SPECIALIST EDUCATION SERVICES

Policy and Practice for the Disclosure of Information in the Public Interest (Whistle Blowing)

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1 INTRODUCTION

Specialist Education Services is committed to the highest standards of quality, honesty, openness and accountability.

As an employee you have an important role in achieving this goal. Employees will usually be the first to know when someone in the organisation is doing something illegal or improper but often feel worried about voicing their concerns. We have created this policy and procedure document to cover the reporting of any genuine concerns you may have about suspected misconduct within the organisation.

This document makes it clear this can be done without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable all employees to raise serious concerns within the establishment rather than overlooking a problem or 'blowing the whistle' outside.

This policy conforms to the guidance in the Public Interest Disclosure Act 1998 (PIDA). PIDA encourages you to raise concerns internally in the first instance.

2 SCOPE OF THIS POLICY

This Policy does not replace the SES Complaints and Representations Policy and Practice procedures or the SES Grievance Capability and Disciplinary procedures. These contain existing procedures to enable staff to lodge a grievance relating to their own employment. This Disclosure Policy is intended to cover concerns that fall outside the scope of that procedure.

It is impossible to give an exhaustive list of the activities that constitute misconduct or malpractice but broadly speaking we would expect you to report the following:

- Criminal offences
- Failure to comply with legal obligations
- Actions that endanger the health or safety of employees or the public,
- Working outside agreed Policy and Practice.
- Actions which cause damage to the environment
- The unauthorised use of assets or funds
- Manipulation of accounting records and finances
- Possible fraud and corruption
- Decision-making for personal gain
- Abuse of position
- Misconduct or malpractice
- Sexual or physical abuse of young people or employees
- Other unethical conduct
- Actions which are intended to conceal any of the above

The policy is primarily for concerns where the interests of others or of the organisation itself are at risk. **If in doubt – raise it!**

It is the duty of every member of staff to speak up about genuine concerns in relation to the above. It applies whether or not the information is confidential. Specialist Education Services is committed to ensuring that any staff concerns of this nature will be taken seriously and investigated. A disclosure to the Directors will be protected if the member of staff has an honest and reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. Staff who raise concerns reasonably and responsibly will not be penalised in any way.

3 WHO IS THIS POLICY FOR

This policy is for people employed by Specialist Education Services. For the purposes of this policy **only**, this is someone who is:

- Employed on a permanent or fixed term contract of employment;
- On secondment to SES;
- On a temporary contract or employed through an agency to work for SES;
- An independent consultant for SES; or
- Contractors and suppliers of services to SES.

Personnel not employed by SES would be expected to use the Complaints and Representations procedures.

4 HOW WE WILL HANDLE THE MATTER

Any individual who has reasonable suspicions of malpractice should initially take their concerns to their line manager within the Leadership Team. If they do not feel that this is the appropriate person, they should approach another Manager or go directly to the Registered Manager or Principal. If any of these routes are impossible for any reason a direct approach to the Directors is appropriate. If the issue concerns one or other of the Directors, then the Principal should be informed immediately and they will be responsible for involving the Director not implicated in the allegation.

Once you have told us of your concern, we will look into it carefully and thoroughly to assess what action, if any, should be taken. Depending on the nature of your concern, this may mean an internal inquiry or a more formal investigation. We will tell you who your point of contact will be and whether we will need further assistance from you. We may ask you how you think your concern should be best dealt with. If you have a personal interest in the matter we would ask that you tell us at the outset. Whilst we will try to give you as much feedback as possible, we may not be able to give you specific details as this could infringe upon the privacy of another individual.

We cannot guarantee that we will respond to all concerns in the way that you might wish, but we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this.

It is recognised that for some individuals, raising a concern under this procedure may be a daunting and difficult experience. An individual may choose to be accompanied or represented by a colleague at any stage of this procedure. All reported incidents will be investigated. All reports will be dealt with in confidence, with only staff that need to know, being informed.

The Senior Manager, or whoever has been approached, will establish and record the basis of the concerns that have been raised and establish what further actions are required, using the confidential reporting form designed for that purpose and kept on the internal network. The individual raising the concern will be advised of the outcome of the investigation as soon as possible, normally within two weeks of the date of their disclosure. Where a longer period is needed for investigation, the member of staff will be informed in writing. The Directors will be informed of all reported disclosures and the actions being taken.

