

# Libra

## Policies and Procedures

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Last Review Date 01.07.18

Next Review Due 25.06.19

Mid-year updates

## Libra School

### Whistleblowing

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Employment Rights Act 1996
- Public Interest Disclosure Act 1998
- Public Interest Disclosure (Compensation) Order 1999
- Public Interest Disclosure (Prescribed Persons) Order 1999
- Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003
- Working Together to Safeguard Children 2006
- Equality Act 2010
- Enterprise and Regulatory Reform Act 2013
- Data Protection Act 2018
- DfE's Advice for Schools on the Prevent Duty
- [http://www.emcsrv.com/prolog/PG/DfE/Schools\\_Guide-Social\\_Media\\_V16.pdf](http://www.emcsrv.com/prolog/PG/DfE/Schools_Guide-Social_Media_V16.pdf)

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
- Data Protection: a toolkit for schools (DfE)
- Preparing for the General Data Protection Regulation (GDPR) - Information Commissioner's Office

We are aware that the General Data Protection Regulations (GDPR) has entirely replaced the previous Data Protection Act (DPA) making changes to many previous data protection rules and regulations that schools, academies and other educational establishments adhered to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

### Statement and Responsibilities

We believe whistle blowing is the reporting of suspected wrongdoing in the workplace which is regarded as making a disclosure in the public interest. We actively encourage all Libra staff and visitors to report any concerns they may have about any aspect of the school or care such as:

- health and safety concerns
- unprofessional conduct
- damage to the school environment
- a criminal offence that has taken place or is about to take place
- disobeying the law
- the covering up of a wrong doing
- the conduct of its personnel or others acting on behalf of the school.

Don't think what if I'm wrong, think what if I'm right. Whistleblowing has been defined as: "the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees". (Public Concern at Work Guidelines 1997)

## **Libra School**

Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 ("PIDA"). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the company which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

This policy applies to all staff, agency workers and supply staff and those contractors working on the premises, for example, cleaners, builders and drivers. It also covers outside suppliers. It is recognised that whistle blowing may engender feelings of disloyalty to colleagues or that staff may fear harassment or victimisation. These feelings, however natural, must never result in the behaviour that is causing concern, continuing.

We understand that those wishing to make a disclosure may do so to the Senior Leadership Team, to a member of the local authority, to a prescribed person such as Her Majesty's Chief Inspector of Education, Ofsted, to a legal adviser or to a Member of Parliament.

We believe that where the concern relates to an individual's own employment Libra's Grievance Policy and Procedures must be used. However, if the concern relates to something which is against Libra's policies, falls below standards of practice or amounts to improper conduct then the procedures in this policy must be used.

The Senior Leadership Team is committed to the highest possible standards of openness, integrity and accountability in all aspects of the company and will treat whistleblowing as a serious matter. In line with Libra's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

# Libra School

## Aims

- To encourage all Libra staff to report any serious concerns about any aspect of the school, care or the conduct of its staff or others acting on behalf of Libra.
- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns
- Provide members of staff with avenues to raise concerns
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

## Safeguard Against Reprisal, Harassment and Victimisation

Libra and the Senior Management Team will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under Libra's staff disciplinary policy and procedures.

## Other Complaints Procedures

Libra Staff may use supervision to report small concerns that are not serious but which do require Senior Management attention in order to be addresses.

The Libra Whistle Blowing Policy and Procedures is separate from Libra's Complaints Policy and Procedures and other statutory reporting procedures. Safeguarding issues should be reported according to the specific guidelines laid out in the Libra Safeguarding Policy and procedures

Any investigation into allegations of potential malpractice under this Whistleblowing Policy and Procedures will not influence or be influenced by any disciplinary or redundancy procedures that may be impacting on an individual.

## Allegations Concerning Child Safeguarding Issues

The first point of contact is the Designated Senior Person for Child Protection or in their absence the Deputy Designated Senior Person for Child Protection either in person or by telephone call or another member of the Senior Leadership Team (if they are uncontactable). Any member of staff however can also make a referral direct to the Devon LADO (if the referral involves the school or a home in Devon) or Somerset LADO (if the referral involves a home in Somerset). The Designated Senior Person will inform the Directors of the referral. If any staff member is involved the report is made to the Directors. The Designated Senior Persons will follow the procedures in the Libra Safeguarding Policy and Procedures. The referral should be made directly to the Devon LADO (if the referral involves the school or a home in Devon) or Somerset LADO (if the referral involves a home in Somerset). Please refer to the Safeguarding Flow Charts.

