



# Whistleblowing Policy

A handwritten signature in black ink that reads 'Thomas Keaney'.

Thomas Keaney, CEO and Schools' Proprietor

**Date of next formal review, September 2020**

This policy applies to all TCES Group schools and services



Essex Fresh Start  
Independent School



East London  
Independent School



North West London  
Independent School



Create Service  
Personalised Therapeutic Education

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## Guidance for Reader

### Policy Conjunction

It is important to note that this 'Whistleblowing Policy' policy embodies the philosophy and ethos of the TCES Group, and the principles of 'Every Child Matters' DfES (2003) and the legislation set out Working together to Safeguard Children 2015 and vulnerable adults 'DH 'No Secrets' – guidance on developing and implementing multi agency policies and procedures to protect vulnerable adults from abuse. This policy is written in conjunction with the Complaints Policy.

### Policy Legislation

The policy is based on government legislation set out in Whistleblowing for Employees. All suspicious and actual allegations of abuse will be taken seriously and responded to swiftly and appropriately in accordance with government legislation - [Advice on whistleblowing](#) and with TCES and Local Safeguarding Children's Board guidance and procedures.

The [NSPCC whistleblowing helpline](#) is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

### Policy Availability

The Whistleblowing Policy is in hard copy on request.

### *POLICY*

'It is the policy within TCES to ensure that employees who act in good faith and in compliance with the law are protected from interference in or retaliation for reporting improper actions and for co-operating with subsequent investigations or proceedings.'

This follows good practice guidelines and is in keeping with the 'Every Child Matters Agenda' (2003) that every child should be helped to 'Stay safe'.

## 1 Introduction

1.1 The reporting of workplace concerns is commonly known as 'whistleblowing' or 'making a disclosure in the public interest.'

1.2 The Governing Body of the TCES Group takes seriously its responsibilities for good governance, the appropriate and efficient use of public money and resources and is committed to the highest possible standards of openness, integrity and accountability. Where any worker has a concern that might fall within the scope of this document they are encouraged to report the matter to the senior management of the school or the Board of Governors, as appropriate.

The Board of Governors has overall responsibility for the implementation of this policy for the TCES Group

1.3 This policy applies to all workers in the TCES Group. To be a '**worker**' an individual must work for the TCES Group either under a contract of employment, under agreement with a recruitment agency or through a SLA either as an individual or part of an organisation.

- 1.4 This policy is intended to encourage and enable workers to raise serious concerns within the school, by setting out the process to make a disclosure under the Public Interest Disclosure Act 1998.
- 1.5 The school accepts that some staff may prefer to do this in a confidential way to avoid any public disclosure of their identity. This policy makes it clear that workers can raise concerns of illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage.
- 1.6 This policy does not form part of any contract of employment or contract for services and it may be subject to change, withdrawal or replacement at any time.

## 2 Aims and Scope

- 2.1 Workers are encouraged to report any concerns they may have about any aspect of the school, the conduct of its staff, the school's governors, or any other member of staff acting on behalf of the school.
- 2.2 In the first instance, the concerns should be reported to the Headteacher of the school. If the concerns are in relation to the Headteacher, these should be reported to the Schools Proprietor and Board of Governors. Any concerns in relation to members of the school's Board of Governors, should be made to one of the senior management members of the Local Authority (named at Appendix A)
- 2.3 This policy is not intended to deal with
- Complaints relating to a person's own personal circumstances as an employee of the school, such as matters relating to their own terms and conditions, the way they have been treated at work, or about personal differences or conflicts. In these cases, these should be referred to the school's Complaints and Grievance Procedure.
  - Complaints about any third-party organisation or about another member of the public
- 2.4 This policy aims to:
- Encourage employees to feel confident in raising serious concerns of illegal or improper conduct, and to question and act upon concerns about practice.
  - Provide employees with a mechanism to raise those concerns and to be told of any action taken to address concerns.
  - Ensure that employees have received a response to their concerns and that they are aware of how to pursue these if they feel that the internal processes have not been successful.
  - Reassure employees that they will be protected from possible reprisal or victimisation if they have a reasonable belief that they have made any disclosure in good faith.
- 2.5 Employees should report anything that:
- makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the school subscribes to;
  - is against the school's policies and procedures;
  - falls below established standards of practice; or
  - amounts to improper conduct

