

The Cornwall Independent School

WHISTLEBLOWING POLICY

This policy, which applies to the whole school, including the Early Years Foundation Stage (EYFS), is publicly available on the school website and upon request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.

Scope: All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours, including activities away from school.

Legal Status: Complies with The Education (Independent School Standards) (England) Regulations currently in force.

The key piece of whistleblowing legislation is the Public Interest Disclosure Act 1998 (amended 2018) (PIDA) which applies to almost all workers and staff who ordinarily work in Great Britain. The situations covered include criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage. Staff and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed.

For a disclosure to be protected it must be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.

Monitoring and Review: These arrangements are subject to continuous monitoring, refinement, and audit by the Headteacher, who will undertake a full annual review, inclusive of its implementation and the efficiency with which the related duties have been implemented. This review will be formally documented in writing. Any deficiencies or weaknesses recognised in arrangements or procedures will be remedied immediately and without delay. All staff will be informed of the updated/reviewed arrangements, and it will be made available to them in writing or electronically.

Signed:

Reviewed: November 2024

Next Review: September 2025

Miss L. Adams
Headteacher

Mr Stephen Beck
Chair of the Advisory Board

Mr. Bill Brown
Education and Compliance Adviser

Related Documents:

- Safeguarding (Child Protection) Policy and keeping Children Safe in Education (KCSIE) (DfE: currently in force)
- Health and Safety Policy
- Safer Recruitment, Selection and Disclosures Policy and Procedures
- Staff Behaviour policy (Staff Code of Conduct)
- Anti-bullying Policy
- Behaviour, Discipline, and Sanctions Policy
- Employment Policies
- Single Equality Policy and Implications

The Cornwall Independent School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is our aim that all students fulfil their potential.

Statement: The Cornwall Independent School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, staff and others with serious concerns about malpractice or wrongdoing in the school's work are encouraged to come forward and voice those concerns without fear of victimisation. Whatever the source the Headteacher and Advisory Board are committed to listening to the concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.

We explicitly require staff to report to the Headteacher or the Chair of the Advisory Board any concern or allegation about school practices or the behaviour of colleagues which are likely to put pupils at risk of abuse or other serious harm.

The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term "whistleblowing" to mean the confidential raising of problems or concerns within an organisation by a member of staff. This is not "leaking" information but refers to matters of impropriety e.g. a breach of law, school procedures or ethics. Nor is whistleblowing the raising of a grievance within the school (which would be dealt with under the staff grievance procedures).

Visitors and external agencies who visit the School are encouraged to raise any concerns they have about the way in which the School operates through communication with the Headteacher copied to the Chair of the Advisory Board or directly with the Chair of the Advisory Board if it involves the Headteacher. Staff are often the first to realise that there may be something seriously wrong with an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation.

This is particularly important in the case of a school and staff training has included the lessons learnt from a Serious Case Review in another local authority where a failure in Whistle Blowing led to repeated significant harm to children over an extended period. Staff reluctance to whistle blow was a factor combined with a failure to insist that Senior Leaders take action and provide feedback. They may also fear harassment or victimisation. Staff must be able to raise their concerns within the school by applying the approach described in this document, rather than overlooking a problem or blowing the whistle outside the organisation.

The school provides immunity from retribution or disciplinary action against such staff for "Whistleblowing" in good faith. At all levels, including newly appointed and ancillary, staff have been given briefing or training on responding to suspicions or allegations of abuse and know what action they should take in response to such suspicions or allegations.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial, or business decisions taken by the School nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the school.

Purpose: The purpose of this policy is to:

- encourage a member of staff to feel confident in raising serious concerns and to question and act upon concerns and practice.
- provide an avenue for a member of staff to raise those concerns and receive feedback on any action taken.
- ensure that a member of staff would receive a response to their concerns and that the member of staff is aware of how to take the matter further if they are not satisfied with our response.
- reassure the member of staff that they will be protected from reprisals or victimisation for any disclosure that have been made in good faith.
- the policy is intended to cover any serious concerns that a member of staff has about any aspect of service provision or the conduct of a member of staff or others acting on behalf of the school or major concerns that fall out of the scope of other procedures.

The Proprietor, the Advisory Board, staff and volunteers along with contractors have a responsibility to carry out their duties to the highest standards of openness, probity and accountability and to come forward when they have serious concerns about malpractice or wrongdoing in the work of the School.

