



## Policy for Alternative Provision Providers used by County Durham Schools

### Whistleblowing Policy

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## **Whistle Blowing Policy**

### **Introduction**

Education Plus takes malpractice seriously and encourages people to speak out if they are aware of any actual or potential malpractice within the organisation. Education Plus is committed to creating an open culture where concerns can be raised without fear of reprisals. Whistleblowing arrangements are closely linked to the creation of a culture which encourages employees to express their concerns without fear of intimidation or recrimination, secure in the knowledge that any reported concerns will be treated seriously and in confidence, and will be fully investigated

### **What is Whistleblowing?**

"Whistleblowing" is the term which has been adopted to describe arrangements which allow persons, usually employees, to express concerns about any types of malpractice which may be occurring in the workplace. This could be, or may be:

- Unlawful or a criminal offence
- A breach of a legal obligation
- In disregard of health and safety legislation
- Against financial regulations
- Improper conduct
- Inappropriate or unauthorised use of school funds
- A deliberate cover up of information tending to show any of the above.

### **Aims of the policy**

Provide a channel and process for individual members of staff to raise genuine and legitimate concerns about incidents of misconduct or malpractice.

Give a commitment that misconduct and malpractice is taken extremely seriously.

Ensure confidentiality and to provide reassurance that employees who raise concerns in good faith can do so without fear of reprisals or victimisation.

To provide guidance setting out arrangements and procedures for applying the policy.

Allow the Directors to give guidance where appropriate or to appoint other appropriate agencies to investigate those concerns on behalf of the Headteacher/Governing Body and to take appropriate action to resolve the situation.

### **The Process**

#### **Raising a concern**

The concern is formally shared either verbally or in writing with a Director depending on the severity /sensitivity of the issue and who is involved.

*The Director acknowledges that the decision to report a concern can be a difficult decision for a member of staff to take, not least because of the fear of reprisal from those responsible for the malpractice. The Director will not tolerate harassment or victimisation and will take appropriate action to protect any person who raises a concern in good faith. The Director or relevant person will monitor how a member of staff is subsequently treated after raising a matter of concern and will ensure that if they find evidence of harassment or victimisation, this is dealt with under disciplinary arrangements.*

### **How the matter will be investigated**

An initial investigation must occur promptly and be carried out by a designated Director to assess the severity of the information and any associated safeguarding/criminal risk.

### **Informal Stage**

Allegations will be handled confidentially and discreetly by all who are directly involved in the investigation process. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take including who should undertake the investigation. In some cases, an investigation may be completed without the subject of the complaint being aware of the investigation. Some concerns may be resolved by agreed action, without the need for investigation. In these cases, confirmation should be sought from the employee that they are satisfied that the matter is resolved. This does not preclude matters being raised in the future if further concerns arise. If it is determined that the concerns or allegations fall within the scope of specific procedures (for example disciplinary procedures) it should normally be referred for consideration under those procedures. Before any further investigatory action is taken the Director(s) should seek specialist advice. If it is determined that the matter should be dealt with formally, the Directors should seek specialist advice before any further action is taken. The member of staff expressing concern will receive a written acknowledgement within 10 working days of the concern being received. This acknowledgement will indicate:

How it is proposed to deal with the matter

An estimate of how long it will take to provide a response

Any initial enquiries which may have been made

Whether further investigations will take place, and if not, why

### **Formal Stage**

If the information/allegation indicates a formal response is required, Education Plus will seek specialist advice from \*\*\*\* and follow all the guidance provided.

### **Outcome of the Investigation**

The investigation will conclude with a report by the Investigating Officer to the Directors, and other relevant person. This will summarise the Investigating Officer's findings on the allegations and recommend further action which could include:

A finding that the allegation was unfounded and therefore no action needs to be taken

A recommendation to take no further action on the complaint. This will be appropriate if the Investigating Officer decides that there is a lack of evidence relating to the complaint or that the complaint is untrue

A recommendation to act to deal with the matter on the basis that it is not sufficiently serious to warrant formal disciplinary action. Such action could include written management advice; and/or an instruction to the member of staff to undertake appropriate guidance and/or training; and/or appropriate changes in working arrangements which must not be to the disadvantage of the complainant

A recommendation to initiate formal disciplinary action because there is objective evidence to support the allegation that malpractice has taken place.

The Directors will write to the complainant and the alleged perpetrator detailing the findings of the investigation and the action to be taken. This letter will contain an undertaking that the complainant and any witnesses will not be victimised or suffer any detriment because of having made the complaint. Where Directors determine to take no action, irrespective of the recommendation made, he/she shall give written reasons for this determination to the complainant (and the alleged perpetrator). Failure to give such information will be regarded as a breach of this procedure. Where the Investigating Officer considers that a complaint is untrue and malicious, he/she will recommend a second investigation of the circumstances. This may lead to consideration of disciplinary action against the complainant. Suspension may be considered necessary but should be seen as a neutral act which does not of itself imply that any pre-emptive judgement has been reached. Directors should maintain a confidential central record for a period of five years (seven years for allegations of financial irregularities) of all Whistleblowing allegations which have been raised and the responses provided. In respect of anonymous allegations, should Directors consider that further action would be inappropriate, details of the allegation and reason for the decision must still be recorded. These central records will be used to analyse the impact and effectiveness of the arrangements put in place, as part of the process of reporting back to members on the effectiveness and outcomes of the Policy and as a record of actions taken in the case of any matters raised under the Public Interest Disclosure Act.

### **Responsibility**

Directors are responsible for communicating this policy to all stakeholders. All Directors to take a lead role in monitoring and reviewing this policy. All staff, including senior leadership, teaching and non-teaching staff, have a duty to support, uphold and implement this policy accordingly.