**Whistleblowing Policy**

**Introduction**

The Public Interest Disclosure Act 1998 came into force on 2 July 1999. The Act provides employees with legal protection against dismissal or detriment for raising concerns about matters in the public interest. It also seeks to ensure that any person suspecting malpractice knows how to raise concerns and what procedures are in place to deal with them. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school.

**School Aims**

The Tutorial Foundation offers a nurturing, caring family environment for its students.

**The Tutorial Foundation’s aims are:**

* to create a happy, safe and secure learning environment where all pupils'/students' /staff needs are met, where progress, achievements and success are recognised and praised;
* to provide personalised learning programmes that give all students equal opportunities to progress and succeed;
* to maximise student choices and routes of progression by providing a stimulating inspiring and challenging learning environment;
* to foster an atmosphere of tolerance and respect to which everyone can contribute by being active and responsible citizens;
* to promote students’ spiritual, moral, social and cultural development;
* to offer opportunities of working co-operatively alongside others, developing friendships and respect for others; and
* to provide all staff with training and development opportunities to enable effective practice.

The Tutorial Foundation is committed to tackling acts of fraud, corruption, unethical conduct and malpractice, regardless of who commits them or where in the school they are committed. The school is committed to creating a climate of trust and openness so that a person who has a genuine concern or suspicion can raise the matter with full confidence that the matter will be appropriately considered and resolved.

Anyone who uses this policy to raise a concern will be protected from any form of detriment, harassment or victimisation regardless of:

• the content of the concern raised:

• with whom the concern is raised; and

• the outcome of raising the concern.

This policy provides an opportunity for any concern to be dealt with internally, or through an agreed external body, e.g. Local Authority or the Chair of the Advisory Board. Only when these options have been exhausted and if there is still a concern should the matter be referred externally.

This policy and the following procedures apply to all paid staff, volunteers and members of the Advisory Board working with or in the Tutorial Foundation.

**This policy reflects the requirements of:**

• Working Together to Safeguard Children 2018

• Keeping Children Safe in Education 2020

• London SCB (Safeguarding Children Board) Child Protection Procedures 5th Edition, 2018

**Availability**

This policy is available to parents, staff and pupils on request, and a copy may be obtained from the Tutorial Foundation office or the website.

**Monitoring and Review:**

This policy will be subject to continuous monitoring, refinement and audit by the Headteacher.

The Advisory Board undertakes an annual review of this policy and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if changes in legislation, regulatory requirements or best practice guidelines so require.

**Reasons for whistleblowing**

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; and

• to prevent becoming implicated as an individual.

**Who can raise a concern?**

Anyone within the Tutorial Foundation, whether an employee, contractor or a paid or unpaid volunteer, can use this procedure to raise a concern.

Concerns may be raised about the practice of anyone who undertakes work for or on behalf of the Tutorial Foundation. This includes employees, contractors, and members of the Advisory Board, volunteers or school-based staff.

Concerns are initially raised with a member of the Senior Leadership Team (SLT), or if not available with the Headteacher or Chair of the Advisory Board.

This policy is not be used to raise concerns about terms and conditions of employment which is covered by the Grievance procedure.

This policy is not to be used to raise a concern unreasonably, maliciously or for personal gain or the gain of others.

**Safeguards, harassment and victimisation**

The Tutorial Foundation recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Tutorial Foundation will not tolerate harassment or victimisation and will take action to protect the person raising the concern when they raise a concern in good faith. This does not mean that if the person raising the concern is already the subject of disciplinary procedures, that those procedures will be halted because of their whistleblowing.

**Confidentiality**

The school accepts that wherever possible the confidentiality of anyone wishing to raise a concern will be protected. There might, however, be an occasion where confidentiality cannot be protected, for example, where there is a requirement to involve the police. If this arises and confidentiality cannot be protected appropriate advice and support will be offered.

**Anonymous allegations**

Concerns expressed anonymously will be considered seriously. The following will always be taken into account:

• the seriousness of the issues raised;

• the credibility of the concern; and

• the likelihood of confirming the allegation from attributable sources.

**Monitoring**

All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register securely held by the Headteacher and the Advisory Board. The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised in order to monitor any patterns and to assist in monitoring and reviewing the policy.

**How to raise a concern**

A concern can relate to any unethical or unprofessional conduct within the Tutorial Foundation. The policy covers unethical or unprofessional conduct. Examples are listed below, but are no means complete:

• an actual or potential breach of law;

• possible or actual miscarriages of justice; and

• the actual or possible abuse (sexual or physical) of children in the Tutorial Foundation’s care;

• potential or actual acts causing damage to property;

• acts or potential acts of fraud and corruption or misuse of public funds;

• acts that could have a detrimental effect on the health and safety of employees, children and/or the public;

• actual or potential acts of harassment or bullying of, or by, someone employed by or working for the Tutorial Foundation.

• actual or potential acts of racial or sexual discrimination;

• any unethical conduct that causes concern or brings the reputation of the Tutorial Foundation into disrepute; and

• the deliberate concealment of information that would indicate any of the above.

**To enable concerns to be dealt with correctly and effectively here are some guidelines to consider in raising the issue in a timely manner:**

• be as clear as possible about what the concern is and who and what it relates to;

• be as clear as possible about who may be involved, when and where actions may have taken place, etc. If possible, facts must be recorded with dates and times. This ensures clarity about what has actually been heard or seen and when, rather than relying on memory or hearsay. Ensure that no evidence is removed or tampered with; and

• make sure all concerns are dealt with under this procedure.

All concerns are to be sent via /care of the Tutorial Foundation, and must not sent to personal home addresses as this has a GDPR implication.

