



# **The Complete Works Policies**

## **Whistleblowing Policy**

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**Reviewed by: Amy Jones - Assistant Head - July 2024**

**Ratified by: Adam Dalton - Headteacher - July 2024**

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## **1. Aim**

The aim of this policy is 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 TCW know how to raise concerns about potential wrongdoing in or by TCW.
- Set clear procedures for how TCW 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)
- Ensure that any concerns relating to racism including racial discrimination, racial harassment, transphobia or transphobic abuse or systemic inequality are explicitly recognised as safeguarding and organisational integrity matters and are treated with the same seriousness as other qualifying disclosures.
- Promote an anti-racist culture in which staff feel confident to report discriminatory practices, behaviours, or institutional barriers without fear of retaliation.

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 TCW in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## **2. Definition**

Whistleblowing is when the employee knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly. Under certain circumstances, employees are protected from suffering any detriment or termination of employment if they make disclosures about organisations for whom they work by the Employment Rights Act 1996 and the Public Disclosure Act 1998.

## **3. Policy Links**

This policy supports/complements the following policies:

- Safeguarding and Child Protection Policy
- Grievance Policy
- Compliments, comments, and complaints Policy

## **4. Qualifying Disclosures**

Certain disclosures are prescribed by law as "qualifying disclosures". A "qualifying disclosure" means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that TCW has committed a "relevant failure" by:

- a) committing a criminal offence;
- b) failing to comply with a legal obligation;

- c) a miscarriage of justice;
- d) endangering the health and safety of an individual;
- e) environmental damage;
- f) Abuse of a client\*or
- g) discrimination, harassment, or victimisation related to protected characteristics (including race, ethnicity, or nationality), or failure to comply with equality legislation or the organisation's Equality Policy.

Concerns relating to racism or discriminatory practice may also constitute safeguarding concerns where they impact the welfare, dignity, or educational experience of students.

- h) concealing any information relating to the above.

These acts can be in the past, present or future, so that, for example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. TCW will take any concerns that you may raise relating to the above matters very seriously.

The Employment Rights Act 1996 and the Public Disclosure Act 1998 protect workers who 'blow the whistle' where they reasonably believe that some form of illegality, injustice, or breach of health and safety has occurred or is likely to occur. The disclosure has to be "in the public interest". We encourage you to use the procedure to raise any such concerns.

\* Any concern regarding the possible abuse of a student should also be reported **immediately** to the DSL. If the DSL is the subject of the concern, their line manager, the Head of Safeguarding and Wellbeing should be alerted.

## 5. How to raise a concern

In the first instance, TCW encourages staff to report to the HR department all matters of serious concern involving a member of staff, and for employees to feel that they can do so freely and without fear of reprisals or intimidation.

Staff will be assured that appropriate inquiries will be made to establish the nature/reality of the incident and that such inquiries will be carried out discreetly and in confidence. Wherever possible, the identity of the staff member reporting the allegation of wrongdoing will be kept anonymous.

The staff member who has raised the issue of wrongdoing will be kept informed of any investigation that is taking place. They will also be kept informed of the outcome of the investigation. It might not always be appropriate to inform the staff member of the details of any action that is taken, but they will be informed if action is taken.

If the alleged concern is of a Safeguarding or Child protection nature, TCW School Safeguarding policy will be followed.

Where preliminary inquiries show that further investigations need to be made then the HR department will inform the staff member against whom the allegations have been made.

Where the alleged offence is serious, the staff member of the allegation may be suspended immediately on full pay pending the outcome of the investigation. The staff member will be informed of the necessity for this action and will be assured that, at this point, there is no implication of guilt.

If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate official organisation or regulatory body. In doing this you should:

- i. Have a reasonable belief that the allegation is based on correct facts
- ii. Ensure that personal gain is not the motivation behind your actions
- iii. Disclosing a relevant body

## **6. Contacting the media**

A “relevant body” is likely to be a regulatory body (e.g. the Health and Safety Executive, Local Safeguarding Board, or the Financial Services Authority).

The media is not a relevant external body. Employees should not contact the media with allegations about the organisation.

## **7. Investigating the concern**

When a concern is received by the HR Department - referred to from here as the ‘recipient’ - they will:

- Meet with the individual raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- 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 e.g. Complaints or Grievance Policy.
- 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 9 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, involving the Headteacher and/or CEO, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police
- 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
- Investigations into the Headteachers will be investigated by the Executive Headteacher
- Investigations into the Executive Headteacher will be investigated by the CEO
- Investigations into the CEO will be investigated by the Trustees

## **8. 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 and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and appropriately.

### **9. Malicious or vexatious allegations**

Staff are encouraged to raise concerns when they believe there to potentially be an issue. 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, TCW will consider whether any disciplinary action is appropriate against the person making the allegation.

### **10. Treatment by others**

Bullying, harassment, victimisation, or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. This includes retaliation connected to concerns raised about racism, discrimination, or equality issues. Anyone found to have acted in such a manner will be subject to disciplinary action.

### **11. Monitoring and Review**

- This policy is monitored on an ongoing basis to evaluate its effectiveness and ensure appropriate steps can be taken to eliminate unlawful discrimination.
- This policy is reviewed on an annual basis to ensure the aims of the policy are carried out in accordance with TCWs equality obligations.

*If you have any suggestions or comments regarding this policy, please email [suggestions@tcw.org.uk](mailto:suggestions@tcw.org.uk)*

#### **Review log**

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