



SCHOOL POLICIES

Whistleblowing

Mission Statement

Horton Education and Care supports children, young people and adults through their difficulties, fosters their ability to manage their own behaviour, and develops their knowledge, skills and independence, enabling them to live as full and rich a life as possible.

| | | | |
|--------------------------|--|--------------------------------|--------------|
| Policy Title: | Whistle Blowing | Date of Implementation: | January 2013 |
| Policy Reference: | HR Policies Keeping Children Safe in Education 2016 Working Together to Safeguard Children March 2015 Public Interest Disclosure Act 1998 | Date of Next Review: | June 2017 |

The School is committed to promoting and protecting the welfare of young people we teach, and providing them with a high standard of care, practice, staff and education.

The School recognises that in securing the above, it is vitally important that staff follow our policies, guidelines and procedures to ensure whenever poor, dangerous and unprofessional practice arises and that when staff genuinely challenge the former, they feel, and are, supported by Horton House School.

Staff have various options to pursue when they wish to raise any concerns about the treatment and protection of young people, these are through reporting to:

- Their line manager
- The Head
- Executive Manager
- A Director

All staff will:

- Be expected to speak up about any concerns they have, failure to do so could lead to disciplinary action being considered. Be asked about any concerns they have in formal supervision sessions and have copy of all details made

All staff have a clear duty to speak up about any concerns they have about any care, practice and management arrangements concerning the children we educate.

Concerns within the School which might prompt disclosure could include the following:

- The abuse of children and /or vulnerable adults
- Financial malpractice, impropriety or fraud
- Activities which have or have the potential to involve bribery or corruption
- Failure to comply with a legal obligation
- Health and safety risks, either to the public or other employees

- Criminal activity
- Improper conduct or unethical behaviour
- Maladministration (e.g. not adhering to procedures, negligence)
- Failing to safeguard personal and/or sensitive information (data protection)
- Attempts to conceal any of the above

There is no need to have evidence or proof of wrongdoing. Provided there is an honest belief, it does not matter if it is later shown to have been mistaken.

When staff raise any concern(s) through internal routes and these are proving unresponsive and insufficient, then they can contact the following external persons. Staff can contact the following persons regardless of using internal sources; they do not have to wait:

- Ofsted
- The young person's social worker and or other placing agency staff
- ChildLine, NSPCC etc.
- Local Safeguarding Board
- Police

Young people whom we educate have a right to privacy and their welfare and/or treatment should not be discussed with unauthorised third parties.

Horton House School gives a firm commitment to treat any 'whistle blower':

- fairly
- to listen to their concerns
- act upon and provide evidence of this
- prevent any victimisation
- to support staff who speak up.

Under the Public Interest Disclosure Act Workers will be supported by the Company when they have acted in good faith, regardless as to whether any subsequent investigation supports or refutes the complaint.

The purpose of this policy is to encourage staff who have any concerns about breaches of law, codes of practice, ethics bribery or other corrupt practice or any other perceived wrongdoing to make known their concerns to the School promptly and properly. The School is committed to maintaining the highest standards of integrity, honesty and professionalism in the workplace. The policy applies to employees and workers at all levels of Horton Education and Care. This policy reflects legal obligations but does not form part of your contractual terms of employment and may be amended or replaced at any time at Horton Education and Care's discretion. The policy sets out a procedure which it encourages staff to follow if they wish to report any matter. Horton Education and Care understands that staff may not always feel comfortable

discussing their concerns internally but reassures all members of staff that any matter raised will be treated with proper consideration. Staff should be reassured that no person who makes a bona fide report, which is in the public interest, by following this procedure will be subjected to any detriment as a result of doing so. Should any person believe they have suffered any detriment by invoking the procedure they should inform the Executive Manager or the Directors immediately.

The policy and procedure comply with the requirements under the Public Interest Disclosure Act 1998 ("PIDA", incorporated into the Employment Rights Act 1996). Members of staff are particularly encouraged to follow the procedure set out below in order to ensure protection for themselves under PIDA if they have a concern about any wrongdoing at work, which is in the public interest, including the following:

- a criminal offence
- a failure to comply with legal obligations
- a miscarriage of justice
- a health and safety danger
- an environmental risk
- concealment of any of the above

There may be other matters of concern that a member of staff wishes to raise and they can use the procedure for this purpose. Whilst, in limited circumstances, complaints of a personal nature can fall under PIDA, such complaints (for example, about your own terms and conditions) are usually more appropriately dealt with by way of a grievance. If a member of staff is unsure which procedure to use, they should discuss the matter first with "HR" who will guide them.

An individual raising an allegation which falls under PIDA is protected in law against being subjected to a detriment (including protection from bullying or harassment by colleagues) or being dismissed for having made the allegation. Any member of staff found to have engaged in conduct of a bullying or harassing nature, towards a colleague who has made a disclosure under this procedure, will be subject to disciplinary action.

Procedure

The Organisation encourages you to raise any concern in the first instance with your line manager either orally or in writing. If the line manager feels unable to deal with your concern they may refer it to the Executive Manager. If your line manager is the subject of your complaint or you feel unable to discuss it with them for any other reason (perhaps because the matter is

too serious), you should raise the issue with the Executive Manager or the Director. A meeting will be arranged as soon as is reasonably possible to discuss your concern with you. Where appropriate, you may be asked to provide information and evidence substantiating your concern. You are entitled to bring a colleague or union representative to any meeting in connection with this policy. Both you and your colleague must respect the confidentiality of your disclosure and any matter in relation to it under this policy. You will be provided with a copy of any formal note taken of the meeting and you will be advised as to how the organisation intends to proceed. You will also be advised of the likely timescale of any further investigation which may be necessary.

The Organisation understands the desire, in some cases, for anonymity. However, where a person making a disclosure wishes to remain anonymous this is likely to impede any investigation. It is, of course, preferable to disclose a concern anonymously than not to disclose it at all but members of staff are encouraged to disclose matters openly. The Organisation will endeavour to ensure that your identity is kept secret save where it is necessary to disclose this (for example to the regulator). If you have any further worries about this, you may wish to discuss it with Public Concern at Work, an independent whistleblowing charity. You will be advised of the outcome of the meeting and any investigation, although it may be necessary to keep some matters confidential from you (for example, where any disciplinary action has been taken against another member of staff).

In the event that you feel the matter has not been resolved satisfactorily, you may pursue the concern with a Director.

The Organisation recognises there may be matters that cannot be addressed internally and which should be referred to external authorities. Where this becomes necessary the organisation may make such a referral without your express consent. Save in exceptional circumstances you should not disclose your concerns outside the organisation unless you have first provided the organisation with the opportunity to address the problem. Disclosure outside the organisation should be to the appropriate authority. However, the organisation hopes that most concerns raised on an internal basis will be fully resolved.

Audit Trail

| Version | Change | By Whom | Date |
|---------|-----------------|---------------------------|--------------|
| 1.0 | Updated Policy, | Robert Hamilton Parker | January 2013 |
| 1.1 | Updated Policy | Janjer Ltd | June 2015 |
| 1.2 | Updated Policy | Principal Plus(SJH) | August 2016 |
| | | | |
| | | | |