



## **WHISTLEBLOWING POLICY AND PROCEDURE and its profile within the organisation**

### **Introduction**

The word whistleblowing in this policy refers to: *the disclosure internally or externally by workers at every level and of whatever status, of malpractice, as well as illegal acts or omissions at work.*

Taliesin Education Ltd (t+centres) follows a whistleblowing procedure which is based on advice by the DfE who define whistleblowing as a procedure which protects staff members who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties.

Information for employees on 'blowing the whistle', including a definition of whistleblowing is available: <https://www.gov.uk/whistleblowing>.

### **Whistleblowing policy statement**

t+centres is committed to achieving the highest possible standards of practice within the provision when managing behaviour and the highest possible ethical standards in public life and in all of its practices; the Whistleblowing Policy is instrumental in this aim.

To achieve these ends, it encourages freedom of speech and cultivates an environment which is honest, open and child-centred.

### **The profile of the policy within the organisation**

The Whistleblowing Policy holds a central profile within the organisation because it is pivotal in ensuring that malpractice is brought to the attention of the Senior Leadership Team (SLT) so it can be promptly and efficiently dealt with, preventing or limiting any potential danger to individuals. It therefore operates alongside the Safeguarding Policy with the aim of protecting children and young people from harm.

t+centres encourages staff to use internal mechanisms, as detailed in the relevant policies, for reporting any malpractice or illegal acts or omissions by its employees or ex-employees

or leadership, which may involve the reporting of malpractice. We are aware that evidence and information gathered in relation to whistleblowing may be cumulative and the results may not come to light until a considerable time after the event; we therefore pass on and/or retain (if no results have come from this) any information which, standing alone, may not be complete or amount to a prosecution. In the past, this 'piecemeal' practice has often eventually brought malpractice to light in many organisations.

### **Other policies and procedures**

t+centres has a range of policies and procedures, which deal with standards of behaviour at work: staff and volunteers are required to strictly use the provisions of these procedures when appropriate. There may be times when the matter is connected with the welfare of a student/s and needs to be handled in a specific way. Although the list is not exhaustive, examples may be:

- Malpractice or ill treatment of a student by a member of staff, including all forms of bullying;
- Repeated ill treatment of a student, despite a complaint being made;
- A criminal offence has been committed, is being committed or is likely to be committed;
- Failure to pass on information which affects the well-being of a student;
- Failure to follow policies and procedures;
- Disregard for legislation, particularly in relation to health and safety at work or procedures when using Restrictive Physical Intervention (RPI) for students;
- Reporting when the environment has been, or is likely to be, damaged;
- A breach of a code of conduct;
- Information on any of the above which has been, is being, or is likely to be concealed;
- Colluding with the grievances of others rather than passing these on to Senior Leadership for discussion.

### **Honouring rights of whistleblowers**

t+centres will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Rules and Procedures.

### **Designated managers/officers**

The following people have been nominated and agreed by t+centres as designated officers for concerns relating to whistleblowing under this procedure:

- Carlee Ridpath, Designated Safeguarding Lead;
- Barry Coppins, Deputy Designated Safeguarding Lead;

- Marie Riddle, Bursar and SLT;
- Andrew Marshall SLT (Behaviour).

Should the concerns be in relation to the Principal, staff will contact the Chair of Governors or, where relevant, personnel within Cornwall County Council or the personnel of the relevant placing authority who have placed the student in question at the school, who will decide on how the investigation should proceed. This may involve an external investigation.

### **Role of designated officer**

Where concerns are not raised with the designated managers (AM and MR), the designated officers (AMo and CR) will be the point of contact for employees who wish to raise concerns under the provisions of this policy. Where concerns are raised with him/her, he/she will arrange an initial interview, which will if requested be confidential, to ascertain the area of concern. At this stage, the whistleblower will be asked whether he/she wishes his/her identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. He/she will also be asked whether or not he/she wishes to make a written or verbal statement. In either case, the designated officer will write a brief summary of the interview, which will be agreed by both parties and kept securely in the office.

### **Role of the most senior person in the organisation**

The designated officer will report to the Principal or Head of Centre, who will be responsible for the commission of any further investigation.

### **The investigation**

The investigation may need to be carried out under terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of students (or employees), suspension from work may have to be considered immediately. Protection of students (or employees) is considered paramount in all cases.

- a) The designated officer will offer to keep the whistleblower informed about the investigation and its outcome.
- b) If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary Rules and Procedures will be used.
- c) Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the designated officer will ensure the employee suffers no reprisals.
- d) Only where false allegations are made maliciously will it be considered appropriate to act against the whistleblower under the terms of the Disciplinary Rules and Procedures.

## **Enquiries**

If the concern raised is very serious or complex, an inquiry may need to be held. On such an occasion, the placing authority may be involved.

## **Role of trade unions**

t+centres recognises that employees may wish to seek advice and be represented by their trade union(s) officers when using the provisions of this policy, and acknowledges and endorses the role trade union officers play in this area and the contribution it can make.

The company agrees to consult with the trade union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry. t+centres recognises that in many cases it will be desirable that a trade union(s) representative will be appointed to the panel of the inquiry.

We also employ an HR and Employment Advice Company who will provide support to staff when required.

## **Following the investigation**

The most senior person in the organisation will brief the designated officer as to the outcome of the investigation. The designated officer will then arrange a meeting with the whistleblower to give feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned). The feedback will be provided within the time limits which will be clearly specified. This will usually be a working week (5 days).

If the whistleblower is not satisfied with the outcome of the investigation, Taliesin Education recognizes the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, Social Services or the utility regulators, or, where relevant, other bodies.)

## **The law**

This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects employees who take action over, or raise concerns about, health and safety at work, particularly as this may impact on students' welfare.

**Related policies:** Safeguarding Policy; Complaints Policy; Restricted Physical Intervention (RPI) Policy; Safer Recruitment.

**History and implementation of this Whistleblowing Policy:**

Accepted by SLT in this format: November 2017

Approved by t+centres Governors: Sept 2020

Last revised: Sept. 2020

To be reviewed: Sept. 2021

SLT, all staff and governors have read, discussed and contributed to this policy.

The Head of Centre will be responsible for ensuring all staff are briefed on the regulations and practice outlined in this policy.