

Staff Disciplinary, Grievance and Whistleblowing Policy

Written By	The Bursar, Deputy Head Pastoral
Date for Review	Currently under Review
ISI Codes NMS	B4, B15

1. **Staff disciplinary procedure.** The code of conduct and the disciplinary procedure, with which all employees have a responsibility to familiarise themselves, are designed to promote fairness and consistency in the treatment of all employees and to assist the school to function effectively. This procedure will apply to any disciplinary situation which includes misconduct and poor performance. It is not contractual but applies to all employees (save for those in their first year of service, or two years for staff employed after 6 April 2012) who should familiarise themselves with its provisions. This policy establishes:

 - a. The Code of Conduct set of standards of required conduct at work.
 - b. The disciplinary procedure to ensure that these standards are adhered to and provides a fair method of dealing with any alleged failures to observe them. The procedure does not preclude minor disciplinary situations from being dealt with informally.

2. **Counselling.** In cases other than gross misconduct or in the first year or two of employment (as noted above), an employee whose conduct or performance does not meet the standards will normally first be counselled and mentored in an attempt to achieve the required improvement. However, the school reserves the right to commence the procedure at any stage if the circumstances warrant such action.

3. **Respondent's right.** No disciplinary action will be taken until the case has been investigated and the employee has had the opportunity to respond to the allegations in accordance with the procedure set out below. All disciplinary situations will be dealt with without unreasonable delay.

4. **Absence.** In the event of absence of any of those involved, except for the employee who is the subject of the procedure, a deputy may take their place provided that this will not jeopardise the likelihood of a fair outcome.

5. **Suspension.** Where an employee is accused of an act of serious or gross misconduct, or where the circumstance otherwise warrant it, after careful consideration he/she may be suspended from work on full pay pending the outcome of the disciplinary procedure. Such suspension is not a form of disciplinary action. Where appropriate, during any disciplinary investigation or suspension, the Head or Bursar will appoint a senior member of staff, who is not involved in the disciplinary procedure, to provide guidance and support to the member of staff under investigation or suspension.

DISCIPLINARY PROCEDURE

6. **Investigation.** When a disciplinary situation arises a senior member of staff will, as soon as reasonably practicable, carry out an investigation into the matter. The investigation will be confined to establishing the facts and gathering any relevant documentation. Where necessary, the investigating officer will obtain statements from any relevant individuals. An investigatory meeting with the employee may take place if considered appropriate by the investigating officer.

7. **Notification.** If, as a result of the investigation, it is decided that there is a disciplinary case to answer, the employee will be invited to attend a disciplinary meeting. The employee will be informed in writing of the nature of the complaint and where appropriate, will be provided with copies of any written evidence gathered during the investigation. Where either party intends to call any relevant witnesses at the disciplinary meeting, advance notice of their intention to do so must be given.

8. **Disciplinary Meeting.** A disciplinary meeting will be conducted by the Head or Bursar (or an appropriate senior member of staff appointed by them, who has no prior involvement). The employee may be accompanied by a trade union representative or colleague if desired. The employee and their companion should make every effort to attend the disciplinary meeting. In the event that the employee fails to attend the disciplinary meeting this will usually be rearranged once, but should they fail to attend the rearranged meeting then a decision may be reached in their absence. The following should be noted:

- a. The employee will be given the full opportunity at the disciplinary meeting to explain the matter and respond to the allegations.
- b. A note taker will usually be present but will not be involved in the decision making process.
- c. If following the disciplinary meeting it is decided that disciplinary action is warranted, the employee will be advised of the decision in writing and will specify the details of:
 - (1) The failure to meet the required standard.
 - (2) Any action required by the employee to remedy the situation.
 - (3) Any relevant review period /duration of warning and the consequences of continued or subsequent failure to reach and sustain the required standard of performance or conduct.
 - (4) The right of appeal.
 - (5) In the event that disciplinary action is warranted one of the sanctions below may be issued. A sanction may be imposed at any level including summary dismissal depending on the circumstances. These may include:
 - (a) **Verbal Warning.** In the case of minor offences or underperformance the employee will be given a formal verbal warning. The employee will be advised of the reason for the warning, the formal nature of the warning and possible future

consequences and specifying, if appropriate, the improvement required and over what period.

(b) **Written Warning.** In the case of more serious offences or under performance, a further offence or a repetition of earlier minor offences or a failure to improve, the employee will be given a written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period.

