

# LONDON STEINER SCHOOL

## Whistleblowing Policy

This Policy Relates to Paragraph 7 of the Independent School Standards. It is part of the Safeguarding Policy and Procedures.

### Purpose of The Policy

This whistle blowing policy and procedures are in place to enable staff to raise concerns relating to:

- Crime
- Abuse
- A miscarriage of justice
- Illegality
- Health and safety
- Environmental or property damage
- Unauthorised use of funds
- Concealing or attempting to cover up any of the above

This code provides additional information to help staff to understand the role of whistle blowing in the context of poor practice and unacceptable conduct and attitudes towards children.

### When to Use the Procedures

The whistle blowing procedures may be used by anyone employed by the school in a paid or voluntary capacity who believes they have reason to suspect that the conduct of an employee is inappropriate. Inappropriate conduct includes, but is not confined to:

- Bullying or Humiliation
- Child Sexual Abuse
- Other forms of Abuse
- Contravening Health and Safety Guidelines
- Serious breaches of the school's code of ethical practice
- 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

### Reasons for Blowing the Whistle

- Staff will naturally be reticent to report a concern about the conduct of a colleague. However, each individual must take responsibility for ensuring that children are fairly treated. If poor practice is allowed to continue unchecked, it could escalate with serious consequences

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- Your action not only protects children, but also deters any suggestion that you have colluded with poor practice that you knew was occurring but chose to ignore
- Whistle blowing 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
- Staff who deliberately fail children and show no remorse or desire to improve are unlikely to welcome being exposed, but their conduct must be confronted for the sake of the child and the reputation of the whole school.

## Barriers to Whistle Blowing

You may worry that you have insufficient evidence to raise a concern that you will set in train an unstoppable chain of events, that there will be adverse repercussions for your career, that you may suffer harassment or victimisation, or that your suspicion or concern might be totally misplaced.

These concerns are entirely understandable, but you can be reassured that whistle blowing procedures addresses these issues.

To gain protection under this Procedure, the employee must reasonably believe that the disclosure is made in the public interest. Employees are not otherwise required to 'prove' the truth of any allegation. Whistleblowers will, however, need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.

A confidentiality clause or 'gagging clause' in a settlement agreement is not valid if you're a whistleblower.

The Public Interest Disclosure Act 1998 protects employees from reprisals for public interest whistle blowing. Your union, a solicitor or the organisation '[ACAS](#)' can provide you with information about your legal position

## Confidentiality and Anonymity

- All concerns are treated in confidence and, as far as possible, your identity will not be revealed if that is your wish. However, absolute confidentiality cannot be guaranteed if, as a result of an investigation, you are required to provide a witness statement or attend a court hearing
- You can, if you prefer, raise your concern anonymously. The school would need to decide whether the levity and credibility of the concern warrants investigation if the source of the concern and the key evidence is not readily available
- The school will fully support you and do all it can to protect you from any harassment or adverse repercussions that may arise from whistleblowing
- To gain protection under this procedure, you must reasonably believe that the disclosure is made in the public interest. Employees are not otherwise required to 'prove' the truth of any allegation Whistleblowers will, however, need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place
- 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.
- If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

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## Reporting Procedure

- You should 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. You should report your concern directly to the Designated Safeguarding Lead (DSL) as the Prescribed Person OR if your concern is about an allegation that a member of staff has harmed or may harm a child, the Safeguarding Trustee as the Prescribed Person
- Your employer or the prescribed person will listen to your concern and decide if any action is needed. You may be asked for further information
- You must say straight away if you do not want anyone else to know it was you who raised the concern
- You will not have a say in how your concern is dealt with
- Your employer or the prescribed person can keep you informed about the action they've taken, but they cannot give you much detail if they have to keep the confidence of other people
- A prescribed person cannot help you with your relationship with your employer
- If the DSL is the subject of your concern, speak to the Safeguarding Trustee
- A friend, colleague or union representative may be present for the conversation if you wish
- Ensure the DSL or chair informs you 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 you should receive initial feedback within 10 working days. The timescale for subsequent feedback should then be agreed
- Ask for clarification about confidentiality and ensure you have your wishes regarding the protection of your identity recorded

## Process

- The DSL or Safeguarding Trustee will make enquiries to establish the facts of the matter and whether poor practice or inappropriate conduct has occurred
- Members of the school community, including trustees, may be asked to provide information or advice
- External advice, for example, from legal or human resources or children's services may be sought
- A written record of the conduct, established facts and outcome of the inquiry will be kept
- The whistleblower will be kept informed of the progress of the inquiry

## Outcome

- The outcome of the inquiry will be one of the following:
- No poor practice or wrongdoing is established and the case is closed
- The concern has some substance and the subject of the concern will receive advice and support to improve

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practice

- Poor practice or wrongdoing is established and disciplinary proceedings are initiated
- The concern is more serious and an investigation is initiated. This investigation may involve the local authority, children's social care or the police
- If, at any stage in the process, there is reason to believe that a child is at risk of significant harm, children's social care will be immediately involved.

## Further action

- If you raise a concern and you are dissatisfied with the way it is managed, or the outcome, you may contact the Trustees of the School or the Local Authority for advice
- If you're treated unfairly after whistleblowing
- You can take a case to an [employment tribunal](#) if you've been treated unfairly because you've blown the whistle
- If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing
- You must raise any claim of unfair dismissal within 3 months of your employment ending
- You must notify ACAS if you want to take your case to an employment tribunal
- You can seek advice from your union or professional association, a solicitor, the police, children's social care or 'Protect' - a registered charity that offers free and confidential legal advice on workplace malpractice. Link found here: <https://protect-advice.org.uk/>
- You can also contact the NSPCC for support: 0800 028 0285 / [help@nspcc.org.uk](mailto:help@nspcc.org.uk) / <https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>

## Related Policies and Documents

- [Keeping Children Safe in Education September 2020 - Part 1 -page 16 - no.57](#)
- [Whistleblowing - HM Government](#)
- [Citizens Advice Website](#)
- LSS Safeguarding and Child Protection Policies

## Monitoring, evaluation and review

Reviewed by/date	Helen Fraser - September 2020
Approved by/date	College of Teachers
Approved by/date	Trustees and Management Group
Next review	September 2021