

## 1 What is a whistle blower?

1.1 Whistleblowing is the term used when someone who works for an employer raises a concern about malpractice, risk, wrongdoing or possible illegality, which harms, or creates a risk of harm, to people who use the service, colleagues or the wider public.

1.2 Ideally, the employer should deal with such concerns using their own procedures. However, if the management have not dealt with those concerns by responding appropriately to them, perhaps by using the employer's own whistleblowing policy, or the worker does not feel confident that the management will deal with those concerns properly, they can instead make a disclosure to a 'prescribed body', such as a regulator.

1.3 If a worker is concerned that children or vulnerable adults using a service are not being cared for in a way that keeps them safe, they can also raise their concern with the local authority (local council) under their safeguarding procedures. They can do this as well as whistleblowing to the regulators or another body such as the police.

## 2 Complaints that count as whistle blowing.

- A criminal offence, e.g. fraud
- Someone's health and safety is in danger
- Risk or actual danger to the environment
- A miscarriage of justice
- The company / employer is knowingly breaking the law or regulations
- You believe someone is covering up wrongdoing.
- Financial malpractice

## 3 Complaints that don't count as whistle blowing.

3.1 Whistleblowing is different from a complaint or a grievance and usually refers to situations where a worker raises a concern about something they have witnessed at their workplace.

3.2 People who use services, their relatives or representatives, or others, can make complaints about a service using the service's complaints procedure. This is not whistleblowing.

3.3 Good employment practice includes providing a grievance procedure for staff to use in respect of their employment rights and conditions of service. Therefore, personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistle blowing law, unless the particular case is in the public interest.

## 4 Who to tell and what to expect.

4.1 In the first instance you should tell your employer. This policy will tell you what Overley Hall expects you to do and how to raise your concerns using its procedures.

4.2 There are other options if there are legitimate reasons you do not wish to report your concern to your employer. You may choose to seek legal advice on how to proceed from a lawyer or an advice agency such as Citizens Advice Bureau (CAB);

or you can tell a prescribed person or body. If you tell a prescribed person or body, it must be one that deals with the issue you are raising, e.g. a disclosure about wrongdoing in a residential home can be made to the appropriate regulator: Ofsted relating to Children and Young People and Care Quality Commission relating to adults. Regulators have websites with relevant information and ways to contact them directly.

### **5 Making your claim anonymously or confidentially.**

5.1 You can tell your employer or a prescribed person anonymously but they may not be able to take the claim further if you have not provided all the information they may need.

5.2 You can give your name but request confidentiality – the person or body you tell should make every effort to protect your identity except in circumstances where the safety of a child or vulnerable person may be compromised by protecting this information.

5.3 If you report your concern to the media, in most cases you will lose your whistle blowing law rights.

5.4 Employees should be aware that the Overley Hall School whistle blowing policy will apply only where the information and allegations being disclosed are substantially true. If any disclosure is proven to be malicious (for instance, in order to cause disruption or disrepute to the company) or if the disclosure is made for personal gain, this action will be considered to constitute a disciplinary offence.

### **6 What your employer (Overley Hall School) will do.**

6.1 The responsibility for 'blowing the whistle' rests with any member of staff, whatever their position, who believes they have evidence of unacceptable practice that may harm clients, colleagues, the legitimate activities and reputation of Overley Hall.

6.2 Ideally, concerns about poor or unacceptable practice should be reported and addressed before they reach the whistle blowing stage. Staff are encouraged to raise questions relating to any aspect of practice that may cause them concern effectively utilising their professional 1:1 supervision session, or more generally in staff meetings, so that such practices can be modified before they can have any detrimental impact. If your concern is of a safeguarding nature, you should raise it with a Designated Safeguarding Lead (DSL):

