



WHISTLE BLOWING POLICY
(1998 Public Interest Disclosure Act)
GUIDANCE FOR EMPLOYEES

Introduction

This guidance is written for staff working with children and young people working in York Steiner School.

Staff must acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant agencies. Although this can be difficult this is particularly important where the welfare of children may be at risk.

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Safeguarding

You may be the first to recognise that something is wrong but may not feel able to express your concerns out of a feeling that this would be disloyal to colleagues or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable children or young person who are targeted. These children need someone like you to safeguard their welfare.

Don't think what if I'm wrong - think what if I'm right

Who is covered?

The Public Interest Disclosure Act (PIDA) 1998 protects workers who disclose information in the correct manner. 'Workers' has a broader definition than 'employees' and will apply to individuals who are:

- employed under a contract of employment
- employed under any other contract under which they perform personally any work or services for another party
- agency workers
- work experience
- individually placed in school

Protected grounds for disclosures

To qualify for protection for disclosure the worker must:

- be acting in good faith
- have reasonable grounds for believing the information disclosed or any allegation are substantially true
- Does not make the disclosure for personal gain.

The worker making the disclosure must do so in the belief that it shows 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/she is subject
- that a miscarriage of justice has occurred, is occurring or is likely to occur
- that the health and safety of any individual has been, is being, or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it
- 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

A worker is also protected under Public Interest Disclosure Act if:

- the worker has previously raised the matter with the employer, or;
- the worker has not done so because of a reasonable fear of being penalised or because he/she believes that evidence will be concealed or destroyed, and there is no regulating body to which genuine concerns can be expressed.

In determining the 'reasonableness' of the above, the following factors will be taken into consideration:

- The identity of the person to whom the disclosure was made
- The seriousness of the problem
- Whether it is continuing or likely to reoccur
- Whether the worker has complied with any Whistleblowing procedures authorised by the employer.

Any deliberately false or malicious accusations will be dealt with under the disciplinary procedure

Reasons for whistle blowing

- Everybody has responsibility to raise concerns about unacceptable practice or behaviour
- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated yourself

What stops people from whistle blowing

- Starting a chain of events which spirals
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed

How to raise a concern

- You should voice your concerns, suspicions or uneasiness as soon as you can. The earlier a concern is expressed the easier and sooner it is possible for action to be taken
- Try to pinpoint what practice is concerning you and why
- Approach someone you trust and who you will believe will respond
- Make sure you get a satisfactory response - don't let matters rest
- Ideally you should put your concerns in writing.
- A member of staff is not expected to prove the truth of an allegation but you will need to demonstrate sufficient grounds for the concern.

What happens next?

- You should be given information on the nature and progress of any enquiries
- Your employer has a responsibility to protect you from harassment or victimisation
- If raised in good faith, no action will be taken against you if the concern proves unfounded
- Malicious allegations may be considered as a disciplinary offence

Self reporting

There may be occasions where a member of staff has a personal difficulty, maybe a physical or mental health problem which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned.

Confidentiality cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, the Designated Safeguarding Officer (DSO), the HR Mandate Holder or Trustee responsible for HR.

Approval & Review

This Policy was approved by the Board of Trustees on

This Policy will be reviewed on or before

December 2017