



## **Whistleblowing Policy**

Westcountry SEN Ltd is committed to keeping children and staff safe. This includes this policy which enables all staff to act if they need to raise the alarm or express concerns at any other staff members conduct.

This whistleblowing policy explains how Westcountry SEN Ltd will meet their obligations in relation the Public Interest Disclosure act 1998 and the Enterprise and Regulatory Reform Act 2013. This act also follows the guidance within the keeping children safe in education governmental guide August 2014.

### **Purpose**

This policy aims to:

- Help staff feel confident with raising concerns
- Ensure staff are protected from reprisals or victimisation from making a disclosure
- To make sure there is a clear process for whistle blowing concerns to be raised.
- Ensure that staff receive a response to their concerns and what to do if staff are not satisfied

Whistleblowing takes place when a worker discloses information about a wrongdoing in the workplace that is in the public interest or an unlawful act is suspected.

The Public Interest Disclosure act 1998 lists six concerns which can be raised.

- A criminal offence has been committed or is likely to be committed.
- A person has failed or is likely to fail to comply with any legal obligation to which they are subject. For example, a breach of contract, or a breach of statutory requirement.
- A miscarriage of justice has occurred or is likely to occur.
- The health and safety of an individual has been or is likely to be endangered.
- The environment has been or is likely to be damaged.
- Information regarding any of the above has or is likely to be concealed.

Whistleblowing in this policy does not just relate to Westcountry SEN's staff, it may also be a third party or an outside organisation that are working alongside Westcountry SEN Ltd that come under this policy.

### **Assurances**

Staff who make a disclosure of information that are aligned with the six matters above will not suffer any detriment. Even if their disclosure is investigated and is unfounded. The staff member making the disclosure will also be protected from harassment and victimisation as a result of the whistleblowing disclosure.

If a worker requests their identity to be anonymous Westcountry SEN Ltd will take all reasonable steps to uphold this. If a situation rises where the staff members identity had to be disclosed, such as court appearances, Westcountry SEN Ltd will support the worker with all reasonable steps.

### **Procedures for making complaints.**

In the first instance Staff members should raise their concerns with their Learning Manager or the Director. There must be reasonable grounds for any suspicions, and as much detail as possible provided.

There may be a case where it is not appropriate for a staff member to raise concerns with their Learning Manager or Director, for example where the staff member suspects their Learning Manager or Director may be involved. In those cases, Staff members should report their concerns orally or in writing to the Tutor Association.

Once a concern has been raised, Westcountry SEN Ltd will carry out an initial assessment to determine the scope of any investigation. Westcountry SEN Ltd will inform the 'whistle-blower' of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information. At these meetings they may be accompanied by a union representative or work colleague.

Westcountry SEN Ltd will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale, unless the report is made anonymously.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Learning Manager, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under Westcountry SEN Ltd.'s Disciplinary Policy has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

There are no rights of appeal against any decisions taken under this procedure. Westcountry SEN Ltd will keep a log of whistleblowing complaints and provide this to an appropriate body/organisation on request.

Staff Members should feel confident in raising any concerns under the whistleblowing policy, as long as there is a reasonable belief they are acting in the public interest. However, in cases where allegations are found to be malicious, made in bad faith or for personal gain (for example made due to an employee holding a grudge against another employee), the employee may be subject to disciplinary action under Westcountry SEN Ltd's Disciplinary Policy.

### **Concerns raised by Children**

Westcountry SEN Ltd will ensure that children know how to seek help if they are worried about anyone's behaviour or conduct towards them. The child protection policy, for dealing with allegations against other children and disciplinary policy for allegations against staff should be referred to when dealing with safeguarding concerns.

If an allegation about a member of staff or volunteer is related to the safety or wellbeing of a child Westcountry SEN Ltd.'s safeguarding and child protection policy should be referred to and the LADO (Local Authority Designated Officer) will be contacted if necessary.

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