

# RAISING CONCERNS AT WORK (WHISTLEBLOWING) POLICY

<p><b>Policy Owner</b></p> <p>Director of Operations and Finance</p>	<p><b>Applies to</b></p> <p>Prior Park Schools (Trust Wide)</p>	<p><b>Superseded documents</b></p> <p>Raising a Concern at Work 'Whistleblowing' Policy v1</p>
<p><b>Associated documents</b></p> <p>Safeguarding Policy Grievance Policy Disciplinary Policy Low-Level Concerns Policy Data Protection Policy</p>	<p><b>Review frequency</b></p> <p>Every two years (unless the legislation/regulations update before this time)</p> <p><b>Implementation date</b></p> <p>31 March 2022</p>	<p><b>Legal Framework</b></p> <p>KCSIE Public Interest Disclosure Act 1998 Employment Rights Act 1996 Data Protection Act 2018</p>

This policy is reviewed biennially, or more regularly as required, prior to approval by Trustees, where applicable.

<b>Last reviewed by:</b>	Head of Compliance (Emma Wickham), HR Manager (Kasia Niec) Director of Operations and Finance (Emma Sandberg).
<b>Date last reviewed:</b>	February 2022
<b>Approved by Trustees:</b>	Board of Trustees
<b>Date last approved:</b>	31 March 2022
<b>Date for next approval:</b>	March 2024

## 1. Introduction

Prior Park Schools (PPS) comprises three schools. Two of those schools, Prior Park College (PPC) and The Paragon School (TP) are incorporated in England as Prior Park Educational Trust Ltd. The third school, Prior Park School Gibraltar (PPSG), is incorporated in Gibraltar as Prior Park School Ltd. Both are companies limited by guarantee and registered charities.

## 2. Policy Aims

The aims of this Policy are:

1. To encourage Employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
2. To provide Employees with guidance as to how to raise those concerns internally and, if necessary, outside PPS.
3. To reassure Employees that they are able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
4. To instil a culture of valuing Employees and of reflective practice.

## 3. Policy Statement

Prior Park Schools (PPS) is committed to creating a culture of safety and raising concerns, with an emphasis on openness and accountability. This is essential to conducting business with honesty and integrity, and we expect all Employee to maintain high standards. However, all businesses face the risk of malpractice, wrongdoing or of unknowingly permitting illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur. All PPS Employees should be aware, through training, of the importance of preventing and eliminating wrongdoing or dangers at work and know what to do to raise concerns confidentially.

This policy applies to all Employees, Trustees, Volunteers, Contractors and Visitors.

For the purposes of this policy these will all come under the reference term ‘Employee(s)’.

This policy applies to the whole Trust including the Early Years Foundation Stage at the Paragon School and National Minimum Standards for Boarding at Prior Park College.

It is important to the business that any fraud, misconduct or wrongdoing by anyone in the trust is reported and properly dealt with. PPS therefore encourages all individuals to raise any concerns that they may have about the conduct of others or the way in which the trust is run.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

This policy does not form part of any Employee's contract of employment and PPS may amend it at any time.

#### 4. Definitions

“**Whistleblowing**” is the disclosure of information where an Employee reasonably believes (and it is in the public interest) that malpractice or wrongdoing is being, has been, or is likely to be, committed. These are called “**qualifying disclosures**”. The law provides protection for workers who raise legitimate concerns about specified matters such as:

- harm or risk of harm to children
- possible fraud, financial irregularities, corruption or bribery
- malpractice
- danger to health and safety
- criminal offences or breach of any legal obligations
- miscarriages of justice
- damage to the environment
- inappropriate behaviour or acting contrary to the Employee code of conduct
- dishonesty, unethical conduct
- the deliberate concealing of information about any of the above.