2.6 If they disclose information which suggests that any member of staff has;

- behaved in a way that has harmed, or may have harmed a child;
- possibly committed a criminal offence against children, or related to a child;
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

2.6.1 The statutory guidance contained in the DfE publication Working Together to Safeguard Children, 2015 and, where relevant, the specific guidance given by the Secretary of State under sections 157 and 175 of the Education Act 2002 namely Safeguarding Children and Safer Recruitment in Education and Dealing with allegations of abuse against teachers and other staff, will be followed because of the specific obligations upon persons reporting concerns regarding the wellbeing of children and young people.

2.6.2 The local arrangements for reporting such concerns can be found on the website of the LSCB at: [www.londonscb.gov.uk](http://www.londonscb.gov.uk) or ECSB at: [dnn.essex.gov.uk/escb/Home.aspx](http://dnn.essex.gov.uk/escb/Home.aspx)  
There is an expectation that concerns that fit one or more of the above criteria are reported within 24 hours. The website referred to above, gives guidance and identifies who is the Senior Manager from each agency who can advise on each step of the process. These procedures are commonly referred to as the 'LADO' (Local Authority Designated Officer) procedures.

## Qualifying Disclosures

2.7.1 The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". This policy is not designed to replace or be used as an alternative to the school's complaints and grievance procedure.

2.7.2 A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that one of the following is being, has been or is likely to be committed:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- unauthorised use of public funds;
- an act of fraud or corruption;
- Sexual or physical abuse of pupils;
- a breach of any other legal obligation; or
- concealment of any of the above;
- Protected Disclosures The school is committed to good practice and high standards and wants to be supportive of workers. Any disclosure of information as detailed above will only be a protected disclosure if it is made in the reasonable belief of the worker that the disclosure is **in the public interest**.

2.8.1 No worker who uses this procedure in the reasonable belief that the disclosure is in the public interest will be penalised for doing so. A worker has the right not to be subjected to a detriment by any act or deliberate omission by another worker employed by the school because he or she has made a protected disclosure.

2.8.2 The school recognises that you may wish to seek advice from, and be accompanied by, your trade union representative when disclosing a concern under this code. It acknowledges and endorses the role that a trade union representative providing advice and/or making a disclosure of information on behalf of one of their members in accordance with this code will not suffer detriment in their employment with the school.

2.8.3 The school will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect workers when they raise a concern that they believe is in the public interest to disclose.

2.8.4 In the absence of any reasonable belief any worker that is found to have made an allegation frivolously, maliciously or for personal gain may be subject to disciplinary procedures.

### **Confidentiality and Anonymous allegations**

2.9.1 A concern reported under this policy will be treated confidentially. Unless the worker agrees, their identity will not be disclosed by the school in dealing with their concern within this policy.

2.9.2 However this policy encourages workers to put their name to allegations whenever possible. Concerns expressed anonymously will be considered at the discretion of the school.

2.9.3 In exercising this discretion the factors to be considered will include:

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

2.9.4 In the event of a concern disclosing alleged criminal activity, the worker may be asked to help the police or other appropriate enforcement agency. In the event of disciplinary action taken by the school the worker may be asked to give evidence under the school's disciplinary procedure.

### **Untrue Allegations**

2.10 If a worker reasonably believes that the claim was made in the public interest, but the claim is not confirmed following investigation, no action will be taken against the worker. However, maliciously making a false allegation is a disciplinary offence. If a claim is made frivolously, maliciously or for personal gain, then disciplinary action may be taken against the worker in the absence of any reasonable belief.

