



## SEDBERGH INTERNATIONAL SUMMER SCHOOL

<b>Whistleblowing Policy</b>	
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Effective from	April 2022
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Publication	Website

### **Introduction**

The Public Interest Disclosure Act 1988, often referred to as the “Whistleblowing Act” (**PIDA**), provides protection for staff from being subjected to a detriment by their employer and by co-workers and agents of their employer. This policy applies to all employees, officers, consultants, contractors, volunteers and agency workers (collectively referred to as **staff** throughout this policy). However, this policy does not form part of any member of staff’s contract of employment and the School may amend it at any time.

Sedbergh International Summer School (“the Summer School”) is committed to effectively and promptly dealing with any failures/malfunctions or issues of conduct identified.

The Summer School will not subject staff to a detriment nor will it tolerate any detriment to any member of staff who has exercised his/her right and raised a concern under PIDA.

All staff are reminded that they can be held personally liable for acts of detriment caused to other staff on the grounds that the member of staff has made a protected disclosure. This is in addition to being subject to the Summer School’s disciplinary procedures as set out in the relevant policy.

The Summer School has adopted this policy to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides if necessary, for such concerns to be raised outside the School.

### **Elements of the Policy**

In accordance with the relevant legislation and standards, the Summer School:

- Will not tolerate malpractice;
- Respects the confidentiality of staff when raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively;
- Will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;
- Will invoke the Summer School's disciplinary policy and procedures in the case of false, malicious, vexatious or frivolous allegations;
- Will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

### **Relation to other policies**

This procedure is separate from the Summer School's adopted procedures regarding grievances. Employees should not use the whistle blowing procedure to raise grievances about their personal employment situation.

Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with *Keeping Children Safe in Education 2021*. Reference is also made to the staff code of conduct. In particular:

- Child protection/Safeguarding Policy: Members of staff should raise any initial child protection/safeguarding concerns about a child with the Designated Safeguarding Lead in accordance with the Summer School's [Child Protection & Safeguarding Policy](#).
- Safeguarding – Members of staff should raise any concerns about another staff member or other adult in the Summer School with the Designated Safeguarding Lead, or if the concern is about the DSL, with the COO (without first notifying the DSL), in accordance with the procedures in the Summer School's Child Protection & Safeguarding Policy. If the concern is about the COO, this should be raised with the SLT/Chairman of the Governors.
- Whistleblowing Policy: Staff should follow this procedure to raise concerns about poor or unsafe safeguarding practices at the Summer School or potential failures by the Summer School or staff to properly protect or safeguard the welfare of pupils if a member of staff is concerned that the Summer School's Safeguarding Policy is not being followed correctly.
- The [NSPCC whistleblowing helpline](#) is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 (available from 8:00am to 8:00pm, Monday to Friday) and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).
- Children's Social Care: In exceptional circumstances, or if at any point there is a risk of immediate serious harm to a child, a referral should be made to Cumbria Children's Services immediately by a Course Director.

**Cumbria Children's Services**

3 Alfred Street North, Carlisle, CA1 1PX

T: 01228 227002

T: **0333 240 1727** (Out of hours)

**What is whistleblowing?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- failure to comply with any legal or professional obligation or regulatory requirements;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- bribery;
- facilitating tax evasion;
- financial fraud or mismanagement;
- breach of our internal policies and procedures;
- conduct likely to damage our reputation or financial wellbeing;
- unauthorised disclosure of confidential information;
- negligence; and
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above. If a member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a **whistleblowing concern**) they should report it under this policy.

**Procedure**

If a member of staff wishes to raise a concern which they believe is currently happening, happened in the past, or is likely to happen in the future, they must inform their Line Manager (verbally or in writing) of their concern. However:

- If the Line Manager is the subject of the concern, staff should inform his/her immediate superior (verbally or in writing).
- If a member of staff feels unable to do this, then they can write to the Bursar.
- If the concern involves the COO, staff can write to Mr Ian Durrans, Chairman of the Governors' Audit & Compliance Sub-Committee ([id.gov@sedberghschool.org](mailto:id.gov@sedberghschool.org)).

Staff must fully explain the nature and extent of their concern. If they are unable to formulate a written concern, then the HR Manager will offer confidential assistance.

**The Investigation**

Once a member of staff has raised a concern, the Summer School will carry out an initial assessment to determine the scope of any investigation. The Summer School will inform the

member of staff of the outcome of the assessment. The member of staff may be required to attend additional meetings in order to provide further information. If the concern relates to the protection of a child the Summer School will invoke its child protection procedures for reporting to children's services. If the concern relates to the conduct of a member of staff or another adult in the School a referral will be made to the LADO. In these circumstances the Summer School will act in accordance with the external advice provided, including any processes to gather further information on the concern.

In some cases the Summer School may appoint an investigator or team of investigators, including staff, with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Summer School to minimise the risk of future wrongdoing.

The Summer School will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Summer School giving specific details of the investigation or any disciplinary action taken as a result. The member of staff should treat any information about the investigation as confidential.

If the Summer School concludes that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

A member of staff who is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence with the Bursar. Should a concern involve the Bursar, the concern should be raised with the board of governors.

If a member of staff believes they have been subjected to any detriment (at any time) due to raising a concern under this policy, then they should report this to their immediate Line Manager or his/her immediate superior (in writing) and it will be investigated. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If substantiated, then this is regarded as a serious disciplinary offence and will be dealt with in line with the appropriate procedure.

### **Confidentiality**

The Summer School hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise a concern confidentially, the Summer School will make every effort to keep their identity secret. If it is necessary for anyone investigating their concern to know their identity, the Summer School will discuss this with the member of staff.

The Summer School does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Summer School cannot obtain further information from staff. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should raise their concerns, and appropriate measures can then be taken to preserve confidentiality. Staff have a professional responsibility to raise concerns in the context of child protection/safeguarding. In effect, these matters are 'everyone's responsibility' as set out in the Summer School's procedures

### **External Procedures**

A member of staff has a right of access to an external person/body and the Summer School will not place any impediments in the way to prevent open and appropriate communication in order to raise significant issues of concern. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue), Ofsted or ISI. As far as possible, however, staff are asked to use internal procedures, as set out above, first.

It should be noted that under PIDA, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the member of staff reasonably believes:

- That exceptionally serious circumstances justify it;
- That the Summer School would conceal or destroy the relevant evidence;
- Where they believe they would be victimised by the Summer School;
- Where the Secretary of State has ordered it.
- Where a child is deemed to be at risk of harm and appropriate action does not appear to have been taken. Safeguarding remains everyone's responsibility (KCSIE 2021).

### **Malicious Accusations**

False, malicious, vexatious or frivolous accusations will be dealt with under the Summer School's Disciplinary Procedure.

### **Protection from Reprisal or Victimisation**

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and following the whistleblower procedures.