



WARGRAVE HOUSE

THE AUTISM SPECIALISTS

Whistleblowing Policy

December 2020



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This policy should be read in conjunction with the following policies:	
1	Safeguarding Children Policy
2	Safeguarding Vulnerable Adults Policy
3	Staff Grievance & Disciplinary Policy
4	Complaints Policy
5	Equal Opportunities Policy

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1 Introduction

- 1.1. You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. This policy applies to all workers at the School/College including employees, trainees and agency workers.
- 1.2. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example, the general public.
- 1.3. As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.
- 1.4. You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future. The term 'whistle blower' has become much more widely recognised in recent years mainly because of a number of high profile cases or disasters, which might not have occurred had staff been able to effectively raise concerns about dangerous or illegal practices in their workplace. At Wargrave House Limited, whistle blowing also applies to working with children and young people.
- 1.5. It is, therefore, essential that all employees, governors, trustees and other volunteers are aware of and adhere to the company policy on 'Whistle Blowing'.

2 Purpose

The purpose of this policy is to provide a channel and process for individual employees to raise genuine and legitimate concerns and to protect those who do so from victimisation or other detriment.

3. Aims

The whistle blowing policy is designed to create a spirit of openness throughout Wargrave House Ltd services and to deter serious malpractice. Its aim is to avoid crisis management, public criticism and to promote responsibility, involvement and accountability. In this way it is hoped that parents, placing Authorities and Inspection bodies will be assured that Wargrave House Ltd gives high priority to securing the highest standards of behaviour from and amongst its employees.

4 Roles and Responsibilities

4.1. CEO/Chair of Trustees:

The CEO (or where the complaint is about the CEO, the Chair of

Trustees) is expected to act swiftly and constructively in the investigation of any concerns and will appoint a manager as the designated person to conduct this.

4.2 **Employees**

All employees are expected to bring to the attention of the CEO/Chair of Governors/Chair of Trustees any serious impropriety or breach of procedure.

5 Policy

5.1 Wargrave House Ltd encourages all employees to raise genuine concerns about any malpractice in their individual areas of work.

5.2 Complaints that count as Whistleblowing are:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

5.3 Employees raising concerns will be supported by the Company against any discrimination or victimisation.

5.4 Employees raising concerns will be guaranteed confidentiality if they wish (subject always to paragraph 6.5 below).

5.5 Employees raising concerns will have them investigated by their Line Manager or other suitable person nominated by Wargrave House Ltd.

5.6 Where there is evidence of any criminal activity or child protection issues, the Police and/or the Local Safeguarding Children Board (LSCB) / St Helens Safeguarding Adults Team will be informed immediately (in the case of Child and Vulnerable Adult Protection issues, in accordance with Wargrave House Safeguarding Policies).

5.7 Employees are encouraged to use these procedures and to first raise concerns internally, except:

(i) where Wargrave House Ltd authorises disclosures to an external agency;

or

- (ii) where the employee believes that the evidence would be destroyed, concealed or inadequately dealt with by a person within the Company.

5.8 Employees should not use these procedures for raising grievances concerning their personal employment situation. Such matters should be raised under the Wargrave House Ltd's Grievance Procedure.

5.9 Employees making false and malicious allegations will be subject to Wargrave House Ltd's Disciplinary Procedures.

6. Procedure

6.1 The poster on 'Whistle Blowing' will be displayed on all staff notice boards. (Appendix 1). This will be supplemented with additional display resources from the NSPCC.

6.2 Reference to 'Whistle Blowing' will be included in staff Induction and Training programmes.

6.3 Reference to 'Whistle Blowing' will be included in Staff Job Descriptions.

6.4 The CEO will ensure that all employees are aware that concerns can be raised in a confidential manner, knowing that the Management will investigate those concerns. Employees should also know that their concerns can be raised with:

- HR Co-ordinator
- Their Line Manager
- The Head of Education
- The Chair of Governors
- The Chair of the Board of Trustees (if the concern is about the CEO)

or in extreme cases with:

- A prescribed person or body as outlined in paragraph 7.4.

6.5 The CEO will also ensure that employees are made aware that any information disclosed which is evidence of criminal activity and/or child abuse, will have to be reported to the appropriate Authority.

6.6 Employees raising concerns will be allowed to do so orally rather than to insist that they should be submitted in writing. A full note of the concern(s), including details of the date, time and name of the informant, must be made by the person hearing the concern.

