



Glendower Preparatory School

Whistleblowing

Staff disciplinary, grievance and whistleblowing policy

2018–2019

Reviewed: November 2018

Next review: November 2019

Extract from 7a Safeguarding policy, November 2018

Whistleblowing

This school promotes a culture of safety and raising concerns. We value our staff and pupils and wish to encourage reflective practice. We encourage all staff and volunteers to feel able to raise concerns about poor and unsafe practice and potential failures in our school's safeguarding regime and undertake that such concerns will be taken seriously by the senior leadership team. We recognise the importance of transparency and accountability in relation to how concerns are received and handled. No employee will suffer a detriment for speaking up if they believe that something is wrong. A "whistleblower" is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law protects whistleblowers from their employer subjecting them to detriment or dismissal by reason of their having "blown the whistle" and from detrimental treatment by their colleagues. The school has a comprehensive whistleblowing policy contained in section 26 of our Employee Handbook, issued to staff at the time of their induction upon their employment with the school. The Whistleblowing Policy gives staff clear guidance and procedures for reporting and handling concerns, including about poor or unsafe practice and potential failures in the school's safeguarding regime and provision for mediation and dispute resolution where necessary. Where a staff member feels unable to raise an issue with the school or feels that their concerns are genuinely not being addressed, other whistleblowing channels may be open to them. General guidance can be found at <https://www.gov.uk/whistleblowing> or they can use the NSPCC whistleblowing helpline (Tel: 0800 028 0285 – line is available from 8:00am-8:00pm, Monday to Friday and email: help@nspcc.org.uk).

Aims

- To raise awareness of individual responsibilities in identifying and reporting possible cases of abuse
- To provide a systematic means of monitoring, recording and reporting of concerns and cases
- To provide guidance on recognising and reporting suspected child abuse

Extracts from Employee Handbook, September 2018

I DISCIPLINARY POLICY

Purpose and scope

- 1.1 This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The School rules this procedure apply to all employees/workers. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- 1.2 Informal action will be considered, where appropriate, to resolve problems.
- 1.3 No disciplinary action will be taken against an employee until a reasonable investigation of the allegations has been undertaken.
- 1.4 The employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- 1.5 Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. Witness statements may be, in appropriate circumstances, anonymised.
- 1.6 At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- 1.7 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

1.8 An employee will have the right to appeal against any disciplinary action.

1.9 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

First stage of formal procedure

1.10 This will normally be either:

- *an improvement note for unsatisfactory performance* if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for twelve months, but will then be considered spent – subject to achieving and sustaining satisfactory performance.

or

- *a first warning for misconduct* if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.

Final written warning

1.11 If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the

supervisor but will be disregarded for disciplinary purposes after twelve months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

- 1.12 If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or in appropriate cases, some other action short of dismissal such as demotion, disciplinary suspension with no pay or transfer. Dismissal decisions can only be taken by the appropriate manager, and the employee will be provided in writing an outline of the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.
- 1.13 If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement in the future, and will be advised of the right of appeal.

Gross misconduct

1.14 The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft, dishonesty, falsification of documents or fraud
- physical violence/intimidation/aggressive behaviour or bullying
- deliberate/wilful negligent damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, inappropriate, offensive or obscene material
- serious insubordination
- unauthorised absence
- failing to follow a reasonable management instruction
- unlawful discrimination or harassment

- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a breach of trust & confidence.

I.15 If you are accused of an act of gross misconduct, you may be suspended from work on full pay, whilst the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is reasonably satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

I.16 An employee who wishes to appeal against a disciplinary decision must do so within five working days. A nominated senior manager will hear the appeal and his/her decision is final.

2 GRIEVANCE POLICY

Dealing with grievances informally

2.1 If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

Formal grievance

2.2 If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your manager. You should stick to the facts and avoid language that is insulting or abusive. Where your grievance is against your manager and you feel unable to approach him or her you should talk to another manager or member of the SLT/governing body.

Grievance hearing

2.3 Your manager will call you to a meeting, normally within 5 days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request. After the meeting the manager will give you a decision in writing, without reasonable delay.

Appeal

2.4 If you are unhappy with your manager's decision and you wish to appeal you should let your manager know. You will be invited to an appeal meeting, normally within 5 days, and your appeal will be heard by a more senior manager (member of the governing body). You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

2.5 After the meeting the manager (or owner) will give you a decision, without reasonable delay. The manager's (governing body's) decision is final.

Mediation

2.6 In addition, where appropriate and at any stage of the process, either party can request that the matter is subject to mediation, including the use of external third-party mediators in an attempt to reach a mutually agreeable outcome.

26 WHISTLEBLOWING POLICY

What Is Whistleblowing?

26.1 A “whistleblower” is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law protects whistleblowers from their employer subjecting them to detriment or dismissal by reason of their having “blown the whistle” and from detrimental treatment by their colleagues. To be protected by the law, the act of whistleblowing must fall within the legal rules and the whistleblower must reasonably believe that their disclosure of wrongdoing is made in the public interest.

Our Policy

26.2 Our School is run in accordance with the law. No employee will suffer a detriment for speaking up if they believe that something is wrong.

26.3 If you have information you believe shows any of the following:

26.3.1 A criminal offence was committed or is being or is likely to be committed

26.3.2 A person has or is or is likely to fail to comply with a legal obligation

26.3.3 A miscarriage of justice has occurred or is or is likely to occur

26.3.4 The health and safety of any individual has been or is being or is likely to be endangered

26.3.5 The environment has been, is being or is likely to be damaged

26.3.6 That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed, please raise your concerns immediately with the Headmistress or any member of the SLT.

26.4 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

26.5 However, you will still be protected in law if you disclose the information to the following:

26.5.1 A legal adviser in the course of getting legal advice

26.5.2 A Minister of the Crown

26.5.3 One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (e.g. disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenue & Customs).

26.6 Disclosure to any other person is not generally protected except in very limited circumstances.

26.7 After you have raised a concern, we will decide how to respond in a responsible and appropriate manner. This will usually involve making internal enquiries but it may become necessary to carry out a full investigation which may be formal or informal depending on the nature of the concern raised. We will endeavour to complete investigations within a reasonable time.

26.8 We will keep you informed of progress and let you know when the investigation is completed. We will not be able to inform you of any matters which would infringe any duty of confidentiality owed to others.

26.9 If you use this policy to raise a concern which you reasonably believe to be in the public interest, we assure you that you will not suffer any form of retribution or detrimental treatment.

26.10 Any employee who criticises, bullies or victimises a fellow employee by reason of their whistleblowing will be liable to disciplinary action up to and including dismissal, depending on the seriousness of the conduct.