(c) **Final Written Warning.** In the case of a sufficiently serious offence or under performance, or a repetition of earlier offences the employee will be given a final written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period. This may include a statement that any recurrence or no improvement may lead to a dismissal or to some other action short of dismissal.

(d) **Dismissal.** This stage will normally result from continued failure by the employee to act on previous warnings or an act of gross misconduct. In the case of gross misconduct the employee will normally be dismissed without notice or payment in lieu of notice. If the decision to dismiss is made the employee will be informed in writing of the reason for dismissal, the date on which the contract between the parties will terminate and the appropriate period of notice.

(e) **Alternatives to Dismissal.** In exceptional circumstances, the following actions short of dismissal may be considered as an alternative to dismissal:

- Suspension without pay.
- Demotion.
- Transfer.

9. **Gross Misconduct.** In exceptional circumstances, employees may be dismissed without notice if it has been established, after investigation and after hearing the employee's explanation at a disciplinary meeting, that there has been an act which constitutes gross misconduct. Examples of actions which constitute gross misconduct include (but are not limited to):

- a. Gross insubordination.
- b. Serious breach of health and safety rules.
- c. Serious breach of the school email and internet use policy.
- d. Theft or fraud from either the school or co-workers or deliberate damage to School property or that of co-workers.
- e. Being under the influence of drink or illegal drugs at work.
- f. Disorderly or threatening conduct on school premises.

- g. Contravention of the equal opportunities and discrimination policy.
- h. Negligence resulting in serious loss, damage, or injury.
- i. Assault or attempted assault.
- j. Falsification of records.
- k. Conviction on a criminal charge.
- l. Breach of school policies or procedures.
- m. Bullying or harassment of colleagues, pupils or parents.
- n. Abuse or suspected abuse of your position of trust in relation to pupils at the school.
- o. Bringing the school into disrepute.

APPEAL

10. **Timing.** An employee may appeal against a disciplinary decision within five working days of receipt of the written decision. Such appeals are to be made in writing to the Headmaster.

11. **Hearing.** The appeal hearing will be convened as soon as is reasonably practicable. The appeal hearing will be held by the Head or Bursar, or a Governor or panel of up to three Governors (who have had no prior involvement). The Head or Bursar will not hear the appeal if they held the disciplinary meeting. Where new evidence arises prior to or during the appeal the employee will be given access to any relevant information or evidence and will have the opportunity to make representations. The employee will have the right to be accompanied at any appeal hearing by a colleague or trade union representative. The employee will be informed in writing of the decision of the appeal hearing following the conclusion of the hearing. Such decision will be final. In the event of an unsuccessful appeal against a decision to dismiss the original dismissal date shall stand.

12. **Record keeping.** A copy of all formal warnings will be retained on an employee's personal file but will be considered spent after the following periods:

- a. A note of an oral warning, after a period of six months;
- b. A copy of a first written or final written warning, after a period of twelve months.

CAPABILITY PROCEDURE

13. **Explanation.** This procedure applies where a member of staff is failing to carry out their responsibilities or duties in a satisfactory manner, due to a lack of ability, experience or qualifications or on health grounds. This procedure aims to ensure fairness and consistency throughout the school and provides for warnings to be given for failure to meet our standards of job performance. The procedure is non-contractual in nature, but applies to all members of staff except those who are in their first year of employment or for members of staff commencing after 6

April 2012, this procedure will not apply during the first 2 years of employment. All members of staff should familiarise themselves with its provisions.

14. **Performance improvement.** Most performance improvement procedures will follow the course set out below. However, we may vary the process to suit individual circumstances; such a variation will not amount to a breach of this procedure. The procedure will be invoked when performance issues arise or are identified either following an appraisal process or otherwise. The school will normally address performance informally, and offer appropriate training and support to an employee before progressing under this procedure. The procedures set out in this document aim to ensure that there is:

- a. Openness and awareness for staff when they are not meeting the required levels of performance.
- b. A means of monitoring performance and establishing performance criteria.
- c. A degree of consistency in how staff are given opportunities to attain satisfactory levels of performance.
- d. Assistance in identifying the most appropriate form(s) of support and providing that support
- e. The School will consider what training and support it can give the employee to help them meet the performance requirements.

