

Written By:	Emma Shutt	November 2020
Review Date:	November 2021	
Reviewed by:	Anna Hulme	28 <sup>th</sup> March 2022
Signed by {Governor}:	Michael Squire	25-10-22

## Whistle Blowing Policy

This Policy Extract from Stoke City Council has been adopted by Intuition School to form part of our Safeguarding Policy

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### 1.0 **Introduction**

The City Council is proud of the high standards it operates and believes in providing a good quality service to the public in Stoke-on-Trent. In Stoke-on-Trent we believe in promoting good practice and stamping out poor practices due to this and Intuition School have adopted this policy.

As employees you are often the first people to realise there may be something seriously wrong in an organisation. However, you may not want to speak up about it in case you seem disloyal to colleagues or you might worry about being victimised or harassed. You might be worried it's only a suspicion or that you could be wrong, or it might just seem too complicated and therefore easier to say nothing.

As employees you have a right and a responsibility to raise concerns about poor practices. The Intuition School staff handbook makes it clear that you have a right to be protected from reprisals if you do raise concerns.

The City of Stoke on Trent recognises employees may wish to seek advice and be represented by their Trade Union(s) when using the provisions of this policy and acknowledges and endorses the role

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Trade Union representatives play in this area

## 2.0 What is this Procedure For?

We already have a number of different policies and procedures to deal with different types of concerns. For example, it has a grievance and complaints procedure for employees to raise matters relating to their condition of employment and personal circumstances. It has a compliments, comments and complaints procedure for the public to raise concerns. It has child protection and vulnerable adult's policies to investigate allegations of abuse. Details of these and other relevant policies and procedures can be found in the Section 3 „Other Procedures. “

The Confidential Reporting Procedure is not intended to replace these procedures, but it covers concerns which fall outside of the procedures. It also provides a channel for you to report serious concerns and ensures that the City Council provides you with the support you need. It is possible that an investigation into the concerns raised might be carried out under one of the other procedures. Allegations of abuse to a child are an obvious example.

## 3.0 Other Procedures

Code of Conduct for All Employees  
Bullying Policy and Procedure  
Area Child Protection Committee Guidance and prosocial Services  
Complaints,

### Comments and Representations Procedure

## 4.0 Principles of the Confidential Reporting Policy/Procedure

This Policy/Procedure explains how you can raise serious concerns and what Intuition School will do to deal with these concerns and support you.

The policy is based on several principles.

- Our duty to the public and users of our service comes first.
- Loyalty to our colleagues, the department or the City Council must take second place to that duty.
- Concerns raised internally will be dealt with seriously and thoroughly investigated.

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- Employees raising concerns will be offered full support.
- Intuition School will not tolerate any harassment of employees raising legitimate concerns.
- Intuition School will not tolerate employees making malicious and vexatious allegations.

Whistle blowing is a term commonly used for raising serious concerns. It is often thought of as raising a concern outside the organisation because, for whatever reason, the employee feels unable to raise it internally. This policy aims to encourage and enable employees to raise their concerns within the Council rather than overlooking the problem or raising it outside.

The Public Interest Disclosure Act 1998 protects employees who raise serious concerns this way.

## 5.1 What are Serious Concerns

- Serious concerns could relate to a number of different things.
  - Breach of professional code of conduct;
  - Suspected breach of the law;
  - Suspected breach of policy;
  - Fraud or corruption; e.g. alteration of time sheets
  - Danger to health and safety;
  - Abuse (either of a position of trust or of a vulnerable person);
  - Improper conduct;

Cover up of any of these. The law protects employees who make certain disclosures. To rely on this legal protection, you should be acting in good faith and you must reasonably believe;

- a) That a criminal offence has been committed, is being committed or is likely to be committed;

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- b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- c) That a miscarriage of justice has occurred is occurring or is likely to occur;
- d) That the health and safety of any individual has been, is being or likely to be endangered;
- e) That the environment has been, is being or is likely to be damaged, or;
- f) That information tending to show any matter falling within any one of the preceding paragraphs has been or is likely to be deliberately concealed.

Even when you do not have the protection of the law, the City Council will protect and support you so long as you act in good faith.

#### 6.0 **Who Can Use This Procedure?**

Provided your concern does not fit more comfortably within another policy/procedure (See section 3) you can use the Confidential Reporting Procedure if you are: -

- Any employee (permanent, temporary, casual or student on placement) of Intuition School you are encouraged to use this procedure to raise serious concerns.
- A volunteer working for Intuition School either directly or through other arrangements.  
For example, if you work in a voluntary organisation in receipt of a grant you can use the procedure to raise serious concerns about bad practice in Intuition School .
- An employee in an organisation providing a service under contract on behalf of the City Council. For example, if you work in a private residential care home you can also use the procedure to blow the whistle on bad practice in your own workplace or in the City Council.

