

**SINCLAIR HOUSE SCHOOL
SAFEGUARDING CHILDREN – WHISTLEBLOWING
POLICY AND PROCEDURES**

This policy, applies to the whole of the Early Years Foundation Stage.

Legal Status:

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. The situations covered include criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage. Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed.

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.

Applies to:

- Whole nursery
- We explicitly require staff to report to the Principal

To be read with:

- Safeguarding - Child Protection Policy
- Health, Safety and Welfare Policy
- Safeguarding – Safer Recruitment Policy and Procedures
- Anti-bullying Policy
- Behaviour, Discipline, and Sanctions Policy
- Prudence Policy
- Employment Policies
- Equality and Diversity Policy and Implications

Available from:

- The School Office and website

Monitoring

The Proprietor will regularly monitor and review this policy.

Signed:

Date: 3rd August 2026



Mrs Carlotta TM O'Sullivan
Principal

Review Date: August 2027

WHISTLEBLOWING POLICY

INTRODUCTION

Sinclair House School 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. Whatever the source, the Principal is committed to listening to the concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.

We explicitly require staff to report to the Principal, any concern or allegation about school practices or the behaviour of colleagues which are likely to put pupils at risk of abuse or other serious harm.

The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term "whistleblowing" to mean 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. Nor is whistleblowing the raising of a grievance within the school (which would be dealt with under the staff grievance procedures).

In accordance with the above report, the School's policy on whistleblowing is intended to demonstrate that Sinclair House School:

- Will not tolerate malpractice
- Respects the confidentiality of staff raising concerns and will provide procedures to maintain the confidentiality so far as is consistent with progressing the issues effectively and that private and confidential conversations should remain just that.
- Will provide the opportunity to raise concerns outside the normal line management structure where this is appropriate.
- Will provide a clear simple procedure for raising concerns that is accessible to all members of staff

Those external to Sinclair House School are encouraged to raise any concerns they have about the way in which the School operates through the School's Complaints Procedure. 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. Employees are encouraged to raise their concerns within Sinclair House School by applying the approach described in this document, rather than overlooking a problem or blowing the whistle outside the organisation.

Sinclair House School provides immunity from retribution or disciplinary action against such staff for "Whistleblowing" in good faith. At all levels, including newly appointed and ancillary, staff have been given briefing or training on responding to suspicions or allegations of abuse and know what action they should take in response to such suspicions or allegations.

The policy aims

The purpose of this policy is to:

- encourage a member of staff to feel confident in raising serious concerns and to question and act upon concerns and practice;
- provide an avenue for a member of staff to raise those concerns and receive feedback on any action taken;
- ensure that a member of 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 our response;
- reassure the member of staff that they will be protected from reprisals or victimisation for any disclosure that have been made in good faith;

- the policy is intended to cover any serious concerns that a member of staff has about any aspect of service provision or the conduct of a member of staff or others acting on behalf of Sinclair House School or major concerns that fall out of the scope of other procedures.

INTRODUCTION

The Principal and team seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. If members of school staff, parents, proprietors or the school community at large become aware of activities which give cause for concern, Sinclair House School has this whistleblowing policy; this acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the school's disciplinary procedure.

Sinclair House School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. Sinclair House School recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

POLICY

The Principal and employees have a responsibility to carry out their duties to the highest standards of openness, probity and accountability and to come forward when they have serious concerns about malpractice or wrongdoing in the work of Sinclair House School.

This policy aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken;
- Allow employees to take the matter further if they are dissatisfied with Sinclair House School's response;
- Reassure employees that they will be protected from reprisals of victimisation for whistleblowing in good faith;
- There are existing procedures in place (e.g. grievance, harassment and bullying) which make provision for employees to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope. Individuals with serious concerns about malpractice or wrongdoing should contact the Principal.

