

TASIS



THE AMERICAN SCHOOL IN ENGLAND

Whistleblowing Policy

The current version of any policy, procedure, protocol or guideline is the version held on the TASIS website. It is the responsibility of all staff to ensure that they are following the current version.

Document

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1. Introduction

- 1.1. This policy applies to the whole school including Boarding Provision and Early Years Foundation Stage (EYFS).
- 1.2. The Policy is publicly available on the School website and upon request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.
- 1.3. All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours including activities away from school.
- 1.4. Our approach at TASIS the American School in England is child-centred and at all times, we will act in the best interests of the child.
- 1.5. TASIS is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees and others with serious concerns about malpractice or wrongdoing in the School's work are encouraged to come forward and voice those concerns without fear of victimisation.
- 1.6. Whatever the source the Proprietors are committed to listening to the concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.
- 1.7. We explicitly require staff to report to the Head of School or the Proprietors any concern or allegation about school practices or the behaviour of colleagues which are likely to put students at risk of abuse or other serious harm.
- 1.8. 'Whistleblowing' is the confidential raising of problems or concerns within an organisation by a member of staff. This is not 'leaking' information but refers to matters of impropriety e.g. a breach of law, school procedures or ethics. Whistleblowing is *not* the raising of a grievance within the school (which would be dealt with under the Code of Conduct Policy for Faculty and Staff).
- 1.9. Those external to TASIS are encouraged to raise any concerns they have about the way in which the School operates to the Board of Directors. Employees are often the first to realise that there may be something seriously wrong with an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation.

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- 1.10. Employees are encouraged in the first instance to raise their concerns within the school by applying the approach described in this document, rather than overlooking a problem or blowing the whistle outside the organisation.
- 1.11. The School provides immunity from retribution or disciplinary action against staff for ‘Whistleblowing’ in good faith. At all levels staff will be given safeguarding briefings or training on how to respond to suspicions or allegations of abuse and what action they should take in response to such suspicions or allegations.
- 1.12. It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the school nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the ‘whistleblowing’ procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the school.

2. Legal Status

- 2.1. The key piece of whistleblowing legislation is the *Public Interest Disclosure Act 1998* (PIDA) which applies to almost all workers and employees who ordinarily work in Great Britain.
- 2.2. The situations covered include:
 - a. criminal offences;
 - b. risks to health and safety;
 - c. failure to comply with a legal obligation;
 - d. a miscarriage of justice;
 - e. environmental damage.
- 2.3 Employees and workers who make a ‘protected disclosure’ are protected from being treated badly or being dismissed.
- 2.4 For a disclosure to be protected it must be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.
- 2.5 Related Documents:
 - a. Safeguarding Policy;
 - b. Health and Safety Policy;
 - c. Recruitment, Selection & Disclosure Policy and Procedure;
 - d. Anti-bullying Policy;
 - e. Behaviour Management, Discipline, and Sanctions Policy;

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- f. Code of Conduct Policy for Faculty and Staff;
- g. Single Equalities Policy;
- h. Data Protection Policy.

3. Purpose

3.1. The purpose of this policy is to:

- a. encourage staff to feel confident in raising serious concerns and to question and act upon concerns and poor practice;
- b. provide an avenue for staff to raise those concerns and receive feedback on any action taken;
- c. ensure that staff would receive a response to their concerns and that the member of staff is aware of how to take the matter further if they are not satisfied with the response;
- d. reassure staff that they will be protected from reprisals or victimisation for any disclosure that have been made in good faith;
- e. cover any serious concerns that staff have about any aspect of service provision or the conduct of a member of staff or others acting on behalf of the School, or major concerns that fall out of the scope of other procedures.

4. Aims

4.1. These are:

- a. to provide avenues for employees to raise concerns and receive feedback on any action taken;
- b. to allow employees to take the matter further if they are dissatisfied with the School's response;
- c. to reassure employees that they will be protected from reprisals of victimisation for whistleblowing in good faith.

4.2. There are existing procedures in place (e.g. grievance, harassment and bullying) which make provision for employees to lodge a concern relating to their employment.

4.3. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside the scope of those existing procedures.

5. Scope of Policy

- 5.1. This policy is designed to enable TASIS employees to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety.
- 5.2. This policy is intended to cover concerns which are in the public interest and may initially be investigated separately but may then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:
- a. financial malpractice/impropriety or fraud;
 - b. failure to comply with a legal obligation, statute or regulation;
 - c. dangers to Health and Safety or the environment;
 - d. criminal activity;
 - e. improper conduct or unethical behaviour;
 - f. attempts to conceal any of these.

6. Safeguarding

- 6.1. Staff should use the School's whistleblowing policy if they have any concerns about the handling of safeguarding matters either in general or in specific cases, should they feel unable to raise concerns regarding safeguarding failures internally.
- 6.2. It is communicated to staff within their induction, training and published policy that staff have a responsibility to report safeguarding and welfare matters within the School and to external agencies where necessary. This is one factor in establishing a positive, safeguarding culture.
- 6.3. There are procedures for reporting and handling poor or unsafe practice which can lead to potential failures within the safeguarding regime.
- 6.4. There should be transparency and accountability in relation to how safeguarding concerns are received and handled.
- 6.5. The School has regard to the latest (and subsequent versions of) KCSIE and as a result has clear processes for reporting and recording allegations. The NSPCC whistleblowing helpline is available for staff who may not feel able to raise concerns regarding safeguarding failures internally. Staff can call: 0800 028 0285 or Email: help@nspcc.org.uk.
- 6.6. Please see the School Safeguarding Policy on the School website for more details.

