



Est 1885

# **WHISTLEBLOWING POLICY**

**(including allegations of abuse against staff)**

# WHISTLEBLOWING POLICY

## Introduction

1. The word whistleblowing in this policy refers to the disclosure internally or externally by workers of malpractice, as well as illegal acts or omissions at work.

## Policy statement

2. Newcastle Preparatory School is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. Emphasis is placed on creating a culture that enables issues about safeguarding and promoting the welfare of all to be addressed. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

## Other policies and procedures

3. Newcastle Preparatory School has a range of policies and procedures, which deal with standards of behaviour and conduct at work; they cover Discipline, Grievance, Harassment, Safeguarding, Managing low level concerns and Recruitment and Selection. Employees are encouraged to use the provisions of these procedures when appropriate. However, there may be times when the matter is not about a personal employment position and needs to be handled in a different way.

Examples may be:

- **Malpractice or ill treatment of a child / member of staff by a senior member of staff**
- **Repeated ill treatment of a child / member of staff, despite a complaint being made**
- **A criminal offence has been committed, is being committed or is likely to be committed**
- **Suspected fraud**
- **Disregard for legislation, particularly in relation to health and safety at work**
- **The environment has been, or is likely to be damaged**
- **Breach of standing financial instructions**
- **Showing undue favour over a contractual matter or to a job applicant**
- **A breach of a code of conduct**
- **Information on any of the above has been, is being, or is likely to be concealed**

*This list is not exhaustive.*

Newcastle Preparatory School 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 Procedure.

## Training and Support

4. Staff receive training and support in how to reporting concerns. Initial training is given as part of induction training for new members of staff and follow up training is given as part of the school's safeguarding procedures. Support is given

so that staff feel valued and that a culture of safety and raising concerns is engendered.

### **Role of Trade Unions**

**5.** Newcastle Preparatory School recognises employees may wish to seek advice and be represented by their trade union officers when using the provisions of this policy and acknowledges and endorses the role trade union officers may play in this area.

### **Designated officers**

**6.** The following people have been nominated and agreed by Newcastle Preparatory School as designated officers for concerns under this procedure. They will have direct access to the most senior person in the organisation.

**Peter Fargher, Assistant Head - Pastoral**

**Susan Easton, Bursar**

### **Role of designated officer**

**7.** Where concerns are not raised with the line manager, the designated officer 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.

### **Role of the Headteacher**

**8.** The designated officer will report to the Headteacher, who will be responsible for the commission of any further investigation.

### **Complaints about the Headteacher**

**9.** If exceptionally the concern is about the Headteacher then complaints should be directed upwardly from the designated person to Mrs Susan Blair, Chair of the governing body, who will decide on how the investigation will proceed. This may include an external investigation.

### **The investigation**

**10.** The investigation may need to be carried out under the terms of strict confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be appropriate in cases of suspected fraud.

**10.1** In certain cases, however, such as allegations of ill treatment of children or staff members, suspension from work may have to be considered immediately. Protection of children and staff is paramount in all cases. Children's services will be involved and in the case of an allegation about a staff member involving harm to children, the LADO's advice will be sought in accordance with the procedures set out in the Safeguarding Policy. Appendix A sets out the procedure for dealing with allegations of abuse against staff.

**10.2** The designated officer will offer to keep the whistleblower informed about the investigation and its outcome.

**10.2** If the result of the investigation is that there is a case to be answered by any individual, the Disciplinary Rules and Procedure will be used.

**10.3** Where there is no case to answer, but the employee held a genuine concern and was not acting maliciously, the designated officer should ensure that the employee suffers no reprisals.

**10.4** 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 Procedure.

### **Inquiries**

**11.** If the concern raised is very serious or complex, an inquiry may be held.

**11.1** Newcastle Preparatory School recognises the contribution trade union(s) can make to an inquiry, and 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. The School recognises that in many cases it will be desirable that one or more trade union representatives may be appointed to the panel of the inquiry.

### **Following the investigation**

**12.** The Headteacher 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, but this will not include details of any disciplinary action which will remain confidential to the individual concerned. The feedback will be provided within one week of the outcome decision.

**12.1** If the whistleblower is not satisfied with the outcome of the investigation, the School recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons such as the Health and Safety Executive, the Audit Commission, the utility regulators or, where justified, elsewhere.

### **The Law**

**13.** 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.

Policy reviewed September 2022

### **Allegations of abuse made against staff.**

This section of the Whistleblowing Policy applies to all cases in which it is alleged that a current member of staff, including a supply teacher or volunteer, has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

### **Suspension of the accused until the case is resolved**

Suspension will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted

### **Definitions for outcomes of allegation investigations**

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **False:** there is sufficient evidence to disprove the allegation

- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

### **Procedure for dealing with allegations**

In the event of an allegation that meets the criteria above, the Head Teacher (or Chair of governors where the Head Teacher is the subject of the allegation) – the 'case manager' – will take the following steps:

- Immediately discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate

- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against the member of staff while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a member of staff will be advised to seek legal advice
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child

We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after Early Years children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

If the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the governing body will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

### **Additional considerations for supply staff**

If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with our local authority designated officer to determine a suitable outcome
- The governing board will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, while the school carries out the investigation

- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the local authority designated officer as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

### **Timescales**

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days

### **Specific actions**

#### **Action following a criminal investigation or prosecution**

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

#### **Conclusion of a case where the allegation is substantiated**

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the school's personnel adviser will discuss with the designated officer whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. If they think that the individual has engaged in conduct that has harmed (or is likely to harm) a child, or if they think the person otherwise poses a risk of harm to a child, they must make a referral to the DBS.

If the individual concerned is a member of teaching staff, the case manager and personnel adviser will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

#### **Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

#### **Unsubstantiated or malicious allegations**

If an allegation is shown to be deliberately invented, or malicious, the headteacher, or other appropriate person in the case of an allegation against the headteacher, will consider whether any disciplinary action is appropriate



against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

### **Confidentiality**

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

### **Record-keeping**

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

### **References**

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

## **Learning lessons**

After any cases where the allegations are *substantiated*, we will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

Reviewed September 2022