

# Horton Lodge Community Special School

'Working hand in hand to achieve potential'



## Whistleblowing Policy (Safeguarding)

**Approved by:**

**Date:**

**Last reviewed on:** Autumn 2021

**Next review due by:** Autumn 2022

## **Whistle Blowing Policy to Safeguard and Promote the Welfare of Children**

Governing Bodies of Maintained schools have a duty under section 175 of the 2002 Education Act to demonstrate that they have an effective whistle blowing process in place and that their workforce is aware of this process and feel confident to voice concerns about actions or attitudes of colleagues.

### **Whistleblowing**

The Governing Body is committed to the highest standards of openness, probity and accountability; and to safeguarding the public resources for which it is responsible. We expect all its staff and representatives to always operate honestly and with integrity. Fraud and corruption, misconduct, waste or wrongdoing will not be tolerated.

Horton Lodge actively encourages its staff and other stakeholders to offer constructive advice and criticism and to speak up, or “blow the whistle” if they genuinely think something is wrong. The policy and procedure apply to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.

### **What is Whistleblowing?**

Whistleblowing is when a worker reports suspected wrongdoing at work. For example:

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above

A colleague can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn't obeying the law (like not having the right insurance)
- covering up wrongdoing

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistle-blower and is protected under this policy.

Whistle-blowers are legally protected under the provisions of the Public Interests Disclosure Act (PIDA) 1996 from any harassment or victimisation arising from reports of:

- Financial malpractice, impropriety or fraud.
- Actual or likely commission of a criminal offence
- Failure or likely failure to comply with a legal obligation.
- Miscarriage of justice
- Endangerment of the health and safety of an individual
- Any attempt to conceal any of the above.

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Provided that:

- All other avenues to alert the Headteacher of the issue have been explored,
- The disclosure is made in good faith.
- There is reasonable belief on the part of the person making the disclosure that there has been malpractice,

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but may be considered at the discretion of the Headteacher. The Headteacher will endeavour to treat every disclosure in confidence, and only reveal the identity of the person if necessary (e.g. if required in connection with legal action).

### **Rights of the Whistle-blower**

This policy acknowledges that the decision to report a concern can be a difficult one to make. All colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

Any colleague who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should first raise the matter with Jon Harris Chair of Governors and can be supported by their union representative should they so wish.

Victimisation of a Whistle-blower by any other colleague for raising a concern under this policy will constitute a disciplinary offence.

All concerns will be treated in confidence, however, there may be a need for the whistle blower to give evidence e.g. if they have witnessed a crime or in regard to disciplinary procedures if this is the outcome.

If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Staff Code of Conduct Policy.

This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance procedure or other procedures, as appropriate. An exception to this will be when the matter of concern arises from the colleague's own treatment at work that is arising from the whistleblowing matter, they have raised previously.

### **Making a Whistle-blower complaint**

Staff should normally raise their concerns with the Head Teacher Lucy Bloor (01538 306214). If the Designated Person is the subject of concern the matter should be referred Jon Harris, Chair of Governors or directly to First Response and the Whistle Blowing Policy can be implemented. Under standard procedures, if there are concerns that an adult working with children may have abused a child or be unsuitable to work with children and young

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people, concerns will be passed to the Local Authority Designated Officer (LADO) by the Head Teacher.

For further information about the Staffordshire LADO process (Section 4A), please use the following link: [Staffordshire Managing Allegations/LADO](#)

In certain circumstances, staff may feel they are unable to follow the school's standard procedures e.g. because they feel their position in the school would be in jeopardy, they would be subject to intimidation, or that the person of concern is the designated manager to whom they should report such matters and there is no one senior to refer to. They should then follow the Whistle Blowing Policy by contacting John Harris, Chair of Governors. The Policy may also be used in circumstances when the matter has been raised under appropriate organisation procedures for referring child protection concerns, but the referrer considers that the manager has not taken the concerns seriously or acted appropriately with relation to them. In such circumstances, referrers are encouraged to contact the named responsible person for 'whistle blowing' for the school or a LADO directly for discussion and advice. The LADO contact details are listed at the end of the policy.

When following the Whistle-blowing Policy, concerns may be shared verbally, but should also be recorded in writing (Safeguarding Whistle Blowing report form – Appendix A).

You may wish to contact your trade union for advice, guidance and support.

### **How Horton Lodge School will respond:**

Any concern regarding child protection will be referred to external agencies for investigation (children's services, police, LADO).

If the concern is not of this nature there will be:

- Investigation by management
- Disciplinary process if appropriate
- Consideration of policies, processes and procedures if such issues arise from the investigation.

Within 10 working days of a concern being raised the referrer will receive a written response from the responsible person which will:

- Acknowledge that the concern has been received;
- Supply information on relevant support mechanisms
- Advise whether further investigations will take place; or
- Advise that no further action has taken place and why.

### **Who to contact**

Lucy Bloor (Headteacher) – 01538 306214

John Harris (Chair of Governors) – contact details are on the safeguarding board or can be obtained via the school office

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If it is felt that it would be unsafe for any reason to share concerns with the named person from your organisation the following are appropriate contacts with whom to discuss your concerns:

### **Staffordshire County Council Contacts**

Some allegations are so serious as to require immediate referral to the police and/or children's social care via the Multi Agency Safeguarding Hub (**MASH**).

#### **First Response in the MASH\* – 0800 1313126**

In other cases, 'Working Together to Safeguard Children' (2018) states that the Local Authority Designated Officer (LADO) must be informed within one working day of the allegation/concern being raised. (paras. 55/56).

Contact details for Staffordshire Police, Children's Social Care First Response Team, and duty LADO are:

#### **First Response Team and Duty Local Authority Designated Officer (LADO) (located within the MASH):0800 1313 126**

#### **Staffordshire Police via the MASH or 101**

staffordshire.lado@staffordshire.gov.uk.

The Emergency Duty Service (located within the MASH): 01785 354030

### Other support

Recognised trade unions or professional associations can provide support and assistance or independent, external advice this can be obtained from the charity Public Concern at Work 020 7404 6609, or by email at [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk). For further information please see their website at [www.pcaw.co.uk](http://www.pcaw.co.uk).

Regulatory bodies such as Ofsted will also give advice. Ofsted's whistle blowing hotline is: 0300 123 3155.

The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285.

<b>Senior Leadership Team:</b>	Geraldine Fallows	<b>Date:</b>	
<b>Chair of Governors' Management Committee:</b>	Jon Harris	<b>Date:</b>	
<b>Chair of Governors:</b>	Jon Harris	<b>Date:</b>	

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**Appendix A**

**Whistle Blowing Report Form**

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Location/department:**  
\_\_\_\_\_

**Please give a brief outline of your concern? (Please give relevant names, dates, locations etc)**

**Were there any other witnesses? If so, please give their full contact details.**

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**Did you take any action at the time? – if so, please outline what action you took**

**if you did not take action at the time, please give details as to why you took no action**

**Signed: .....**

**Date.....**

**Designation.....**