If the referral concerns the Headteacher, Directors, Senior Designated Persons or any other member of the Senior Management Team the referral should be made directly to the Devon

## Libra School

LADO (if the referral involves the school or a home in Devon) or Somerset LADO (if the referral involves a home in Somerset):

**DEVON: Child Protection Team (LADO) on 01392 384964 and/or via their online referral form:**

<http://www.devon.gov.uk/index/childrenfamilies/childprotection/lado/lado-referral-form.htm>

Multi-Agency Safeguarding Hub (MASH) on 0345 155 1071

OR

Emergency Out of Hours Duty Team Tel: 0845 6000388

If you consider an incident or allegation to be an emergency, and that a child/ children may be in danger of immediate harm, you may wish to consider in the first instance contacting either the Police on 999 or the Multi Agency Safeguarding Hub on 0345 155 1071 or via email

[mashsecure@devon.gcsx.gov.uk](mailto:mashsecure@devon.gcsx.gov.uk)

**SOMERSET: Child Protection Team (LADO):**

Somerset Direct (Somerset Children and Young People's Services, Referral Team):

Tel: 0845 3459122 Fax: 01823 321187

OR

Local Authority Designated Officer: 01823 357823

OR

Emergency Duty Team

Tel: 01458 253241

If you consider an incident or allegation to be an emergency, and that a child/ children may be in danger of immediate harm, you may wish to consider in the first instance contacting the Police on 999

Once the referral has been made to the LADO, the Social Worker (if applicable) and Local Authority from where the child is placed are also made aware of the referral in writing and the procedures taken.

It is expected that the person receiving the allegation will become the investigating officer. However it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

NSPCC Whistle-blowing helpline: 0800 0280285

### **Behaviour that should cause concern:-**

- conduct which is, has been or is likely to be an offence or breach of law
- conduct which has placed a young person at risk
- colleagues whose working practices are not adhering to Libra's agreed policies and procedures
- inappropriate use of social media websites
- any fraudulent or improper use of Libra's assets or money
- any gifts or advantage being obtained corruptly

## **Libra School**

- any conflict between private interest and those of Libra
- possible fraud and corruption, verbal, sexual or physical abuse, or other unethical conduct
- extremism and radicalisation
- discrimination of any kind
- disclosures related past, current or likely miscarriages of justice
- past, current or likely health and safety risks, including risks to the public as well as other employees
- past, current or likely damage to the environment

### **Reasons for whistle-blowing**

- Each individual has a responsibility for raising concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others, young people and staff including extremism and radicalisation (Please refer to our Extremism, Radicalisation incorporating 'Prevent Duty' Policy)
- To prevent becoming implicated yourself.

### **What stops people from whistle-blowing**

- Starting a chain of events which spirals.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

All Libra staff have an obligation to rise above their fears and implement the Whistle Blowing Policy when they have a serious concern.

### **Raising a Concern**

All raised concerns are investigated and every effort is made to ensure confidentiality for all parties.

#### **Stage 1**

- All concerns should be made in person or in writing with your line manager. The earlier a concern is expressed the easier and sooner action can be taken.
- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. If your concern involves your line manager then you should approach the School Manager, Head Teacher or Director of Care.
- If your concern is about the Head Teacher, Directors, School Manager or Director of Care, or you feel you need to take it to someone outside the school contact Ofsted or the Local Safeguarding Board if the concern relates to safeguarding. Contact details can be located in the Safeguarding Policy & Procedures and or Flowcharts.
- Try to pinpoint exactly what practice is concerning you and why.
- Write down concerns and distinguish between fact, hearsay and opinion. Be explicit as possible with fact and hearsay.
- Where possible check the validity of your concerns
- Ideally you should put your concerns in writing, outlining the background and history, giving names, dates and places where you can.

## Libra School

- A member of staff is not expected to prove the truth of an allegation but you will need to demonstrate sufficient grounds for the concern.
- The person raising the concern may wish to receive help from a colleague or trade union representative.
- At any future meeting the employee may be accompanied by a colleague or their trade union representative.

### Stage 2

- Within 10 working days the person with whom the concern has been registered acknowledges receipt in writing.
- The letter will state the following:
  - How the concern will be dealt with;
  - How long it will take to provide a final response;
  - Information on employee support services.

### Stage 3

- After initial enquiries have been conducted, a decision will be made if an investigation should take place.
- The investigation will be either:
  - an internal investigation;
  - a referral to the police;
  - a referral to the local Safeguarding Board
  - an external independent enquiry.
- At this stage concerns/allegations are neither accepted nor rejected.

### Stage 4

- Following completion of the inquiry process the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The report will not contain the whistleblower's name unless they have expressly stated that you wish to be named.
- The employee will be informed in writing of the outcome of the investigation.
- The employee has the right to take their concern to an independent body such as Ofsted if they feel it has not been addressed adequately.

### Self-reporting

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their Line Manager or any member of Senior Management so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

### Confidentiality

Libra recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence,

## **Libra School**

which would be seen by all parties involved. If the investigation leads to prosecution the whistleblower is likely to be called to give evidence in court.