Concerns about malpractice or wrongdoing may include:

- any unlawful act, whether criminal or a breach of civil law, including corruption or fraud;
- breach or failure to comply with the School's standing orders or policies;
- breach or failure to comply with established standards or practice, including statutory codes or practice and standards promoted by professional bodies;
- any form of improper conduct;
- actions likely to cause physical danger to any person or to give rise to a risk of significant damage to property;
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant, avoidable cost or loss of income to the School or would seriously prejudice the Proprietor or the School;
- manipulation of accounting records and finances;
- inappropriate use of school assets or funds;
- decision-making for personal gain;
- any criminal activity;
- damage to the environment of the school;
- dangerous practices;
- abuse of position;
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest);
- sexual or physical abuse of pupils or others whether physical or verbal;
- other unethical conduct;
- indecent or violent behaviour towards any person;
- harassment or bullying of a pupil or member of staff;

- serious neglect of duties (including unauthorised absence from work);
- serious breach of the School's policies and procedures;
- any act which might give rise to a serious complaint against the School by any pupil, parent, employee, supplier, contractor or visitor;
- abuse of power or authority for any unauthorised or ulterior purpose.

The above is not a comprehensive list but is intended to illustrate the range of issues, which might be raised under this policy.

The Principal provides guidance to employees on the standards it expects from its employees through the policies agreed by the Proprietor such as:

- Health and Safety Policy
- Equal Opportunities Policy
- Harassment and Bullying Policies
- No Smoking Policy
- Security Guidelines Departmental Codes of Practice and through the procedures, agreed with the relevant recognised trade unions and professional associations, for addressing poor standards which include:
 - ❖ Disciplinary Procedure
 - ❖ Grievance Procedure
 - ❖ Capability Procedure

WHEN MIGHT THE WHISTLEBLOWING POLICY APPLY?

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle blower should ask a few questions before taking action:

- Is it, or do you believe it to be, illegal?
- Is it, or do you believe it to be, against codes of practice issued by the school, regulatory authorities or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle blower witnessed the incident?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately. Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this whistleblowing policy e.g.:

Anonymous allegations will only be considered if the issues raised are:

- very serious;
- the credibility of the allegation is considered to be high;
- the likelihood of confirming the allegation is high.

PROCEDURE

This procedure is to enable employees to express legitimate concern regarding suspected malpractice in the School. Malpractice is not easily defined. However, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, criminal activities, failing to comply with a legal obligation, a miscarriage of justice, or creating or ignoring a serious risk to health and safety or the environment. This procedure is separate from the School's procedures regarding grievances and therefore this procedure must not be used by employees to raise grievances about their personal employment situation.

HOW TO RAISE A CONCERN – GENERAL

A member of staff will be at liberty to express their concern to the Principal. Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The member of staff making the allegation will be kept informed of the progress and, whenever possible, subject to third-party rights, will be informed of the resolution.

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 particularly concerned about the situation. If employees do not feel able to put their concern in writing the matter can be raised by telephone or by way of a meeting with the appropriate person. In any event, employees should try to make an immediate note of relevant details, e.g. what was said in a telephone or other conversation.

Employees are encouraged to express their concerns at the earliest opportunity. The earlier a concern is raised, the easier it is normally to take action. When raising concerns, employees must declare any personal interest they have in the matter. 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. However, they should not attempt to investigate a concern or accuse individuals directly. Employees may invite their trade union or professional association to raise the matter on their behalf.

A member of staff who is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence with the Principal.

HOW TO RAISE A CONCERN - MAIN STEPS

As a first step an employee should normally raise concerns with the Principal. If an employee believes that the Principal is involved, the employee should approach:

- the Deputy
- SMT
- LADO

In some circumstances, confidential informal advice from the schools insurance company 'dot to dot' advice line or indeed citizen advice, may help an employee who is unsure of how best to pursue a concern about malpractice.

HOW THE SCHOOL WILL RESPOND

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation on a sensitive and confidential basis. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school's external auditors, legal or personnel advisors, the police or the regulatory bodies.

The action taken by Sinclair House School will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to an external auditor;
- form the subject of an independent enquiry.