15. **Suspension.** Where a member of staff is accused of an act of serious or gross negligence, they may be suspended from work, on full pay and benefits, pending the outcome of the capability procedure. Where appropriate, during any disciplinary investigation or suspension, the Head or Bursar will appoint a senior member of staff, who is not involved in the disciplinary procedure, to provide guidance and support to the member of staff under investigation or suspension.

16. **Formal Hearing.** If it is considered that it is necessary to invoke the formal procedure, the Headmaster or Bursar will inform the member of staff in writing. In so doing, the member of staff will be given reasonable notice of a capability hearing and details of the alleged shortfall or failure in performance, together with any evidence relied upon if practicable and available. At all stages of the procedure, the member of staff will be allowed to attend a capability hearing with a colleague or trade union official as a representative and they will be given an opportunity to state their case. The member of staff must take all reasonable steps to attend the hearing. In the event that they fail to attend the hearing this will usually be rearranged once, but should they fail to attend the rearranged hearing then a decision may be reached in their absence. Following the hearing, the Headmaster or Bursar will write to the member of staff to confirm their decision. The member of staff will also be informed of their right to appeal the decision if they are not satisfied with it.

17. **Appeal.** An employee may appeal against a decision within five working days of receipt of the written decision. Such appeals are to be made in writing to the Headmaster. The appeal hearing will be convened as soon as is reasonably practicable. The appeal hearing will be held by the Headmaster or Bursar, or a Governor or panel of up to three Governors (who have had no prior involvement). The Headmaster or Bursar will not hear the appeal if they held the disciplinary meeting. Where new evidence arises prior to or during the appeal the employee will be given access to any relevant information or evidence and will have the opportunity to make representations. The employee will have the right to be accompanied at any appeal hearing by a colleague or trade union representative. The employee will be informed in writing of the decision of the appeal hearing following the conclusion of the hearing. Such decision will be final. In the event of an unsuccessful appeal against a decision to dismiss the original dismissal date shall stand.
18. **Record keeping.** If the performance shortfall or failure is dealt with under the formal performance improvement procedure, a record will be kept of the shortfall or failure, the member of staff's defence or mitigation, minutes of the performance disciplinary hearing, the action taken and reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records are confidential and will be retained on the member of staff's personal file in accordance with the Data Protection Act 1998.
19. **Performance Warnings.** The following performance warnings can be used:
- a. **Written warning.** In the case of serious shortfall, or failure or a repetition of earlier shortfall or failure, the member of staff will be given a written warning, setting out the precise nature of the shortfall or failure, the likely consequences of further shortfall or failure and specifying, if appropriate, the improvement required and over what period. Objectives, timescales and measures for the performance improvement should be set. The member of staff's Head of Department or for HoDs, Deputy Headmaster, should offer help with training and supervision as required. A written warning will be kept on the member of staff's record but will be considered expired after 12 months. Their performance may be appraised, at intervals to be determined by their Head of Department/ Deputy Headmaster, at any time during this period.
 - b. **Final written warning.** In the case of a further repetition of earlier shortfall or failure, if the member of staff still fails to improve or if the shortfall or failure, whilst falling short of gross negligence, is serious enough to warrant only one written warning, they will be given a final written warning setting out the precise nature of the shortfall or failure containing a statement that any recurrence or failure to improve will lead to dismissal or whatever other penalty is considered appropriate and specifying, if appropriate, the improvement required and over what period. A final written warning will be kept on their record but will be considered expired after 12 months. Objectives, timescales and measures for the performance improvement should be set. Their Head of Department / Deputy Headmaster should offer help with training and supervision as required. Conduct and performance will be appraised, at intervals to be determined by their Head of Department, at any time during this period.

Depending upon the seriousness of the matter and all the circumstances, any of the above stages may be omitted.

20. **Dismissal.** In the case of gross negligence, or if all of the appropriate stages of the warning procedure have been exhausted, the member of staff will normally be dismissed.

The school reserves the right to consider other possible disciplinary action, including (but without limitation): demotion or transfer; loss of seniority or salary increment; suspension (without pay). If the member of staff is dismissed, they will be provided with a written statement detailing the reasons for dismissal, the date on which employment will terminate and the right of appeal.

21. **Examples.** The following are non-exhaustive and non-exclusive examples of the sort of performance shortfalls or failures, which will normally lead to action being taken.