#### 7.0 **How do you raise a Serious Concern?**

We prefer you to try and resolve any problem as close to its source as possible. It is better, therefore to report concerns to your immediate supervisor or Manager if you feel able to. However, this will not always be possible. For example, you might think your Manager is part of the

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problem – they seem to be aware of poor practice and yet do not seem to act, it is their practice which you want to highlight, you have already spoken with them and they have not taken up your concerns or you just might find it difficult talking to your Manager for whatever reason.

In such cases you could raise your concerns Trustees/ governors of the service if you prefer to talk with someone outside your direct Management you can do. You can raise your concerns with the Trade Union, with your Director of education or an Assistant Director or, in the Social Services Department, with the Head of Performance and Quality.

If you feel unable to raise your concerns by any of these routes you can report it to the City Council's Monitoring Officer, the City Secretary, 233200 (3200) or the Head of Strategic HR, (01782) 232749 (2749) or hearing impaired employees may wish to use the Minicom number 232331 (2331).

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Each Authority has to have a Monitoring Officer by law. The Monitoring Officer ensures the Council acts lawfully and in accordance with proper practice.

If the incident relates to SASCAL, report to the Flexible Learning Team via the appropriate Local Authority.

## 8.0 How are Concerns dealt with?

In the first place the Intuition School Independent School needs to make sure that no one is at serious risk or in danger. If they are prompt action needs to be taken to protect them.

If you are the person reporting the concern you do not have to prove the case. That is the purpose of the investigation. Even though you do not have to prove your case it is preferable that you put your name to the allegation. Anonymous concerns are much more difficult to deal with. In deciding whether it is possible deal with anonymous concerns this will be take into account;

- the seriousness of the issues

raised; • the credibility of the

concern;

- The likelihood of being able to confirm the allegation.

Initial enquiries will usually be made to decide how to deal with any concerns raised. All serious concerns will be investigated quickly using the most appropriate procedure. Investigations might be undertaken by internal management or the Internal Audit Service. In some cases, the matter will need to be referred to the police or for an independent inquiry.

We will try to tell you within ten working days how we will deal with the concerns you have raised. As far as possible we will try to complete investigations within twenty- eight working days. However, complex investigations may well take longer. Any investigation taking longer than twenty-eight working days will be reviewed by the Council's Monitoring Officer.

Each department will keep its own record of all concerns raised under this policy in a secure environment.

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## 9.0 **How will we, Intuition School Independent School Support you?**

Employees who 'Blow the Whistle' will inevitably feel anxious. You may experience shock if you have witnessed something unpleasant. The person receiving the information is responsible for ensuring support for you. Employees can feel confident that their concerns will be treated seriously and sensitively. We will protect your identity unless you are required to give evidence personally as part of the investigation.

The process of investigating concerns can be lengthy. We will make sure you are kept informed of developments and supported throughout. We do not want employees who have genuine concerns to be put off either raising them in the first place or seeing them through the investigation process because of a lack of support. We will ensure you are not left feeling vulnerable and isolated. As far as confidentiality rules allow we will inform you of the outcome of the investigations.

Thankfully cases of victimisation are very rare but we want employees to know that we will not hesitate to take disciplinary action against anyone who tries to harass a member of staff who raises a genuine serious concern.

In the unlikely event of an employee being victimised or fearing reprisals every support will be offered and action will be taken.

### **Union Representative.**

In all circumstances you can ask for support from your union.

## 10.0 **What Happens If the Concerns Are Not Founded?**

If you raise concerns in good faith you will not be penalised in any way. In such cases Intuition School will do what it can to support both you and the person who has been "accused".

However, the City Council must protect itself and its staff from false and malicious claims. Disciplinary action will be taken against any member of staff who is found to have acted frivolously, maliciously or for personal gain.

## 11.0 **How to Take the Matter Further?**

Although every attempt should be made to deal with serious concerns internally in the first instance, if you believe that the concerns you have raised have not been dealt with satisfactorily, or, you reasonably believe that you might be victimised or vital evidence stolen or destroyed, you can contact one of the people listed below. To receive

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the protection of the law an „external disclosure“ (that is a serious concern raised outside Intuition School), must fit into one or more of the categories (a to f) listed under What are serious concerns (See section 5) and you must:

- Make the disclosure in good faith;
- Reasonably believe that the information disclosed, and any allegation contained in it, are true;
- Ensure the disclosure is not for personal gain;
- Ensure that in all circumstances of the case it is reasonable to make the disclosure.

To make an ‘external disclosure’ you can contact our commissioners Stoke on Trent and Staffordshire Local Authorities

If you do raise matters outside the group, you must be sure not to disclose confidential information.

#### Related Policies

- Safeguarding
- Team Handbook

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Written by

Date

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5<sup>th</sup> September 2018

5<sup>th</sup> September 2020

Agreed by

M Hawe

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