

KWS Educational

Whistleblowing Policy

Version 7 Sep 2021

Approved by the Trustees

Review 2 years from date of approval

## Introduction

The statutory guidance '*Working Together to Safeguard Children*' (2021), makes clear that all organisations that provide services for, or work with, children, must have appropriate whistleblowing procedures, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed by the organisation.

## What is whistleblowing?

Whistleblowing is the term used when someone who works with or for an organisation, wishes to raise concerns about wrongdoing in the organisation (for example, crimes, civil offences, miscarriages of justice, dangers to health and safety or the environment), and the cover up of any of these. Whistleblowing is very different from a complaint or a grievance. It only applies when you have no vested interest and are acting as a witness to misconduct or malpractice. A complaint is more personal in that in most circumstances you or someone close to you, will have been affected by the issue concerned and you are seeking redress or justice for yourself. In these circumstances, because you have an interest in the outcome of the complaint, you would be expected to be able to prove your case; Ofsted has limited powers to deal with complaints. A grievance is when an employee has a dispute about their own employment position. If you are an employee with a grievance, we recommend that you refer to your local procedures. Ofsted cannot take action over grievances.

## What does the law say?

The Public Interest Disclosure Act 1998, known as the Whistleblowing Act, is intended to promote internal and regulatory disclosures and encourage workplace accountability and self-regulation. The Act protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about child safeguarding and welfare systems, financial malpractice, danger, illegality, or other wrongdoing. The concern may relate to something that is happening or has happened in the past or something that you fear may happen in the future. Under the Public Interest Disclosure Act, workers are protected from reprisals for reasonably raising an honest and genuine concern internally, but you must be acting in the public interest and not for personal gain to be given this protection.

## What should a member of staff, volunteer or student do if they have a concern about safeguarding failures or other wrongdoing in a setting?

There are a number of avenues that a staff member, volunteer or student can take if they wish to raise a concern:

- 1- Concerns about staff should be taken to the Headteacher or DSL
- 2- Concerns about the Headteacher should be taken to the Trustees or DSL.

If you feel unable to do this (perhaps because the concern relates to them), always seek independent advice at the earliest opportunity. This may be to check who may be best placed to deal with their concern or simply to talk the matter through in confidence first and discuss how to raise their concern, i.e. union, professional body, early years and childcare advisor.

If you have raised their concern internally but feel it has not been properly addressed, or if they feel unable to raise their concern at any level within the organisation, you may feel that you need to raise their concern outside their place of work.

It is advisable, in terms of both addressing the concern and securing your own protection as a whistle-blower, to raise this first with a body that has some oversight of the work of the setting. This may be a governing body/committee, the local authority, Ofsted, or the student's educational establishment. If your concern is about an immediate or current risk to an individual child or children, it is important to contact the LADO.

## **Who to contact**

The LADO is the Local Authority Designated Officer, for concerns within KWS, staff should contact the Bedford Borough LADO on 01234 276693.

*Each local authority has a LADO and these would be contacted for concerns about staff in another local authority establishment:*

*Luton Borough Council- 01582 548069*

*Central Bedfordshire Council- 0300 300 4833*

*Cambridgeshire County Council. 0345 045 5203*

*Milton Keynes Council- 01908 254300*

**Ofsted** – contact can be made as follows:

- By telephone to the dedicated whistleblowing hotline - 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).
- By email to the whistleblowing team - whistleblowing@ofsted.gov.uk.
- By post: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

The hotline can be used by anybody who has a whistleblowing concern about services or practice in any local authority, or in a care or educational setting regulated and inspected by Ofsted, including:

- employees and former employees
- agency staff currently and formerly working within care or educational settings
- voluntary workers in care or educational settings

Alternatively, the NSPCC has a whistleblowing hotline – 0800 028 0285

## **Confidentiality**

If a member of staff/volunteer/student comes to Ofsted anonymously – this is when they do not know who they are – it will be harder for them to take up the matter, or be sensitive to the person's position, though they will look into the substance of the information that has been provided. Ofsted encourage either open or confidential whistleblowing as the best means for protecting staff/volunteer/student and for the concern to be addressed. Ofsted will ensure that their work in the handling of all concerns, complaints and safeguarding issues complies with the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000. Under the Freedom of Information Act, Ofsted has the legal obligation to provide information in response to a request unless the information is available by other means; it would not be reasonably practicable to supply it; or the information falls within the exemptions of the Act. If we receive requests for disclosure of information obtained under the whistleblowing procedure, we will always seek to maintain confidentiality where this has been requested. However, Ofsted cannot guarantee confidentiality in every case.

This policy will be reviewed at least every 2 years.