### *Anonymous Allegations*

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Senior Management Team will take the following factors into account:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources and obtaining information provided.

### *Untrue and Malicious/Vexatious Allegations*

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Senior Management Team will consider taking disciplinary action against the member of staff.

## **Role of the Senior Leadership Team / Headteacher**

The Senior Leadership Team / Headteacher will:

- work in conjunction with the Senior Management Team to ensure all staff and volunteers are aware of and comply with this policy;
- encourage all Libra staff to raise any concerns they have regarding actual or potential breaches of duty or a failure by Libra;
- provide support for a member of staff who has raised a concern;
- provide support for a member of staff against whom allegations have been made;
- keep both parties informed of all progress during any investigation;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy;

## **Role of Libra Staff**

Libra Staff have a duty to speak out against and report any:

- criminal offence that has been committed, is being committed or is about to be committed;
- incidents where staff have not followed Libra Policies and Procedures;
- incidents where a member of staff has shown poor professional conduct;
- person who has failed, is failing or is about to fail compliance with any legal obligation that they are subject to;
- miscarriage of justice that has occurred, is occurring or is likely to occur;
- health and safety issue that has endangered, is endangering or is likely to endanger any person;
- damage to the school environment that has been committed, is being committed or is about to be committed

## Libra School

Libra staff, who speak out against and report any of the above, will receive support from the Senior Leadership Team. The Senior Leadership Team will give support to any member of the Libra Staff against whom allegations have been made.

However, school personnel must be aware that if they are treated unfairly after blowing the whistle they should consider taking their case to an employment tribunal.

Libra staff have a duty to the school not to disclose confidential information. However, in accordance with the provisions of the Public Interest Disclosure Act 1998 this does not prevent an employee from seeking independent advice nor discussing their concern with the charity Public Concern at Work.

School personnel should consider reporting any concerns to their line manager; the Headteacher; Directors; the local authority; their union or association; Ofsted; the Children's Commissioner; the NSPCC; or the whistle blowing charity Public Concern at Work.

But initially they should raise the concern internally before using a public agency.

School personnel must be aware that all raised concerns are investigated and every effort is made to ensure confidentiality for all parties. When a concern has been raised the following procedure must be followed:

### **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook

### **Training**

All Libra Staff:

- have equal chances of training, career development and promotion
- receive training on this policy on induction which specifically covers:
  - Libra's whistle blowing procedures
  - Confidentiality
  - Safeguarding and Child Protection
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction

### **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

## Libra School

### Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the Senior Leadership Team.

### Linked Policies

▪ Safeguarding & Child Protection	▪ Confidentiality
▪ Staffing	▪ Allegations Against Staff
▪ Extremism, Radicalisation incorporating 'Prevent Duty' Policy	

## Libra School Initial Equality Impact Assessment

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
<b>Whistle Blowing Policy</b>	Yes stated			✓

This policy affects or is likely to affect the following members of the school community (✓)	Children	School Staff	Parents/carers	Directors	School Volunteers	School Visitors	Wider School Community
	yes	yes	yes	yes	yes	yes	yes

Question	Equality Groups															Conclusion													
	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Yes	No			
Does or could this policy have a negative impact on any of the following?	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
		✓			✓			✓			✓			✓			✓			✓			✓			✓			
Does or could this policy help promote equality for any of the following?	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS		
	✓			✓			✓			✓			✓			✓			✓			✓			✓				✓
Does data collected from the equality groups have a positive impact on this policy?	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS		
	✓			✓			✓			✓			✓			✓			✓			✓			✓				✓

<b>Conclusion</b>	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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## Libra School Policy Evaluation

Points to be considered	Yes	No	N/A	Please supply evidence
• Policy annually reviewed	x			
• Policy in line with current legislation	x			
• Coordinator in place	x			
• Nominated governor in place			x	
• Coordinator carries out role effectively	x			
• Headteacher, coordinator and nominated governor work closely	x			
• Policy endorsed by governing body			x	
• Policy regularly discussed at meetings of the governing body			x	
• School staff aware of this policy	x			
• School staff comply with this policy	x			
• Children aware of this policy	x			
• Parents aware of this policy	x			
• Visitors aware of this policy	x			
• Local community aware of this policy			x	
• Funding in place			x	
• Policy complies with the Equality Act	x			
• Equality Impact Assessment undertaken	x			
• Policy referred to the School Handbook	x			
• Policy available from the school office	x			
• Policy available from the school website	x			
• School Council involved with policy development	x			
• All stakeholders take part in questionnaires and surveys			x	
• All associated training in place	x			
• All outlined procedures complied with	x			
• Linked policies in place and up to date	x			
• Associated policies in place and up to date	x			
<b>A statement outlining the overall effectiveness of this policy</b>				
It is effective and suitable for purpose				