

New Horizon Academy: Whistleblowing Policy

Introduction

At New Horizon Academy we educate with purpose: to provide our pupils with the tools they need to become independent, achieve economic well-being, contribute to society, and always strive to do their best.

We provide a vibrant environment for the education of children with moderate and severe learning needs who are in the care of New Horizons Care Limited. We will be responsive enough in our teaching approach to consistently meet our pupils needs and prepare them for the ever-changing world.

Our school is committed to safeguarding and promoting the welfare of all its pupils. All staff and visitors have an important role to play in safeguarding pupils and protecting them from abuse and considering when mental health may become a safeguarding issue. In order to safeguard our pupils, it might become necessary for staff to follow our whistleblowing procedure.

What is 'Whistleblowing'?

'Whistleblowing' is when an individual reports suspected wrongdoing at work.

Officially this is called 'making a disclosure in the public interest'.

An individual can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including, for example:

- any concern relating to child protection, safeguarding and/or safety
- someone's health and safety being endangered
- damage to the environment
- a criminal offence
- covering up wrongdoing

Overview of the policy

This policy applies to all employees and members of our governing body. Other individuals performing functions in relation to the school have access to it. **All employees at New Horizon Academy have a full safeguarding induction with the designated safeguarding lead, which includes coverage of this whistleblowing policy. All employees sign to acknowledge their understanding of this policy.**

New Horizon Academy expects the highest standards of conduct from all employees and governing body and will treat seriously any concern raised about illegal or improper conduct. Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Headteacher (or the Safeguarding Governor) any serious impropriety or breach of procedure.

It is important that any fraud, misconduct or wrongdoing by employees or those

connected to the school is reported and properly dealt with. The leadership team and/or governing body will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the schools, which are in the public interest. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation, as per our disciplinary procedures.

Background

The law provides protection for employees who raise legitimate concerns about specified matters. These are called qualifying disclosures. A qualifying disclosure is one made in the public interest by the employee who has a reasonable belief that...

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- corruptly receiving any gift or advantage, thus failing to comply with the Bribery Act 2010
- allowing private interests to override the interests of the schools
- a breach of any legal obligation
- concealment of any of the above

...is being, has been, or is likely to be, committed.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the schools' responsibility to ensure that an investigation takes place.

Where the concerns are about safeguarding children, the schools' designated safeguarding lead, must be notified (or in their absence, the deputy DSL).

When should it be used?

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the schools' grievance procedures.

Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it cannot amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.

This policy, then:

- is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation
- does not apply where the employee simply disagrees with the way the school is run.

Employees must have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour.

An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. New Horizon Academy will not tolerate harassment and/or victimisation of any employee raising concerns.

Principles

- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure is a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under our disciplinary procedures, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

Procedure

Please see the table on page 4 for who to raise concerns with.

The Headteacher (or Safeguarding Governor in her absence) will arrange an investigation into the matter (either by investigating the matter himself/herself or immediately passing the issue to someone in a similarly senior position). The investigation may involve the employee and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be considered, and he/she will be asked to comment on any additional evidence obtained.

Employees who want to use the procedure but feel uneasy about it may wish to consult

their professional association/trade union initially and bring a colleague or professional association/trade union representative along to any discussions, so long as the third party is not involved in the issue.

Where anonymity is requested, efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.

The Headteacher (or Safeguarding Governor in her absence), will then take the necessary action, including disciplinary action and the reporting of the matter to any appropriate department or regulatory agency. On conclusion of any investigation the employee will be told the outcome of the investigation and what the next steps will be. If no action is to be taken the reason for this will be explained.

Who to raise concerns with:

Concern	Raise with	How
About any members of staff	The Headteacher or the Safeguarding Governor	Email or in person (add email here when school opens)
About the Headteacher or other Senior Managers	The Chair of Governors	Email or in person (add email here when school opens)
About Governors	The Local Authority Designated Officer (LADO)	Email: (add email here when school's LA is confirmed)

What if an issue is raised with a member of staff?

If a member of staff, is approached by a colleague on a matter of concern as defined in this document, he/she is advised to take the matter to the Headteacher or the Safeguarding Governor.

Safeguarding Children

All employees have a duty to report concerns about the safety and welfare of pupils, as per our **safeguarding policy**. These concerns must always be reported to the designated safeguarding lead.

Referring to the DBS

New Horizon Academy is clear about its duty to refer a person who is deemed unsuitable

to work with children to the Disclosure & Barring Service (DBS).

Specifically, we refer to the DBS any member of staff who:

- has harmed, or poses a risk of harm, to a child
- has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence
- is dismissed or receives disciplinary action because of misconduct relating to a child
- leaves their employment during an investigation related to misconduct relating to a child

The DBS will then consider whether to bar the person. Referrals will be made as soon as possible after the resignation or removal of the individual.

NSPCC Helpline

Where a staff member feels unable to raise a safeguarding issue according to the steps highlighted above or feels that their genuine concerns are not being addressed, staff may contact the NSPCC helpline on 0800 028 0285, which is available from 08:00 to 20:00, Monday to Friday. Alternatively, staff can email help@nspcc.org.uk

Reporting to the DfE

If an employee is concerned that both the Headteacher and the Chair of Governors are involved in the wrongdoing, have failed to make a proper investigation or have failed to report the outcome of the investigation, he/she has the option of contacting the registration authority, the Department for Education.