

# THE LION WORKS SCHOOL POLICY



## Whistleblowing Policy

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## Context

The Lion Works School is an Independent special school. We are part of an ethical and progressive organisation that believes it can achieve real change for children, young people and their families.

The Lion Works School is situated within the BCP local authority. We offer an academic and vocational specialist learning provision across KS3, KS4 and Post 16 aiming to reduce barriers to enable successful learning experiences and outcomes. There are a variety of routes a student can take, which include GCSEs, BTECs and other accredited qualifications whilst building confidence, improving wellbeing, enabling self-regulation and increasing attendance. Our school is full of life and has a wealth of resources to spark interest and ignite that passion to achieve, equipping our students for everyday life and the opportunities that await them.

We adhere to the values of ARC:

**Ambition**

**Resilience**

**Community**

The Lion Works School operates within the SPELL framework. SPELL is The National Autistic Society's framework for understanding and responding to the needs of children and adults on the autism spectrum. It focuses on five principles that have been identified as vital elements of best practice in autism and emphasises ways to change the environment and our approaches to meet the specific needs of each person.

**SPELL** stands for Structure, Positive approaches and expectations, Empathy, Low arousal, Links:

<b>Structure</b>	Structure makes the world a more predictable, accessible and safer place. We can support people on the autism spectrum in creating structured environments using visual information.
<b>Positive (approaches and expectations)</b>	We must seek to establish and reinforce self-confidence and self-esteem by building on natural strengths, interest and abilities.
<b>Empathy</b>	We must try to see the world from the standpoint of the autistic child or adult, knowing what it is that motivates or interests them but importantly what may also frighten, preoccupy or otherwise distress them.
<b>Low arousal</b>	Approaches and the environment need to be calm and ordered in such a way so as to reduce anxiety and aid concentration.
<b>Links</b>	Autistic people, their parents or advocates should be seen as partners. Open links and communication will reduce the risk of misunderstanding, confusion or the adoption of fragmented, piecemeal approaches.

## Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff in the organization know how to raise concerns about potential wrongdoing in or by the organisation
- Set clear procedures for how the organisation will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the organisation in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## Legislation

As an independent school, we are free to determine our own arrangements. This policy is based on the following DfE guidance:

- [Public Interest Disclosure Act 1998](#)
- [Independent School Standards Regulations 2014](#)

## Definitions

Whistleblowing covers concerns made that report wrongdoing that is "in the public interest".

Examples of whistleblowing include (but aren't limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staffs' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistleblower is a person who raises a genuine concern relating to the above. Not all concerns about the organization count as whistleblowing. For example, personal staff grievances such as

bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures. Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

There is also government advice available to [whistleblowers](#). A checklist can be found in appendix 1 to help understand the difference. There is also a whistle-blowing advice line and support relating to safeguarding concerns available from the [NSPCC](#).

## **Procedure for staff to raise a whistleblowing concern**

### **A) When to raise a concern**

Staff should consider the examples in section 3 as well as appendix 1 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or organisational procedures, put people in danger or was an attempt to cover any such activity up.

### **B) Who to report to**

Staff should report their concern to the headteacher. If the concern is about the headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to an Executive Director(s) of the proprietary organisation.

If the concern is about an Executive Director then the concern should be reported to a separate Executive Director. If the concern relates to the conduct of both Executive Directors then it might be necessary to report the concern to the [Local Authority Designated Officer](#).

### **C) How to raise the concern**

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

## **Investigating a concern**

When a concern is received by the headteacher (referred to from here on as the “recipient”) they will:

- Meet with the person raising the concern within a reasonable time frame
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should

handle the concern in line with the appropriate policy/procedure

- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 7 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is, the recipient should then arrange a further investigation into the matter, if appropriate. The investigation will be monitored by the Executive Director(s) and the recipient will formally report on their investigation as it progresses. An outcome will be reported to the Executive Director(s) by the recipient. If required the Executive Director(s) may determine that it is necessary to involve an external agency (the police for example) before, during or after the recipient's investigation.
- The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

### **Outcome of the investigation**

Once the investigation (whether this was just the initial investigation of the concern, or whether further investigation was needed) is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police. They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher (or Executive Director[s] if the concern raised concerned the conduct of the headteacher) will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing. Whilst the organisation cannot always guarantee the outcome sought, it will always try to deal with concerns fairly and in an appropriate way.

### **Malicious or vexatious allegations**

Staff are encouraged to raise concerns when they believe there is an issue or concern that contravenes the organisations policies or is unlawful. Staff are encouraged to raise their concerns internally first before entering the formal 'whistleblowing' process. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the organisation will consider whether any disciplinary action is appropriate against the person making the allegation.

## **Raising a concern externally**

The organisation encourages staff to report concerns internally. It is recognised however that there could be legitimate reasons to need to raise a concern externally. Concerns relating to a school can be raised with the [Department for Education](#). The [Local Authority Designated Officer](#) can be contacted if required.

## **Reviewing this policy**

This policy will formally reviewed every two years with input from the School Board. All of the organisation's policies are routinely audited and reviewed to ensure ongoing compliance.

## **Links with other policies**

This policy should be read in conjunction with the following policies:

- Complaints policy and procedure
- Child protection and Safeguarding policy
- Staff disciplinary policy

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## Appendix 1: The difference between Whistleblowing and a Grievance from Protect

### Whistleblowing

- ✓ Risk to others – whistleblowing is about raising concerns relating to wrongdoing risk or malpractice that you witness in the workplace.
- ✓ Public interest – these concerns should be in the public interest, and unlike grievances, the concerns may not even affect you at all, but will have wider implications on the public.
- ✓ Process – there is no set process for investigating whistleblowing concerns. There is also no right to be accompanied to a meeting with your employer to discuss your concerns.
- ✓ Confidentiality – your employer should respect your wish for confidentiality.
- ✓ Feedback – you may never know the outcome of a whistleblowing concern, for example, if your employer investigates the behaviour of another individual and disciplines them as a result, that would be confidential information between the employer and that other individual.
- ✓ Appeal – there is no general right to appeal if you are unhappy with how your employer deals with your whistleblowing concerns, however this is where you may want to consider escalating your concerns (but check their policy to see if they have one).

### Grievance

- ✓ Risk to self – grievances are typically issues about how you exclusively are being treated and not the treatment of others.
- ✓ Types of issues – grievances can be raised about things you are asked to do about your job, if your employer has breached your employment rights or your contract of employment, and the way you are personally being treated at work – this is not an exhaustive list.
- ✓ Process – the independent public body, ACAS, has set out [Codes of Practice](#) in relation to discipline and grievance procedures. You can find more information about how to raise a grievance on the [ACAS website](#).
- ✓ Support – you have the right to be accompanied at a grievance hearing where the complaint is about your employer breaching a term of your employment contract.
- ✓ Outcome – grievances come to a legal determination on the issue that you raise. The ACAS Codes provide for employees to be given the outcome of their grievance e.g. an apology, a payment due or a change to the working practices.
- ✓ Appeal – you should be given the opportunity to appeal should you feel unsatisfied with the outcome.