**How to raise a concern – main steps**

Staff are required to report to a member of the Senior Leadership Team (SLT), or if not available the Headteacher of the Tutorial Foundation or the Chair of the Advisory Board any concern or allegation about school practices or the behaviour of colleagues, which are likely to put pupils at risk of abuse or other serious harm.

Outside agencies only become involved if the Headteacher and Advisory Board are unable to resolve the issue. To ensure that all concerns raised are taken seriously and are fully investigated the school has a procedure to be followed in all cases. If at any stage of the procedure, a meeting of all parties concerned is asked for, a work colleague, trade union representative or representative from a professional body may be present.

As a first step, an employee should normally raise concerns with her/his immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if an employee believes that her/his immediate line manager is involved, the employee should approach another member of the Senior Leadership Team (SLT), or if not available the Headteacher. Similarly, if an employee believes that the Headteacher is involved, the employee should approach another member of the Senior Leadership Team (SLT), or if not available the Chair of the Advisory Board.

In some circumstances, confidential informal advice from the employee’s trade union or professional association may help an employee who is unsure of how best to pursue a concern about malpractice.

**How the Tutorial Foundation will respond**

The nominated individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation on a sensitive and confidential basis. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally.

The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school’s personnel advisors, the police or the regulatory bodies.

The action taken by the Tutorial Foundation will depend on the nature of the concern. The matters raised may:

* be investigated internally; this may involve the Safeguarding Advisory Board.
* be referred to the police;
* be referred to an external auditor; and/or
* form the subject of an independent enquiry.

In order to protect individuals and the Tutorial Foundation, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (e.g. pupil protection or discrimination issues or financial irregularities), will normally be referred for consideration under those procedures. Some concerns may be resolved by action agreed between the employee raising the concern and the person to whom it is reported without the need for investigation. The person with whom the concern is raised will write personally to the employee who has raised the concern within 10 working days:

• acknowledging that the concern has been received;

• indicating how s/he proposes to deal with the matter; and

• giving an estimate of how long it will take to provide a response.

Dependent on the nature of the concerns, subsequent meetings may be arranged with the relevant investigative persons.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the members of the Advisory Board or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as to the police. Employees raising a concern will be informed of the outcome of any investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party.

If the whistle blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Headteacher or the Chair of the Advisory Board.

Referral to an outside organisation is not advised until all other possible avenues have been exhausted. The Headteacher or the Advisory Board may refer to outside authorities at their discretion.

The Tutorial Foundation wishes to ensure that everybody under its jurisdiction can feel confident that concerns can be dealt with without fear of reprisal and that they can have confidence in the integrity and honesty of the Tutorial Foundation, its Headteacher and the Advisory Board.

**Supply teachers**

In some circumstances the Tutorial Foundation may have to consider an allegation against an individual not directly employed, where disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency. Whilst the school is not the employer of supply teachers, all allegations will be dealt with appropriately.

In no circumstances will the school cease to use a supply teacher about whom allegations have been made, without determining the facts and liaising with the Local Authority Designated Officer (LADO) to determine a suitable outcome. The Headteacher and members of the Advisory Board will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

The Agency should be fully involved and co-operate in any enquiries from the LADO, police and/or children’s social services. The Tutorial Foundation will usually take the lead because the Agency does not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the Tutorial Foundation are under the supervision, direction and control of the Headteacher when working for the Tutorial Foundation. They should be advised to contact their trade union representative if they have one, or a colleague for support, if appropriate. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the Agency are taken into account by the school during the investigation.

**External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace, and offsite tuition. In most cases staff should not find it necessary to alert anyone externally. The law recognizes that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media.

The Tutorial Foundation strongly encourages following internal procedure in raising an issue before involving outside bodies.

The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and has a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in the public interest with a third party, where the member of staff reasonably believes it relates mainly to something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact the Headteacher, their line Manager or the Chair of the Advisory Board.

**Further advice and support**

It is recognised that whistleblowing can be difficult and stressful. Advice and support is available from your line manager, the Headteacher and/or your professional or trade union.

In addition, information and free, confidential independent advice can be obtained from the charity Public Concern at Work (www.pcaw.org.uk" www.pcaw.org.uk) about how to raise a concern over serious malpractice at work.

Contact details for the charity are as follows: Public Concern at Work CAN Mezzanine 7-14 Great Dover Street London. SE1 4YR

Free advice on whistleblowing from Public Concern at Work is also available over the telephone (020 7404 6609) and via email ([whistle@pcaw.org.uk](about:blank)).

It is also possible to consult the NSPCC whistleblowing helpline at NSPCC

Whistleblowing helpline 0800 028 0285 [www.nspcc.org.uk/Helpline](about:blank)

**Contacts and useful information:**

**Senior Leadership Team:**

**Emma Clyde; Claire Johnstone; Sharon Oakes; Julia Low-Headteacher**

**Chair of the Advisory Board**

**(please contact via the School Office, in a sealed envelope to be forwarded)**

**LADO (please add contact details)**

Local Authority Designated Officer (LADO) 020 8461 7669 (Rita Dada)

**This policy has been reviewed and no individual or group are disadvantaged by the policy or process therein.**

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| **Policy Sign off and review**   |  |  |  | | --- | --- | --- | |  | **By whom** | **Date** | | **Policy signed off by** | Julia Low and the Chair of the Advisory Board | 04.01.2021 | | **Reviewed by** | Julia Low and Members of the Advisory Board | 04.01.2021 | | **Next Review By** | Julia Low and Members of the Advisory Board | 31.10.2021 | |