If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to the Directors who will arrange any further investigation as they think appropriate. The Directors will send a written response to the individual concerned.

5 ANONYMOUS ALLEGATIONS

This Policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Directors.

In exercising this discretion, the facts to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

6 UNTRUE ALLEGATIONS

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. In making a disclosure the individual should take care to ensure the accuracy of the information. If you make an allegation frivolously, maliciously, mischievously or for personal gain, disciplinary action may be taken against you.

7 WHAT ARE OUR GUIDING PRINCIPLES?

To ensure that this policy is adhered to, and to assure staff that the concern will be taken seriously, SES will:

- Not allow the person raising the concern to be victimised for doing so;
- Treat victimisation of whistle blowers as a serious matter, that may lead to disciplinary action that may include dismissal;

- Not attempt to conceal evidence of poor or unacceptable practice;
- Take disciplinary action if an employee destroys or conceals evidence of poor or unacceptable practice or misconduct;
- Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise whistleblowing;
- Liaise with the Department for Education and other organisations to which staff report malpractice.

8 EXTERNAL CONTACTS

Employees' contracts require that staff do not disclose confidential information. This also applies to false or misleading information. In considering taking a concern outside the company, you should be aware of your duty of confidentiality and you should consider whether reporting the concern externally, without first giving the company the opportunity to look into the matter, is the reasonable course of action.

Due to the national profile of child protection issues, employees should be mindful of discussions outside of SES, particularly in public places, that may cause alarm and lead to external professionals or members of the public raising concerns without the full context of the level of complexity and needs of our young people. This can be triggered accidentally by others overhearing a casual conversation without understanding or having a fuller picture.

We hope this policy gives you the reassurances you need to raise concerns internally, but if you still feel uneasy, we would rather you raised a concern with the appropriate body than not at all. Provided you are acting in good faith and you have evidence to back up your concerns, you can also contact:

- NSPCC Helpline
- Health and Safety Executive
- Department for Education
- Ofsted
- Your Trade Union
- Your local Citizens Advice Bureau
- The police

9 PERSONAL RELATIONSHIPS BETWEEN SES COLLEAGUES

SES recognises that colleagues naturally develop a range of personal relationships, including friendships, close professional connections and romantic relationships, and that family relationships may also exist between colleagues. SES respects the personal lives of colleagues and trusts them to maintain appropriate professional boundaries. Personal relationships should not, in themselves, lead to assumptions about an individual's professional judgement, conduct or practice.

There is no specific regulatory prohibition on personal relationships between colleagues, with the relevant consideration being the suitability of staff and their ability to fulfil their professional responsibilities**.** SES therefore respects these relationships while recognising that all adults have a responsibility to ensure

they do not compromise professional standards, safeguarding, decision-making, accountability or the quality of care and education provided to children.

Where any personal relationship, regardless of its nature, creates or could reasonably be perceived to create a conflict of interest, reduced professional challenge or inappropriate influence, colleagues are expected to exercise professional judgement and discuss this with their line manager or an appropriate member of the Leadership Team. Any necessary arrangements should be proportionate and focused on maintaining professional integrity and accountability.

Wherever reasonably practicable, SES will seek to ensure that colleagues with close personal relationships, such as siblings, partners or other close family members, do not have direct responsibility for each other's formal supervision, performance management or the investigation and oversight of safeguarding concerns or allegations involving one another. Such arrangements will be considered on an individual basis, taking account of operational needs, professional responsibilities and the importance of maintaining independent and objective oversight. Where alternative arrangements are not practicable, appropriate safeguards and additional oversight will be considered.

Professional curiosity must apply consistently to all working relationships. Leaders and team members should remain curious, observant and professionally challenging about practice, decision-making and relationships across the whole team.

All colleagues retain an individual responsibility to raise concerns about practice, safeguarding, conduct or professional decision-making. Concerns should be raised directly with a line manager, another member of the Leadership Team, the Registered Manager or Principal, as appropriate, or through the procedures outlined in this document. SES expects genuine concerns to be raised rather than overlooked because of personal relationships, friendships, loyalty, seniority or length of service.

Every member of staff has a duty to speak up about genuine concerns and that colleagues who raise concerns reasonably and responsibly will not be penalised for doing so.