In order to protect individuals and Sinclair House School, 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. pupil protection or discrimination issues or financial irregularities), will normally be referred for consideration under those procedures. Some concerns may be resolved by action agreed between the employee raising the concern and the person to whom it is reported without the need for investigation. The person with whom the concern is raised will write personally to the employee who has raised the concern within **10 working days**:

- Acknowledging that the concern has been received;
- Indicating how s/he proposes to deal with the matter;
- Giving an estimate of how long it will take to provide a response.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Principal or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the police.

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.

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 Principal or LADO.

EXTERNAL PROCEDURES

Where all internal procedures have been exhausted, an employee shall have a right of access to the Principal who will act in an independent capacity in light of the allegations raised.

An employee may be entitled to raise a concern directly with an external body where the employee reasonably believes:

- That exceptionally serious circumstances justify it;
- That the School would conceal or destroy the relevant evidence;
- That the employee would be victimised by the School; or
- Where the Secretary of State has ordered it.

NSPCC Child Protection Helpline: 0808 800 5000

Childline: Tel: 0800 1111 www.childline.org.uk

The **NSPCC whistleblowing helpline** is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can access the NSPCC's website (<https://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/>) and/or call: 0800 028 0285 – line is available from 8:00am to 8:00PM, Monday to Friday and/or email: help@nspcc.org.uk

HARASSMENT OR VICTIMISATION

The Principal recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal by those responsible for the malpractice. The Principal will not tolerate harassment or victimisation and will take action to protect employees when they raise concerns in good faith. This does not mean that if an employee is already the subject of procedures such as discipline, capability or redundancy, that those procedures will be halted as a result of a concern being raised under the provisions of this policy.

If an employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee knowingly makes malicious and false allegations, disciplinary action may be taken against the employee. Disciplinary action will be taken against an employee if s/he tries to stop another employee from raising a concern or if an employee is responsible for any act of recrimination against an employee who raises a concern. Where an employee may have been party themselves to an act of possible gross misconduct on which they are now “blowing the whistle” this could be considered in mitigation. They are not, however, exempt from disciplinary action. Disciplinary action may be taken against employees if they contact the media (newspapers, TV, radio etc.) with concerns about conduct at work without first following the steps set out in this policy.

CONFIDENTIALITY

Employees who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and the employee's name will not be disclosed to the alleged perpetrator of malpractice without the employee's prior consent. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing where possible. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence. All employees have a duty not to disclose or make public any professional or trade secret or confidential information

they come across in their work. If there is any evidence of criminal activity, then the police will be informed in all cases. This whistleblowing policy does not affect the contract of employment or any confidentiality agreement.

Protection of Whistle blowers

A member of staff who makes a disclosure in good faith pursuant to this policy will not be dismissed or subjected to any detriment as a result of such action. (Detriment includes unwarranted disciplinary action and victimisation.) If you believe that you are being subjected to a detriment as a result of making a disclosure under this policy, you should inform the Principal immediately. Members of staff who victimise or retaliate against those who have made a disclosure under this policy will be subject to disciplinary action. No employee will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing they do so in good faith and in accordance with the Whistleblowing procedures.

GRIEVANCES

A member of staff who feels they have been or are being unfairly treated by Sinclair House School may bring a grievance under Sinclair House School's Grievance Procedure.

ANONYMOUS ALLEGATIONS

Employees are strongly encouraged to put their names to their allegations. Concerns expressed anonymously are much less powerful and are extremely difficult to investigate but they will be considered at the discretion of the Principal.

In exercising the discretion, the factors to be taken into account will include:

- The seriousness of the issues raised;
- The credibility of the concern;
- The likelihood of confirming the allegation from attributable sources;
- A member of staff should also bear in mind that if they do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and to provide the member of staff with feedback.

UNTRUE ALLEGATIONS

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. However, false, malicious, vexatious or frivolous accusations will be dealt with under the School's Disciplinary Procedure.

MONITORING

All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register held by the Principal. 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.

CONCLUSION

Existing good practice within Sinclair House School in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the school operates, ensures that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the school's disciplinary procedure, which should cover all of the potential areas of concern.

Guidance on terminology used in this policy

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

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.

Such behaviour may include:

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

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