- 6.7 If concerns raised by employees involve criminal activity and/or child abuse, the Police and the appropriate LSCB should be informed (in the case of child abuse, by following the Wargrave House's Safeguarding Policy and Procedures. The CEO will ensure that any internal investigation does not hinder a formal Police or Child/Vulnerable Adult Protection investigation.
- 6.8 Concerns raised by employees will be dealt with as quickly as possible, and in this regard the timescale for dealing with general complaints under Wargrave House Ltd's Complaints Procedure should be adhered to as closely as is practicable.
- 6.9 Employees raising concerns will receive a written acknowledgement from the CEO, Head of Education or Manager who is acting as the designated person investigating the complaint. This designated person will keep the concerned employee informed of the outcome of any investigation and, if such an investigation is prolonged, of the progress being made. All communications from the designated person to the concerned employee will be in writing, marked confidential and sent to the employee's home address.
- 6.10 Employees raising concerns should be made aware that if they are unhappy about the way the designated person is dealing with their concern, they have the right to raise the matter in confidence with the CEO, Head of Education, Chair of Governors or Chair of the Board of Trustees.
- 6.11 Anyone can call the NSPCC whistleblowing advice line if they have a concern about a child and how that concern is being handled. Employees can contact the NSPCC if they believe:
- their own or another employer will cover it up
 - their employer will treat them unfairly for complaining
 - the concern hasn't been sorted out and they have already told them about it.

The advice line provides free help and advice to people who suspect their organisation might be putting children at risk, even if they're not certain that this is the case.

- 6.12 Employees should note that these procedures do not replace or supersede the Grievance Procedure, the Complaints Procedure or the reporting arrangements set out in Safeguarding Policy.
- 6.13 Employees making false and malicious allegations may have disciplinary action taken against them but only subsequent to prior consultation and agreement with legal advice.
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7. Legal Context

7.1 There is no definition in UK Law of what constitutes 'Whistle Blowing'. However, public bodies have increasingly accepted the following definition:

"the disclosure by an employee of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of fellow employees".

7.2 Traditionally an employee disclosing confidential information about his/her work or employer has, by doing so, been in breach of his/her duty of loyalty to the employer, and therefore in breach of his/her contract of employment.

7.3 The Public Interest Disclosure Act 1998 protects from victimisation or other detriment an employee who discloses to (i.e. raises with) his employer or 'another responsible person' a matter which he or she reasonably believes tends to show that there has or is likely to be:

- A criminal offence
- A failure to comply with any legal obligation
- A miscarriage of justice
- A danger to the health and safety of any person
- Damage to the environment
- A deliberate cover up of any of the above.

7.4 To be protected under the Act, an employee must have made the disclosure either to his/her employer or a 'prescribed person or body' or in the course of obtaining legal advice. A list of prescribed people and bodies can be found here:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

An employee may, however, make his/her concerns known more widely if:

- He/she reasonably believes that he/she will be victimised by the employer if the concern is raised or that the evidence will be concealed or destroyed if the employer is told

or

- The employer has already been told.

7.5 The purpose of this policy is to encourage employees to raise concerns with Wargrave House Ltd and to confirm the protection from victimisation or other detriment afforded to those who do so reasonably and in good faith.

8. Reporting

8.1 The outcome of any Whistleblowing case will be reported to the Board of Trustees.

Policy Impact

We have a rolling programme for reviewing our Company policies. We regularly review the impact of our policies on the needs, entitlements and outcomes for students, service users, staff and parents.

References and Further Resources

Department for Business, Energy & Industrial Strategy – *List of people and bodies*. Available at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

(Accessed 22nd October 2020).

NSPCC (2020) *Whistleblowing Advice Line*. Available at:

<https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/> (Accessed 22nd October 2020).

Public Interest Disclosure Act 1998 London. Available at:

<https://www.legislation.gov.uk/ukpga/1998/23/contents>

(Accessed 22nd October 2020).

APPENDIX 1

WARGRAVE HOUSE LIMITED
Whistle Blowing Policy

If you have any concern about any aspect of the school/college, or your work here

DO NOT KEEP IT TO YOURSELF

The best way to deal with a concern is to follow the right procedure

PROBLEM	PROCEDURE
Harm or possibility of harm to a student	Child or Vulnerable Adult Protection Policies and Procedures. Report immediately to the Designated Safeguarding Lead.
A dispute or disagreement with a colleague	Grievance Procedure – try to resolve it by direct approach, but if not possible refer it to the C.E.O. or Head of Education.
A dispute or disagreement about the terms and conditions of your work	Grievance Procedure – try to resolve it by discussion with your line manager and failing that by raising it as a grievance with the C.E.O. or Head of Education.
Sexual, racial or other harassment, or bullying by colleagues	Grievance Procedure – try to resolve it by discussion with your line manager and failing that by raising it as a grievance with the C.E.O. or Head of Education.
Evidence of, or a suspicion of criminal activity	Whistle Blowing Policy – report it to the HR Co-ordinator, your Line Manager, Head of Education, Chair of Governors, Chair of the Board of Trustees or in extreme cases with a prescribed person or body as outlined in paragraph 7.4.

The NSPCC Whistleblowing Advice Line
0800 028 0285
Free & Anonymous

Wargrave House has a strict policy on Whistle Blowing which:

- Encourages staff to raise any genuine concern about any aspect of the school/college or their work in it.
- Supports anyone raising a genuine concern and protects them from victimisation.
- Requires proper investigation of concerns raised.

AT WARGRAVE HOUSE YOU HAVE A VOICE
DON'T BE AFRAID TO USE IT