## **3 How to Raise a Concern**

3.1 As a first step, workers should raise concerns with their immediate manager or the Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the worker believes that a member of the Senior Leadership Team (SLT) or the Headteacher are involved, they should approach the Board of Governors. If the complaint is in relation to the Governing Board, then one of the individuals identified at [Appendix A](#) should be contacted in the first instance. **The earlier a concern is expressed, the easier it is to act.**

- 3.2 Workers may also decide that they wish to raise their concerns to prescribed persons or bodies identified by the Government within the Education Sector. All contact information for these prescribed persons or bodies is available at **Appendix B** are taken from the document 'Blowing the Whistle to a prescribed person: List of prescribed persons and bodies, February 2016 (produced by the Department for Business Innovation and Skills).
- 3.3 As the statutory protections for whistleblowers only apply in certain prescribed circumstances, workers are strongly encouraged to seek advice before making an external disclosure. If an external disclosure is made to an external body or agency, there may be a requirement for the worker to demonstrate why they thought the internal school procedure was not appropriate. As an employee of the school, disclosing concerns externally, even in good faith, without first attempting to report internally, may result in disciplinary action being taken against you.
- 3.4 Workers are reminded that they must not disclose personal, sensitive, confidential or otherwise protected information to any person who is not authorised to receive it. As an employee of the school, unauthorised disclosure of such information may result in disciplinary action being taken against you.
- 3.5 If as a consequence of a worker's complaint, information is published, which turns out not to be true and which has the potential to damage another person's interests or reputation, there is a risk that they could be sued for defamation. Where it is clearly in the public interest for information to be brought out into the open immediately (even though it is untested and may ultimately turn out to be untrue or incorrect) a legal defence called "qualified privilege" is available. Concerns reported in good faith under this policy within the school will normally be covered by this defence. However deliberate false statements will not.
- 3.6 If a worker is not a member of a trade union and/or they wish to obtain confidential advice about making a disclosure from an independent source, there is a charity called "Public Concern at Work" that can be contacted on 0207 404 6609 – [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk).
- 3.7 In the case of a concern being raised through SLT, depending on the nature of the concern, the complainant will need to demonstrate to the person contacted that there are reasonable grounds for their concern. Concerns may be raised verbally or, preferably, in writing. Staff who wish to make a written report are invited to use the following format:
- The background and history of the concern (giving relevant dates).
  - The reason why they are particularly concerned about the situation.
  - Why they think this concern is in the public interest to disclose
- 3.8 Workers may wish to consider discussing their concern with a colleague or trade union representative before making a disclosure and may find it easier to raise the matter if there are two (or more) who have had the same experience or concerns. However, they should each make a separate and individual disclosure and should then not discuss the matter further between themselves.
- 3.9 Workers have the right to invite a trade union representative, or a work colleague, to be present during any meetings or interviews about the concerns that they have raised.

## **4 How the school will respond**

- 4.1 Where concerns raised under this policy are referred to the Headteacher/Board of Governors, they will seek appropriate HR / legal advice as required. The reported matter may:
- be investigated by management, Internal Audit, or through the disciplinary process.
  - be referred to the police.
  - be referred to an external auditor
  - form the subject of an independent inquiry
  - be investigated by an independent investigating officer, appointed on behalf of the school.
- 4.2 Where concerns have been raised with any other party, appropriate action will be taken, in order that the concerns are dealt with in the most efficient manner. This may result in the decision to progress the concern(s) through any of the actions identified as part of point 3.6.1 or through another course of action, deemed appropriate. To protect individuals and those accused of illegal or improper conduct, initial enquiries will be made to decide whether an investigation of any kind is appropriate and, if so, what form it should take.
- 4.4 Concerns or allegations, which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.
- 4.5 Some concerns may be resolved by Governing Board action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 4.6 It may be that the person that is dealing with the concern, may wish to meet with the person that has made the disclosure, to clarify certain details. Where any meeting is arranged as part of this procedure, the employee's trade union representative or work colleague may attend the meeting.
- 4.7 Within 10 working days of the date of the disclosure, (excluding periods of school closure) the party dealing with the concern(s), will write to the complainant and where possible will provide the information below where this is available:
- Acknowledging that the concern has been received.
  - Indicating how the matter is to be dealt with.
  - Giving an estimate of how long it will take to provide a final response, telling the complainant whether any initial enquiries have been made.
  - Telling the complainant whether further investigations will take place and if not, why not.
- 4.8 The amount of contact between the persons considering the issues and the complainant will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the school may seek further information from the complainant.
- 4.9 Under the Schools Financial Regulations, in some circumstances, the details of the disclosure may need to be reported to Internal Audit, or to the Local Authority Monitoring Officer.