- a. **Minor offences.** Occasional poor job performance involving sub-standard work or application and likely to receive an oral warning.
- b. **Serious offences.** Likely to receive a written or final written warning:
 - (1) Consistent poor performance or application.
 - (2) Failure to improve performance following an appraisal meeting or performance review, within the timescale specified within such a meeting or review.
 - (3) Failure to perform duties or roles to an acceptable standard for reasons which it is within your power to rectify.

The member of staff should be made aware that if there is no adequate improvement following the issue of warnings, such issues may result in dismissal.

- c. **Capability and consistent performance offences.** Possible to incur dismissal with notice:
 - (1) Incapable and/or unsuitable of performing role or main job functions/duties as set out in job description and which could not be rectified by training or coaching.
 - (2) Consistent failure or unable to improve performance to required or reasonable standards or to the level of other members of staff carrying out the same, similar or equivalent work.
 - (3) You are unable satisfactorily to do or do not have the qualifications, aptitude and/or ability for the job.
- d. **Gross negligence.** Potentially dismissal without notice. In the most serious cases of gross negligence, normally (but not necessarily) resulting in significant financial loss or loss of reputation to the School, where our continued trust and confidence in you has been destroyed as a result, dismissal may be without notice or payment in lieu of notice.

22. **Long term sickness absence.** Where an employee's underperformance is as a result of long term sickness absence the School will always seek medical advice prior to making a decision about an employee's ongoing employment. The School will also consider whether there are any reasonable adjustments which can be made to assist the Employee to perform their role. In cases

where the School has concerns about the Employee's long term ability to perform their job as a result of health grounds the School will normally move to dismissal stage without prior warnings.

23. **Relationship with Disciplinary Procedure.** The member of staff may be dismissed following exhaustion of the formal performance improvement procedure and have no separate right to have the disciplinary procedure followed prior to dismissal. Live warnings issued under the disciplinary procedure may, if appropriate, be taken into consideration when considering the level of warning to be given under the performance improvement procedure, and vice versa.

GRIEVANCE PROCEDURE

24. **Grievance.** Should an employee at any time have a grievance connected with his or her employment it will be the school's intention to consider and resolve it at the earliest opportunity and to the satisfaction of all concerned wherever possible. The procedure is not contractual but applies to all employees who should familiarise themselves with its provisions. All stages of this process will be dealt with without unreasonable delay.

25. **Procedure.** The following procedure should be followed, although advice can be sought from the Bursar:

a. **Informal.** An employee who has a grievance with any aspect of his or her employment should raise it initially with his or her line manager and the matter will be discussed informally and resolved where at all possible.

b. **Formal.** If no satisfactory resolution is possible or the employee considers they have not been fairly treated, they may raise it in writing to the Head of Department and it will be treated as a formal grievance. When an employee raises a formal grievance a meeting will be arranged as soon as possible. At the meeting the employee will have the opportunity to explain their grievance and how they think it may be resolved. Depending on the circumstances, the meeting may be adjourned in order for an investigation to take place. Where the matter needs to be investigated and/or the meeting adjourned, the employee will be given an indication of the likely timescale for receiving a response. At the meeting, the employee may be accompanied by a colleague or trade union representative of their choice. The employee will be informed in writing of the outcome of the grievance and the reasons for the decision. If any action is to be taken as a result of the grievance, the employee will, where possible, be informed. The decision will be issued as soon as possible following the conclusion of the meeting. Where the matter needs to be investigated and/or the meeting adjourned, the employee will be given an indication of the likely timescale for receiving a response.

26. **Appeal.** If the employee feels that his or her grievance is not satisfactorily resolved, or feels they have been unfairly treated, he or she may, within five working days of the written decision, appeal in writing to the Headmaster. An appeal hearing will be convened as soon as is reasonable practicable, and will be heard by either the Head, Bursar, Governor or a panel of up to three Governors. At the appeal hearing, the employee may be accompanied by a colleague or a trade union representative of their choice. Whenever possible, a decision of the appeal and the reasons for it will be given within ten working days of the hearing. This decision will be given in writing and will be final.

HARASSMENT

27. **General.** The School takes all issues or charges of harassment very seriously. Any instances of harassment between employees will be dealt with through the School's Grievance and Disciplinary procedures. Any allegation of harassment should properly be dealt with by either the Headmaster or one of his senior staff, immediately the matter is formally brought to the attention of the School. Failing that, the matter should be taken to the Governing body.