- Bev Doran (Principal) Tel: 01952 740262 (Ext 6),  
Email: [bevdoran@overleyhall.com](mailto:bevdoran@overleyhall.com)
- Tracy Francis (Registered Manager/Operation manager) Tel: 01952 740262 (Ext 4),  
Email: [tracyfrancis@overleyhall.com](mailto:tracyfrancis@overleyhall.com)
- Pat Roche (head of care) Tel: 01952 740262 (Ext 4),  
[Patrick.Roche@overleyhall.com](mailto:Patrick.Roche@overleyhall.com)
- Dee Marshall (Pastoral Deputy Head) Tel: 01952 740262 (Ext 6)  
[deemarshall@overleyhall.com](mailto:deemarshall@overleyhall.com)

6.3 Your concern will be taken seriously and acted on immediately. Where the member of staff feels that they cannot raise their concerns with their immediate supervisor or line manager (for example in circumstance where they believe this person's practice is at fault) they should request a private interview with a member of the Senior Management Team.

6.4 It is acknowledged that 'blowing the whistle' is always difficult, and can potentially cause ill feeling. The open and honest sharing of concerns using transparent procedures is an essential safeguarding mechanism if concerns or problems are not to escalate. Any member of staff who fails to take action may find that they become party to continuing bad practice.

### **7 Procedure for further information and advice.**

7.1 Whereas Overley Hall policies and procedures enable staff to share concerns these do not in any way diminish the requirements of the Local Safeguarding Children Board. Please refer to the Child Protection / Safeguarding Policy and

7.2 For Education settings please refer to Department for Children, Schools and Families (DCSF) guidelines for further advice and guidance.

### **8 Procedure for staff**

8.1 Carefully identify what is wrong:

Why is it wrong? Ask yourself if the concern about practice that is illegal, against government guidelines (such as safeguarding children policies, or Safer Recruitment in Education guidelines, keeping children Safe in Education 2015 departmental or company policy, against professional Codes of Practice, or does it conflict with your personal feelings? Ensure you have the facts, not opinion.

8.2 Has this concern been witnessed by others to the best of your knowledge?

8.3 Write down exactly what was witnessed (the facts) and elaborate on your concern. (Why is it wrong?) If this was witnessed by others, ask them to do the same.

8.4 At the earliest opportunity make your concerns known

8.5 Keep copies of your report, all correspondence and relevant information. Maintain this in a way that does not breach confidentiality.

8.6 After formally reporting your concern ask to be informed about the outcome of the investigation. (Please be aware that you will not have a say in how your concern is dealt with)

### **9 Action for managers**

9.1 Act on reported concerns immediately

9.2 Question / interview the whistle-blower sufficiently to be assured that there is a

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genuine cause for concern. Carefully and comprehensively record the discussion and give some feedback about your intended actions.

9.3 Where necessary inform First Response Team and police if a criminal act is suspected.

9.4 Notify a senior manager (in the company) of concerns raised and action taken.

9.5 Take the necessary action required to protect the whistle-blower (Any workers who, using this policy in good faith raise genuine concerns, will not, under any circumstances, be subjected to any form of detriment or disadvantage as a result of raising their concerns.)

9.6 Ensure any evidence (written or material) is not altered or tampered with.

9.7 Ensure that a plan is in place to ensure the safety of all involved.

9.8 Consider whether a formal notification to the service's Regulator is necessary. Make a notification and inform all significant agencies / stakeholders.

9.9 Keep a formal chronological record of all action taken.

9.10 Address the concern using the relevant company policies and practice.

### **Contact Information**

General information or guidance on whistleblowing can be found via: DFE Advice on Whistleblowing.

Further advice can be obtained through the NSPCC  
Whistleblowing helpline: 08000280285 (available from 8am to 8pm Monday to Friday) or email: [help@NSPCC.org.uk](mailto:help@NSPCC.org.uk)

Family connect- Phone 01952 385385  
Text 07797875385  
E-mail- [familyconnect@telford.gov.uk](mailto:familyconnect@telford.gov.uk)

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Text 0161 6188524  
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