4.10 Where a concern is disclosed about wrongdoing or harm to children, young people and/or vulnerable persons, the school will refer the matter for investigation by a person with sufficient and appropriate independence, experience and expertise in such matters to be able to adequately investigate the concern raised. Where appropriate it may be necessary to report the matter to the LADO (Local Authority Designated Officer). The school will take steps to minimise any difficulties that complainants may experience because of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings the school will arrange for advice on the process to be given.

4.12 The school accepts that the complainant expects to be assured that the matter has been properly addressed. The relevant party, subject to any legal constraints and Data protection, will inform them of the outcome of any investigation that may take place.

4.13 Please note, complainants will not be given any information regarding possible sanctions against any employee that they have complained about.

## **5 How the matter can be taken further**

5.1 This policy is intended to provide workers with a way within the school to raise concerns. The school hopes staff will be satisfied with any action taken. If they are not, and feel they wish to take the matter outside the school, the following are possible contact points:

- The school's external auditor
- The Audit Commission (confidential reporting for suspected fraud)
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- Prescribed persons or bodies, identified at Appendix B
- The police

## **Appendix A**

Persons who may be contacted for advice on making a confidential complaint

### **CEO & Schools Proprietor (sits on Board of Governors)**

Thomas Keaney 020 8543 7878

### **TCES Group Company Complaints Lead, CP and Safeguarding Lead**

Sonia Ghaznavi 020 8545 9736

### **Finance & Operations Director (sits on Board of Governors)**

Daniel Powell 020 8545 4952

### **Local Authority Designated Officer**

LSCB at: [www.londonscb.gov.uk](http://www.londonscb.gov.uk) or ECSB at: [dnn.essex.gov.uk/escb/Home.aspx](http://dnn.essex.gov.uk/escb/Home.aspx)

## **Appendix B**

Below is a list of the prescribed persons and bodies who you can make a disclosure to. There is also a brief description about the matters you can report to each prescribed person (this is taken from the document 'Blowing the Whistle to a Prescribed Person: List of Prescribed Persons and Bodies, published by the Department for Business Innovation and Skills) Education Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector")

About matters relating to the regulation and inspection of establishment and agencies for children's social care services.

Ofsted Piccadilly  
Gate Store Street  
Manchester  
M1 2WD  
Tel: 0300 123 3155  
Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

### **Office of Qualifications and Examinations Regulation**

About matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Casework Manager  
Ofqual Spring Place  
Coventry Business Park  
Herald Avenue  
Coventry  
CV5 6UB  
Tel: 0300 303 3346  
Email: [Public.Enquiries@ofqual.gov.uk](mailto:Public.Enquiries@ofqual.gov.uk)  
Online reform form: [www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/](http://www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/).

### **Secretary of State for Education**

About matters relating to the following educational institutions in England: Maintained schools; Maintained nursery schools; Independent schools (including academies and free schools); Non-maintained special schools; Pupil referral units; Alternative provision academies; 16-19 Academies (and free schools); Sixth form colleges; Special post-16 institutions.

Ministerial and Public Communications Division Department for Education Piccadilly Gate  
Store Street  
Manchester  
M1 2WD  
Tel: 0370 000 2288  
Online contact form: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

## Appendix C Template Form for Whistleblowing

### **Making a public interest disclosure (whistleblowing)**

*This form is intended for use by any individual working for the school (including contractors, agency workers and volunteers) who wish to raise an issue about alleged wrongdoing.*

*This form should be used to report wrongdoing within the school (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment or are complaining that your contract of employment has been breached).*

*If you are unsure about whether your concerns are best dealt with under the school's whistleblowing policy or grievance policy, please read the above policies for guidance. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult the group Business Director.*

*Once you have submitted this form, the school's whistleblowing policy will be invoked. This may result in an investigation, which will not involve anyone (for example, your line manager) you may have implicated below.*

*In certain circumstances, you can request that your concerns be kept anonymous. Where possible, school will respect a request for anonymity, but cannot guarantee that it will be able to do so.*

*This form should be completed and delivered to your Headteacher in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line*

### **Formal public interest disclosure (whistleblowing)**

**Employee's name:**

**Employee's job title:**

**Employee's department:**

**Date:**

**Disability Equality Scheme** In reviewing this policy we have taken into account consideration of any potential implications of the Disability Equality Scheme.