28. **Confidentiality.** All meetings with interested parties are to be conducted on a confidential but formal basis and carefully minuted. Those who raise or are asked to respond to any grievance should be afforded the opportunity to be accompanied to any meeting by either a union or legal representative, or by a colleague.

29. **Disciplinary action.** Following any investigation carried out by the Head, appropriate disciplinary action as provided for in the Disciplinary Procedures in this document may be taken. If the Headmaster's decision, taken in consultation with the School Legal Advisors and Board Chairman, is not accepted by either party, the matter can be taken to a sub-committee of three Governors to be appointed by the Governors. This committee will be known as the "Disciplinary Panel" and will invite representations from both the complainant and defendant in any case and shall rule based on the evidence presented.

PROCEDURES AND POLICY WHEN A MEMBER OF STAFF, VOLUNTEER, CHILD PROTECTION OFFICER OR HEAD FACES ALLEGATIONS OF ABUSE

30. **Introduction.** Allegations that a member of staff has abused a pupil or pupils either inside the school premises or during a school trip or visit could be made by:

- a. A parent.
- b. The abused pupil.
- c. Members of staff.
- d. Other pupils.
- e. The Police or Social Services.
- f. A third party.

'If an Allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. Any unnecessary delays should be eradicated.'

DFE statutory guidance on dealing with allegations of abuse against teachers and other staff
October 2012

31. **Reporting.** An allegation of such seriousness would normally be made directly to the Headmaster; but if another member of staff is told first, he/she will ensure that the Headmaster is

informed immediately. If the Headmaster is unavailable - or is involved - the DSL and Chairman of Governors should be told at once.

32. **The first response.** The School will respond promptly and sensitively to the legitimate concerns of the victim and his or her family. The School will:

- a. Take any allegation of abuse, involving a member of staff, seriously.
- b. Establish the facts.
- c. Involve the Pan Dorset Safeguarding Partnership and the LADO, within 24 hours of a disclosure or suspicion of abuse.
- d. Inform the member of staff concerned honestly of the allegation that has been made, and advise him or her to contact their Trade Union or Professional Association for advice and support.
- e. Inform the child's parents in confidence as soon as possible, inviting them to maintain confidentiality whilst the investigation takes place, unless the allegation involves the parents, in which case we will contact the Social Services before making contact.

32. **The next step.** In accordance with the DFE statutory guidance on dealing with allegations of abuse against teachers and other staff October 2012 the School will endeavour to deal with allegations with common sense and good judgement. If the incident is deemed serious enough immediate intervention will be sought by the social care services and/or police. The school are aware of the following definitions that should be used when determining the outcome of an allegation:

- a. **Substantiated:** There is sufficient identifiable evidence to prove the allegation.
- b. **False:** There is sufficient evidence to disprove the allegation.
- c. **Malicious:** There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- d. **Unfounded:** There is no evidence or proper basis which supports the allegation being made. It may also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.
- e. **Unsubstantiated:** This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

In the first instance, the DSL and/or Headmaster will immediately discuss the allegation with the Designated Officer for the local area (LADO). The purpose of this discussion is for the Designated Officer and the case manager to consider the nature, content and context of the allegation and agree a course of action.

33. **Support for the pupil and those involved.** The School's priority is to safeguard the young people in our care. We will give all the support that we can to a pupil who has been abused. The Headmaster, together with the Deputy Head Pastoral, the school's Child Protection Lead (DSL- Designated Senior Lead), will consider how best to support and monitor the pupil concerned through any process of investigation, liaising closely with parents, guardians, Local Safeguarding Children Board (LSCB), and Pan Dorset Safeguarding Partnership or other agencies involved to identify the support strategies that will be appropriate.

Parents or carers of the child should be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution. The individual who is the subject of the allegations should also be kept informed of the progress of the case and consider what support the individual may need. Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

34. **Suspension.** Suspension of a member of staff is a neutral act and does not imply that any judgement has been reached about his or her conduct. Even so, it is a serious step, and we will take legal advice beforehand, and will normally only suspend a member of staff where:

- a. There is a serious risk of harm (or further harm) to the child.
- b. The allegations are so serious as to constitute grounds for dismissal, if proven.
- c. The police are investigating allegations of criminal misconduct.
- d. We recognise fully that we have a duty of care towards all of our staff, and we will always:
 - (1) Keep an open mind until a conclusion has been reached.
 - (2) Interview a member of staff before suspending him or her.
 - (3) Keep him or her informed of progress of the investigation.
 - (4) Any member of staff who is invited to a meeting whose outcome is likely to result in his or her suspension, is entitled to be accompanied by a friend or Trade Union representative.

