

WHISTLE BLOWING

We have put in place a whistle blowing procedure which is available to everyone irrespective of length of service or the position they hold with us.

We trust that staff will not need to use the process; however they should be aware of its availability and purpose.

The main purpose is to provide staff with ready access to a safe and effective means of reporting any matter of concern regarding our organisation, its employees or those who use its services. Under legislation, staff are entitled to specific rights relating to the disclosure of certain types of information (or "blowing the whistle"). The protection applies to the disclosure of information of a specified category to a specified person in specified circumstances.

Staff's report will be dealt with in the strictest confidence and they will be protected against any detriment, providing they use this procedure.

If staff come forward with genuine concern, they can be confident that they will be protected from reprisals or victimisation and their employment will in no way be affected. This applies equally to those who come forward in good faith with a concern which later turns out not to be justified.

Failure to use this procedure may jeopardise our ability to offer such protection and under no circumstances should a commercial organisation or the media be approached in preference to its use. We may consider this to be an act of serious misconduct which could, following investigation, result in the staff's dismissal.

If, following investigation, it emerges that malicious, mischievous or perverse allegations have been deliberately made we also reserve the right to consider this as an act of gross misconduct.

Staff's choice of person to whom to report their concerns and their position within our organisation will be respected, and they are assured of our protection and confidentiality.

Our preferred procedure is that staff disclose any suspected wrongdoing to their Manager unless the matter relates to that person.

In the event that the whistle blowing is about their Manager, or if the staff do not receive a response within 7 days, then they should refer the matter to My Choice Senior Management:

- Head of Education: Annie Murphy
- Director / RI: Dawn Ives
- Operations Manager: Debbie Woodgate
- Directors: Alex Hyland / Peter Kazmarski

Alex Hyland, Director, is the Manager of the Head of Education.

The Head of Education is the Manager of the Headteacher.

The Headteacher is the Manager of the Deputy Headteacher, teachers and TAs

If anyone tries to discourage staff from coming forward to express a concern, we will treat this as a serious disciplinary offence. In the same way, anyone who criticises or victimises staff after a concern has been expressed will be dealt with under the disciplinary process.

We acknowledge that it is never easy to report a concern; particularly one which may relate to serious misconduct or an unlawful act. However, staff are urged to come forward with any concerns at the earliest opportunity so that matters can be dealt with promptly and effectively and before the situation gets out of hand.

We also recognise that, in accordance with public interest disclosure legislation, staff may choose to make a protected disclosure to an appropriate statutory agency in preference to engaging with this process; although we would prefer that you use our internal mechanisms wherever possible.

If staff are not satisfied that My Choice Senior Management will deal with the disclosures they can contact:

LADO LADO@westsussex.gov.uk

Childline <https://www.childline.org.uk/get-support/contacting-childline/>

Telephone: 0800 1111

NSPCC <https://www.nspcc.org.uk/keeping-children-safe/our-services/nspcc-helpline/>

Telephone: 0808 800 5000

Email: help@nspcc.org.uk

The disclosure must, in your reasonable belief of the worker, tend to show one or more of the following:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject.
- That a miscarriage of justice has occurred is occurring or is likely to occur.
- That the health or safety of any individual has been is being or is likely to be endangered.
- That the environment has been, is being or is likely to be damaged.
- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

However, there will not be protection for the disclosure if staff commit an offence by making the disclosure, or it is a disclosure in respect of which legal professional privilege would apply.

Qualifying Procedures

In order for the disclosure to be protected, staff must make it by one of the following methods or procedures:

- To the employer, or legally responsible person or appropriate person authorised by the employee to receive disclosures
- To a legal advisor
- To a government minister (where the employer is appointed by a minister)
- To a prescribed person (ie to a listed regulatory body, such as the Health and Safety Executive, the Audit Commission or the Environment Agency)

In addition, disclosure is protected if it is to an individual unconnected with the company, such as the Police or the media. In this case you will only be protected if:

- The matter has previously been raised with the employer or prescribed person, or it has not been so raised because the employee reasonably believes that he/she will be victimised;
- The worker has a reasonable belief, in the absence of a prescribed person, that a complaint to the employer would result in evidence being concealed or destroyed;
- The information has already been disclosed to the employer or prescribed person;
- The information is serious enough to justify bypassing one of the other specified procedures;
- The disclosure is made in good faith, in the reasonable belief that the claims are substantially true, not for the worker's personal gain;
- It is "reasonable in all the circumstances" to make the disclosure;

We do acknowledge how difficult it can be to talk about concerns regarding a colleague and will endeavour to support you in any way we can through this process.

Policy Link:

Complaints
Health and safety
Safeguarding

Reviewed May 2021

Reviewed May 2022

Reviewed November 2022

Review due June 2023

