St. Rose's
Inspiring Education, Therapy & Care

WHISTLEBLOWING POLICY

Person responsible:	Principal
Date approved by governing body:	July 2024
Review cycle:	Every 2 years
Date of policy review:	July 2026

WHISTLEBLOWING

Aim

The aim of St Rose's/St Martin's is to establish an open culture whereby staff feel enabled to raise any concerns about any suspected malpractice or abuse within the organisation without fear of reprisal, victimisation or ill-treatment, and where they feel that their concerns will be taken seriously.

Background

St Rose's/St Martin's is committed to delivering the highest quality services to its students and therefore expects high standards from its employees, volunteers and contractors. In order to maintain these high standards St Rose's/St Martin's considers that a culture of openness and accountability is vitally important whereby staff feel enabled to raise any concerns about any suspected malpractice or abuse within the organisation without fear of reprisal, victimisation or ill-treatment, and where they feel that their concerns will be taken seriously.

St Rose's/St Martin's understands 'whistleblowing' to refer to a complaint about suspected malpractice at work made by a member of staff, either to the management of the organisation or to an external regulatory body, such as Ofsted, the Care Quality Commission (CQC) or the Health & Safety Executive (HSE), or to the police. Such actions are protected in law by the Public Interest Disclosure Act 1998 which protects employees who justly 'blow the whistle' about their employers where a worker has 'a reasonable belief' that their disclosure exposes one or more of the following:

- a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- fraud or corruption
- deliberate covering up of information tending to show any of the above.

A clear example might be where a member of staff has suspicions about systematic physical, mental or financial abuse of vulnerable students.

According to the law such a disclosure is in the 'public interest' and so those making the disclosure should be protected from any subsequent victimisation or ill treatment. The legislation was originally introduced to combat any culture of secrecy or intimidation whereby staff are discouraged from coming forward.

St Rose's/St Martin's strongly supports whistleblowing legislation as an important element in rooting out unacceptable forms of malpractice and as a critical quality assurance safeguard for service users. St Rose's/St Martin's also supports measures which protect whistleblowers from any form of victimisation or ill treatment. It is the position of St Rose's/St Martin's that

any malpractice or criminal activity occurring in the organisation - or the covering up of such activities - is entirely unacceptable and, if discovered, will lead to immediate disciplinary or legal action.

Policy

At St Rose's/St Martin's:

- Safeguarding is given a very high priority indeed and effective policies and processes are in place, and are regularly reviewed, to ensure that abuse is prevented wherever possible and, if it does occur, it is identified and appropriate action taken. All staff and managers will be made aware of these policies and processes – including at induction – and provided with training relevant to their role so that they understand their responsibilities and know what to do if they have concerns.
- All staff are encouraged to raise any genuine concerns or suspicions that they might have about any malpractice, suspected crime, breach of legal obligations, miscarriage of justice, danger to health and safety or the environment, financial malpractice (eg fraud, corruption, etc) - or any cover-up of any of these areas.
- As soon as a member of staff becomes concerned about such an issue they should firstly raise it with their line manager, unless the manager is the potential transgressor, in which case the member of staff should complain to the senior management of the organisation. Concerns may be raised verbally or in writing.
- In some cases it is understood that, despite this policy, a member of staff raising a concern will wish to remain anonymous and for the concern to be raised in confidence. In such cases every effort will be made to ensure confidentiality as far as this is reasonably practical.
- When reporting a concern staff should provide as much information and detail as possible, including names, dates, and any evidence, if any.
- Whenever the senior management or registered person receives a complaint made under the Public Interest Disclosure Act 1998 they must launch an immediate investigation which may or may not involve a referral to the police, the HSE, Ofsted or the CQC.
- Where a member of staff is raising an issue in good faith and has 'reasonable suspicions' that their complaint will not be listened to by managers, where they believe they will be unjustly treated because of their disclosure or where they reasonably suspect that the managers themselves are involved in the malpractice, then the disclosure should be made direct to the appropriate regulatory authority such as the HSE, Ofsted or CQC.
- As a last resort a member of staff may feel that their only recourse is to contact the police. This action should only be taken if the matter has already been raised with the prescribed regulator, where the disclosure is 'reasonable' in all circumstances, where it is not made for personal gain and where the member of staff reasonably believes that they will be victimised or the issue 'covered up'. Staff are advised to take legal advice before taking this step.
- Where any member of staff believes that they have reasonable suspicions and raises one or more of these issues in good faith and in the best interests of others, then St Rose's/St Martin's understands that they will be covered under the Public Interest Disclosure Act 1998