7. How to raise a concern

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- 7.1. In the first instance, an employee should raise concerns with their line manager.
- 7.2. If an employee believes that their line manager is involved in the situation, the employee should approach the Head of School without delay.
- 7.3. Employees are encouraged to set out in writing the background and history of the concern, giving names, dates and places where possible and the reason why they are concerned about the situation.
- 7.4. If employees do not feel able to put their concern in writing the matter can be raised by telephone or a face to face meeting with the appropriate manager.
- 7.5. In any event, employees should make an immediate note of relevant details, e.g. what was said in a telephone or other conversation, dates, times and so on.
- 7.6. Employees are encouraged to express their concerns at the earliest opportunity. The earlier a concern is raised, the easier it may be to take action.
- 7.7. When raising concerns employees must declare any personal interest they have in the matter.
- 7.8. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for a concern.
- 7.9. Employees should not attempt to investigate a concern or accuse individuals directly.
- 7.10. Employees may invite their trade union representative or professional association to raise the matter on their behalf.
- 7.11. In some circumstances, confidential informal advice from the employee's trade union or professional association may help an employee who is unsure of how best to pursue a concern.
- 7.12. If an employee feels that they cannot inform any internal individual then they may inform the Local Authority, Union or Professional Association Prescribed Person, Ofsted, the Children's Commissioner, NSPCC or alternatively the whistleblowing charity, 'Public Concern At Work' www.pcaw.org.uk.

8. How TASIS will respond

- 8.1. If the concern is accepted in line with this policy, an investigating officer (IO) will be appointed by the Head of School.
- 8.2. Once the appointed IO is in receipt of the information or allegation they will carry out a preliminary investigation on a sensitive and confidential basis.
- 8.3. The IO will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally.
- 8.4. The preliminary investigation may identify the need to involve third parties to provide further information, advice or assistance. For example, involvement of other members of TASIS staff; external consultants; legal or personnel advisors; the police or regulatory bodies.
- 8.5. The action taken by the School will depend on the nature of the concern. The matters raised may:
 - a. be investigated internally;
 - b. be referred to the Police;
 - c. be referred to an external auditor;
 - d. form the subject of an independent enquiry.
- 8.6. Initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (e.g. safeguarding, discrimination issues or financial irregularities) will usually be referred for consideration under those procedures.
- 8.7. Some concerns may be resolved by informal action agreed between the employee raising the concern and the person to whom it is reported without the need for formal investigation.
- 8.8. The IO, senior manager (if the issue is being dealt with informally) or Head of School will write to the employee who has raised the concern within 10 working days, to:
 - a. acknowledge that the concern has been received;
 - b. indicate how s/he proposes to deal with the matter;
 - c. offer an estimate of how long it will take to provide a response.
- 8.9. Records will be kept of work undertaken and actions taken throughout the investigation. The IO will consider how best to report the findings and will make

recommendations on any required corrective action. This may include disciplinary action and/or third party referral such as the police.

- 8.10. Recommendation or actions taken should be discussed at the senior Managers Team Meetings unless there is good reason not to do so such as confidentiality. The Head of School and/or the Director of Human Resources should ratify any recommendations made regarding disciplinary action.
- 8.11. Employees raising a concern will be informed of the final outcome of any investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party.
- 8.12. If the whistle-blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of the Board of Directors.

9. Safeguarding the Employee

- 9.1. **Protection:** This policy is designed to offer protection to those employees of the School who disclose such concerns provided the disclosure is made:
 - a. in good faith;
 - b. in the reasonable belief that the disclosure tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below).
- 9.2. It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.
- 9.3. **Confidentiality:** The School will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.
- 9.4. **Anonymous Allegations:** This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less

credible, but they may be considered at the discretion of the School. In exercising this discretion, the factors to be taken into account will include:

- a. the seriousness of the issues raised;
- b. the credibility of the concern;
- c. the likelihood of confirming the allegation from attributable sources.

9.5. **Untrue Allegations:** If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and if he or she persists with making them, disciplinary action may be taken against that individual.

9.6. **Monitoring:** All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register held by the Proprietary Board of Directors in the Head of School's office. The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised in order to monitor any patterns and to assist in monitoring and reviewing the policy.

10. Terminology

10.1. **Harassment:** A person is harassed when they are subjected to unwelcome physical or verbal conduct, or coercive behaviour which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

10.2. **Bullying:** A person is bullied when they are subjected to offensive, intimidating, malicious or insulting behaviour which through the abuse or misuse of power makes them feel vulnerable, upset, humiliated or threatened.

10.3. Such behaviour may include:

- a. a staff member shouting at, being sarcastic towards, ridiculing or demeaning a student or colleague;
- b. making physical or psychological threats;
- c. overbearing supervision;
- d. making inappropriately derogatory remarks about a student or colleague;
- e. persistent unfair assessment of a student or colleague's work;
- f. Unfairly excluding students from classes, projects or events.

10.4. Bullying does not include reasonable and constructive criticism of a student or colleague's work or behaviour.