35. **Alternatives to suspension.** The Prep School is aware of the following alternatives to suspension as set out by the DFE guidelines (October 2012) which include:

- a. Redeployment within the school or college so that the individual does not have direct contact with the child or children concerned.
- b. Providing an assistant to be present when the individual has contact with children.
- c. Redeploying to alternative work in the school or college so the individual does not have unsupervised access to children.

- d. Moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted.
- e. Temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the Designated Officer (LADO). This will include what alternatives to suspension have been considered and why they were rejected.

Boarding or other accommodated staff who are suspended will be required to remain off-site for the duration of their suspension and will be provided with alternative accommodation away from children.

36. If a member of staff resigns. The resignation of a member of staff or volunteer mid-way through an investigation would not lead to the investigation being abandoned. Our policy is always to complete every investigation into allegations of child abuse.

37. Compromise agreements. The policy at Sherborne Prep School is to follow the DFE guidance (dealing with allegations of abuse against teachers and other members of staff) on the use of compromise agreements in cases of child abuse which is:

'If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate.' (October 2012)

38. Length of investigatory process. We recognise that everyone's interests are served by completing any investigatory process as swiftly as possible. Sherborne Prep School is a small community and we will aim to spend as little time as is compatible with fair and impartial processes on the investigatory process. We would expect almost every case to be completed within one month.

39. Referral to the disclosure and barring service. Like all schools, we have a statutory legal duty to refer an individual, where there is the risk that he or she may harm, or has caused harm to children, to the Disclosure and Barring Service (DBS) within one month of the individual's dismissal or resignation because he or she has been considered unsuitable to work with children. Reports concerning members of staff or volunteers are normally made by the DSL. If the DSL is involved, the report is made by the Headmaster. If the Headmaster is involved, the report is made by the Chairman of Governors. The referral form can be downloaded from the DBS website on (<https://www.gov.uk/government/organisations/disclosure-and-barring-service>).

The school plays no part in the subsequent process of barring individuals from working with children and/or vulnerable adults. We also have a legal duty to respond to any requests for information that we receive from the DBS at any time.

40. **Recording allegations of abuse.** We will record all allegations of abuse clearly and comprehensively, and our subsequent actions, resolutions and decisions, including any disciplinary actions, on an individual's file. A copy will be given to the individual and he or she will be told that the record will be retained until he or she reaches statutory retirement age, or for ten years, if that is longer. Details of allegations that are found to be malicious should be removed from personnel records.

41. **Anonymous allegations.** If we are faced with an anonymous allegation of child abuse which names both a member of staff and a child, we will handle it in exactly the same way as if we knew the identity of the person making the allegation. We will report the matter to the LADO and be guided by them in our handling of the allegation. Where the allegation names the member of staff; but not the pupil, we will normally interview the member of staff, and ask for his or her version of events, unless the LSCB/LADO has advised a different course of action. It could be appropriate to establish a mentoring or review programme for that individual, or to provide him or her with further training. A record would normally be kept.

HANDLING UNFOUNDED OR UNSUBSTANTIATED ALLEGATIONS

42. **The Child.** A child who has been the centre of unfounded or unsubstantiated allegations of child abuse needs professional help in dealing with the aftermath. We will liaise closely with the LSCB to set up a professional programme that best meets his or her needs, which may involve the NHS Child and Adolescent Mental Health Services, as well as where appropriate support from a Counsellor and Educational Psychologist. We shall be mindful of the possibility that the allegation of abuse was an act of displacement, masking abuse that is actually occurring within the child's own family and/or community. However, much support the child may need in such circumstances, we need to be sensitive to the possibility that the aftermath of an unfounded allegation of abuse may result in the irretrievable breakdown of the relationship with the teacher. In such circumstances, we may conclude that it is in the child's best interests to move to another school. We would do our best to help him/her to achieve as smooth a transition as possible, working closely with the parents or guardians.

43. **The Member of Staff.** A member of staff could be left at the end of an unfounded or unsubstantiated allegation of child abuse with severely diminished self-esteem, feeling isolated and vulnerable, all too conscious that colleagues might shun him/her on the grounds of "no smoke without fire". If issues of professional competency are involved, and though acquitted of child abuse, disciplinary issues are raised; we recognise that he or she is likely to need both professional and emotional help. We will undertake to arrange a mentoring programme in such circumstances, together with professional counselling outside the school community. A short sabbatical or period of re-training may be appropriate.