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Aims:

- Provide avenues for staff to raise concerns and receive feedback on any action taken.
- Allow staff to take the matter further if they are dissatisfied with the School's response.
- Reassure staff that they will be protected from reprisals of victimisation for whistleblowing in good faith.
- There are existing procedures in place (e.g. grievance, harassment and bullying) which make provision for staff to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope. Staff with serious concerns about malpractice or wrongdoing should contact the Proprietors.

Scope of Policy: This policy is designed to enable all staff at the School to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these.

How to raise a concern – general: Staff are encouraged to set out in writing the background and history of the concern, giving names, dates and places where possible and the reason why they are particularly concerned about the situation. If staff do not feel able to put their concern in writing the matter can be raised by telephone or by way of a meeting with the appropriate person. In any event, staff should try to make an immediate note of relevant details, e.g. what was said in a telephone or other conversation.

Staff are encouraged to express their concerns at the earliest opportunity. The earlier a concern is raised, the easier it is normally to take action. When raising concerns staff must declare any personal interest they have in the matter. Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for a concern. However, they should not attempt to investigate a concern or accuse individuals directly. Staff may invite their trade union or professional association to raise the matter on their behalf.

How to raise a concern - main steps

- As a first step a member of staff should normally raise concerns with the Headteacher (DSL) or DDSL Mrs Clare Hawkins if the Headteacher is not present. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.
- In some circumstances, confidential informal advice from the staff's trade union or professional association may help a member of staff who is unsure of how best to pursue a concern about malpractice.

How the school will respond: The Headteacher who is also the Designated Safeguarding Lead (DSL) will carry out a preliminary investigation on a sensitive and confidential basis. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school's external auditors, legal or personnel advisors, the police or the regulatory bodies. A referral to MARU/LADO or Children's Social Care in the case of a Safeguarding (Child Protection) issue, where all of the school's safeguarding procedures will be followed immediately. This takes precedence over any other aspect of Whistle Blowing.

The action taken by the School will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to an external auditor;
- form the subject of an independent enquiry.

Some concerns may be resolved by action agreed between the staff raising the concern and the person to whom it is reported without the need for investigation. The person with whom the concern is raised will write personally to the member of staff in relation to staff who has raised the concern within 10 working days (or a shorter time scale in relation to the Safeguarding Procedures).

- Acknowledging that the concern has been received;
- Indicating how s/he proposes to deal with the matter;
- Giving an estimate of how long it will take to provide a response.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Advisory Board or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third-party referral such as the police. Staff raising a concern will be informed of the final outcome of any investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party.

If the whistle blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Proprietors representative, the Chair of the Advisory Board.

Protection: This policy is designed to offer protection to those staff of the School who disclose such concerns provided the disclosure is made:

- in good faith;
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Confidentiality: The school will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations: This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the School.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

Untrue/Malicious Allegation: If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Monitoring: All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register held securely by the Advisory Board. The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised, in order to monitor any patterns and to assist in monitoring and reviewing the policy.

Guidance on terminology used in this policy:

Harassment: A person is harassed when they are subjected to unwanted physical or verbal conduct which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them

Bullying: A person is bullied when they are subjected to offensive, intimidating, malicious or insulting behaviour which through the abuse or misuse of power makes them feel vulnerable, upset, humiliated or threatened. Such behaviour may include:

- a staff member shouting at, being sarcastic towards, ridiculing or demeaning a pupil or colleague
- making physical or psychological threats
- overbearing supervision

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- making inappropriately derogatory remarks about a pupil or colleague
- persistent unfair assessment of a pupil or colleague's work
- Unfairly excluding pupils from classes, projects or events.

Bullying does not include reasonable and constructive criticism of a pupil or colleague's work or behaviour.

Conclusion: Existing good practice within the school in terms of its systems of internal control and the external regulatory environment in which the College operates, ensures that cases of suspected impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and, if necessary, outside the management structure of the The Cornwall Independent School. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the school's disciplinary procedure, which should cover all of the potential areas of concern.

If the whistle-blower believes that they should whistle blow to an external agency (but not the media), they may do so. There is an independent authority on whistleblowing: the Public Concern at Work. Their website can be found at [Protect](#). The website contains all relevant legislation, policy and publications for those concerned about malpractice. It provides free, professional and personal advice, a campaign to change policy, and provides a consultancy to employers.

Contacts:

The Chair of the Advisory Board
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South Croydon
Surrey
CR2 8DG

NSPCC Whistle Blowing:
Advice Line Tel: 0800 028 0285
Email: nspcc.org.uk/whistleblowing

Cornwall Children's Social Care
Multi-Agency Referral Unit (MARU)
Tel: 0300 1231 116