and that St Rose's/St Martin's has a legal duty to protect them from detrimental treatment, unfair dismissal, ill-treatment, harassment or victimization.

- No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the obligation is not subsequently confirmed by the investigation.
- Any harassment or victimisation of anyone raising a genuine concern in good faith under this policy will not be tolerated and appropriate action will be taken, including disciplinary action.
- If an internal investigation is conducted within St Rose's/St Martin's then the senior management or registered person will be responsible for keeping the whistleblower informed about the progress of the investigation and action taken. Where criminal or disciplinary proceedings occur as a result of the disclosure then the whistleblower may be required to give a written statement or give evidence at a hearing. In such cases St Rose's/St Martin's will give full support.
- If concerns are demonstrated to have been raised frivolously, maliciously, for personal gain or where they were known to be untrue, then St Rose's/St Martin's may take disciplinary action against the person making the claims or, in the case of agency staff, the agency contract may be terminated.
- If the allegation concerns a senior member of staff the Trustees and Governors will be informed.

Management duties

Managers and supervisors at St Rose's/St Martin's have a duty to:

- investigate any alleged malpractice as sensitively and speedily as possible
- protect the rights and interests of staff who have 'blown the whistle' and are covered by the Public Interest Disclosure Act 1998, investigating any allegations of bullying or harassment and taking appropriate action.
- regularly revise policies and procedures to combat abuse, updating them with current good practice
- operate systems of management, supervision, internal inspection, and quality control which are designed to reveal abuse if it exists and encourage a culture and ethos for St Rose's/St Martin's which is hostile to any sort of abuse
- operate recruitment policies and procedures which identify and exclude from employment at St Rose's/St Martin's potential or actual abusers
- provide training for staff in all aspects of abuse and protection, including their duties to protect the students from abuse and their rights to protection under the Public Interest Disclosure Act 1998 and St Rose's/St Martin's Whistleblowing policy.
- monitor cases and incidents, analysing trends and patterns and implementing improvements to procedures if an investigation into abuse reveals deficiencies in the way in which St Rose's/St Martin's operates or loopholes which could be exploited by abusers
- review and update this policy as required.

Staff duties

Staff have a duty to:

- provide students with the best possible care at all times and to never engage in any action or activity that could be construed as abusive
- always report any suspicions of malpractice or criminal activities at St Rose's/St Martin's and to never attempt to condone, ignore, 'turn a blind eye' to or cover up such activities
- never raise a concern frivolously, maliciously, for personal gain or where they know the claim to be untrue
- cooperate in every possible way in any investigation into an alleged abuse
- participate in training activities relating to abuse and protection.

Concerns about any of the following should be reported to the school's Designated safeguarding Lead for Children (DSL)

- physical abuse of a student
- sexual abuse of a student
- emotional abuse of a student
- neglect of a student
- an intimate or improper relationship between an adult and a student

Applicability and scope

This policy applies to all staff, students, visitors, volunteers and contractors without exception. All staff at St Rose's/St Martin's have responsibility for ensuring that they work within the remit of this policy and in the manner in which they have been trained.

Responsibilities

Responsibility for the implementation, monitoring and review of this policy lies with the leadership team at St Rose's/St Martin's

St Rose's/St Martin's DSL for safeguarding is Lisa Taylor, Nursery Manager

This Policy Statement is considered part of the Terms and Conditions of Employment for all staff at St Rose's/St Martin's

……. Chair of Governors Date …….

…….... Principal Date …….