A Low-Level Concern, as explained in the Low-Level Concern Policy is; any concern - no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ - that an adult may have acted in a way that:

- a. is inconsistent with the Staff Code of Conduct, including inappropriate conduct outside of work; and
- b. does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO - but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

#### Examples of Low-level concerns

##### Low-Level Concern

Does not mean that it is insignificant, it means that the adult’s behaviour towards a child does not meet the threshold set out above. A low-level concern is any concern - no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ - that an adult may have acted in a way that:

- is inconsistent with the Staff Code of Conduct, including inappropriate conduct outside of work; and
- does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO - but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language.

Low-Level Concerns should be reported as described in the Low-Level Policy and not via the Whistleblowing channels explained in this policy.

## 5. Principles

This policy is intended to demonstrate that PPS:

- will not tolerate malpractice or wrongdoing and will investigate any matter raised under this procedure promptly and thoroughly
- respects the confidentiality of an Employee raising concerns and will maintain their confidentiality so far as is consistent with progressing any action effectively
- will protect from any detrimental treatment any individual who raised a genuine concern under this procedure
- will provide the opportunity to raise concerns outside the normal line management structure, where this is appropriate
- will provide a clear and simple procedure for raising concerns, which is accessible to all Employees
- will invoke the PPS Disciplinary Policy in the case of false, malicious, vexatious or frivolous allegations.

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 PPS Grievance procedure.

This Raising a Concern at Work “Whistleblowing” Policy should be used by Employees to express a legitimate concern regarding **suspected malpractice or wrongdoing** within any of the PPS schools.

For Low-Level Concerns relating to staff conduct, Employees should refer to the Low-Level Concern Policy.

## 6. Raising a Concern at Work “Whistleblowing” Procedure

An Employee will be at liberty to express their concern to the Head, Deputy Head, Prior Park Schools Director of Operations and Finance, a member of the HR Department or the Finance Department and/or a Trustee.

If the concern is relating to any child or is deemed to be a safeguarding concern, they should contact the DSL or DDSL(s) in line with our Safeguarding Policy and Procedure.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The Employee making the allegation will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the result.

An Employee who is not satisfied that their concern is being properly dealt with has the right to raise it in confidence with a member of the Board of Trustees or to raise it externally.

## 7. Confidentiality

Employees who wish to raise a concern under this policy are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although Employees are encouraged to express their concern

in writing wherever possible. If there is evidence of criminal activity, then the Police will be informed in all cases.

## **8. External Whistleblowing Procedures**

Where all internal procedures have been exhausted, or if the Employee so wishes, the Employee have a right to access an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, Department for Education, Department of Education (PPSG), COBIS (PPSG), ISI, the Health and Safety Executive and/or the Local Authority Designated Officer (where the disclosure relates to a child protection issue).

Under the Public Interest Disclosure Act 1998, there are circumstances where an Employee may be entitled to raise a concern directly with the appropriate external body. This would be where the Employee reasonably believes:

- that exceptionally serious circumstances justify it
- that PPS would conceal or destroy the relevant evidence
- where they believe they would be victimised by PPS
- where the Secretary of State has ordered it, or the law requires it.

## **9. Malicious Accusations**

If it is concluded that false allegations were made maliciously or with a view to personal gain, the Employee will be subject to disciplinary action. (Please see PPS Disciplinary Policy)

## **10. Protection from Reprisal or Victimisation**

Any individual who raises concern under this policy, in line with the Public Interest Disclosure Act 1998, will be protected from any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern, including detrimental treatment by other Employees.

## **11. Data Protection**

When an individual makes a disclosure, PPS will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

## **12. Useful Numbers**

Bath & North East Somerset Community Safety and Safeguarding Partnership (BCSSP)  
<https://www.bathandnortheast Somersetccg.nhs.uk/documents/policies-and-governance/the-new-safeguarding-arrangements-for-partners-in-bath-and-north-east-somerset>

Gibraltar Child Protection Procedures - Gibraltar Child Protection Committee  
<https://www.gibraltar.gov.gi/health/care-agency/child-protection-team>

Public Concern at Work: 020 3117 2520 <https://www.pcaw.org.uk/>

NSPCC: 0800 028 0285 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)