.0 Aims and Scope of the Policy

2.1 This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon them;
- Provide avenues for you to raise those concerns and receive feedback on any action taken;
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised any concern in good faith.

There are existing procedures in place to enable employees to lodge grievances (see SDSS Concerns and Complaints Policy: available on our website or from the office). The Whistleblowing Policy is intended to cover concerns that fall outside the scope of other procedures. This policy therefore includes your concerns about:

- unlawful or a criminal offence
- a breach of a legal obligation
- a miscarriage of justice
- mistreatment or abuse of a member of staff or a member of the public on the school grounds
- disregard of legislation regarding health and safety at work
- disregard of legislation regarding safeguarding
- seeking undue favour over a contractual matter or a job application
- improper conduct (see Staff Code of Conduct Policy)
- unauthorised use of school funds
- behaviour that has led to or could lead to damage to the school environment

- deliberate cover-up of information regarding any of the above.

The policy applies to service provision, the conduct of Staff, volunteers, contractors and all others acting on behalf of the SDSS.

2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the school. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other school policies e.g Concerns and Complaints Policy, Staff Code of Conduct Policy and Safeguarding and Child Protection Policy (all available on our website or form the school office).

3.0 Safeguards

3.1 Harassment or Victimisation

The SDSS recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council of Trustees will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

3.2 Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect you.

3.3 Confidentiality

All concerns will be treated in confidence and the Council of Trustees will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

3.4 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Council of Trustees against the following criteria:

- The seriousness of the issues raised;
- The likelihood of confirming the allegation from attributable sources;
- The school's best interests;
- The protection of the school's assets.

3.5 You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for you to be provided with feedback. For this

reason, where you wish to raise your concern anonymously, this may best be done through your trade union.

3.6 Untrue Allegations

If you make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

4.0 HOW TO RAISE A CONCERN

4.1 As a first step, you should normally raise concerns with your line manager. For teachers this will be your department chair, for admin and maintenance/facilities staff it will be the school business manager. For SMT members concerns need to be raised with the Chair of Council. However, if for some reason this first step is inappropriate then the concern should be raised with another trustee.

The Council of Trustees will then liaise to ensure that the concern is properly investigated and that any such investigation is properly monitored.

Alternatively, if your complaint is that something seriously wrong is occurring at a senior level within the Council/Trustees you may prefer to approach the Charity Commission, Devon County Council or the DfE.

4.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. It is preferable for you to record this in writing yourself. However, where the person to whom you voice your concerns writes these down a copy will be sent to your home address or via your representative (paragraph 4.5) to give you an opportunity to agree this as a correct record.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.5 You may of course wish to seek advice from your Trade Union representative on how best to raise your concern. Where you wish to raise your concern anonymously this may be done through your trade union.

5.0 HOW THE TRUSTEES WILL RESPOND

5.1 The action taken by the Trustees will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues) or referred to Devon County Council or to the Police or other appropriate agencies to be examined at arm's length. Thereafter it may form the subject of an independent inquiry.

5.2 If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

5.3 Some concerns may be resolved by action agreed with you without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.

5.4 In any event within ten working days of a concern being received, the Council of Trustees will write to you at your home address:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.
- naming an independent person to support you during any investigation

5.5 This named support person will make contact with you immediately, explain his/her role, deal with all confidentiality issues, agree frequency of contact and keep you informed about the progress of the investigation. You should raise with this support person any concerns you have about the conduct of the investigation. They will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually result from your concern and at which you are asked to give evidence.

5.6 If you wish to retain your anonymity you will need to nominate a representative to whom correspondence may be directed in order to keep you informed.

5.7 The amount of contact between investigating persons and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

5.8 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative or a friend (who need not be associated with the School).

5.9 The Trustees accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

6.0 DETRIMENT

The Council of trustees are committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

7.0 HOW THE MATTER CAN BE TAKEN FURTHER

7.1 This policy is intended to provide you with a way to raise concerns within the School. The Trustees hope you will be satisfied by their response. If you are not you may wish to raise the matter with the Charities Commission, Devon County Council or the DfE.

7.2 If you feel it is right to take the matter outside the SDSS, the following are also possible contact points:

- Steiner Waldorf Schools Fellowship (SWSF)
- relevant professional bodies or regulatory organisations
- your Trades Union [Unison provides a hotline for whistle blowers on 0800 5979750]
- your solicitor or legal adviser
- the Police
- the Local Government Ombudsman
- the Health and Safety Executive
- 'Public Concern at Work' – a Registered Charity

8.0 THE RESPONSIBLE OFFICERS

The Designated Safeguarding Lead (DSL) and Concerns and Complaints Designated Person have overall responsibility for the maintenance and operation of this policy. Within their duty to ensure that the Council of Trustees acts lawfully they will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not endanger your confidentiality) and report as necessary to the Council of Trustees.

Links to Other Policies

- Safeguarding and Child Protection Policy
- Concerns and Complaints Policy
- Anti-Bullying Policy
- Staff Code of Conduct Policy

Compliance:

- Devon County Council, Democracy in Devon, Constitution part5, A Whistleblowing” Policy: www.new.devon.gov.uk/democracy/guide/constitution-part-5/part-5-a-whistleblowing
- *The Public Interest Disclosure Act 1998*
https://www.legislation.gov.uk/ukpga/1998/23/pdfs/ukpga_19980023_en.pdf