If it is discovered that a pupil has made malicious allegations they will have breached school behavioural policies. The school would then consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).

44. **Allegation of abuse of a child who is not a pupil at the school.** If we were given information that suggested that a member of staff was abusing a child who was not a pupil at Sherborne Prep School, we would immediately pass such information to the Local Safeguarding Children Board through the LADO. We would then interview the member of staff and formally advise him/her of the allegations, making it clear that the school would not play any part in the investigatory process. He or she would be advised of the possibility of facing suspension, re-assignment to other duties etc. in exactly the same way as if the allegation had involved a school pupil. If the allegation subsequently proved to be unfounded, he or she would be given full support by the school in resuming his/her career.

45. **Allegations involving the head or Designated Safeguarding Lead.** The Chairman of Governors should be told at once by the DSL of any allegation involving the Headmaster. He will obtain legal advice before proceeding to the steps outlined above. The Headmaster will normally be suspended for the duration of the investigatory process, and the Deputy Headmaster will be made acting Head until the conclusion of the investigation and resolution of the issue. The Headmaster should similarly be told at once of any allegation involving the DSL. The Chairman of Governors should normally be informed on the same day, and legal advice obtained. The DSL will normally be suspended for the duration of the investigatory process. The Headmaster should be made acting DSL until the conclusion of the investigation and resolution of the issue.

WHISTLEBLOWING

46. **Whistleblowing.** Sherborne Prep School seeks to conduct its business honestly and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice. We believe we have a duty to take appropriate measures to identify such situations and attempt to remedy them. By encouraging a culture of openness and accountability within the school, we believe that we can help prevent such situations occurring. We expect all staff to maintain high standards in accordance with our code of conduct and to report any wrongdoing that falls short of these fundamental principles. It is the responsibility of all employees to raise any concerns that they might have about malpractice within the school. The aim of this policy is to ensure that our employees are confident that they can raise any matters of genuine concern without fear of reprisals, in the knowledge that they will be taken seriously and that the matters will be investigated appropriately and regarded as confidential.

47. **Legislative framework.** Whistleblowing is the disclosure of information by an employee or worker which relates to some danger, fraud or other illegal or unethical conduct in the workplace. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect employees who blow the whistle on bad practice from being subjected to any detriment or unfairly dismissed as a result.

48. **Personnel responsible for implementation of policy.** The Governors have overall responsibility for Sherborne Prep School's policy on whistleblowing, but has delegated day-to-day responsibility for overseeing and implementing it to the Headmaster. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change within the organisation resulting from investigations into complaints under the policy lies with the Headmaster.

49. **Who is covered by the policy?** The policy applies to all individuals working for the school at every level and grades, whether they are Heads, teachers, administrative, maintenance, catering, cleaning, class assistants, or agency staff (collectively known as employees in this policy).

50. **Disclosures covered.** This policy is distinct from the School's Grievance Procedure. If a complaint relates to personal circumstances in the school, then the Grievance Procedure (or Anti-Harassment Procedure as appropriate) should be used. Concerns about malpractice within the school which affects or could affect, for example, parents, members of the public or other members of staff should be raised using the procedure set out in this document.

The policy should be used if there is a genuine concern and that there are reasonable grounds for believing that:

- a. A criminal offence has been committed, is being committed, or is likely to be committed.
- b. A person has failed, is failing, or is likely to fail to comply with their legal obligations.
- c. A miscarriage of justice has occurred, is occurring, or is likely to occur.
- d. The health and safety of any individual has been, is being, or is likely to be endangered.
- e. The environment has been, is being or is likely to be damaged.
- f. Any of the above are being, or are likely to be, deliberately concealed.

In the context of Sherborne Prep School's business, particular concerns which may fall within the terms of this policy include, for example, (confidentiality, the provision of negligent advice, financial fraud, harassment occurring to others and health and safety). In general, this policy covers actions or omissions you consider to be illegal, contrary to policy or established procedure or outside the scope of an individual's authority, actions which could damage Sherborne Prep School's reputation and conflicts of interest. However, only disclosures concerning those actions falling strictly within the categories in the above paragraph will be eligible for the relevant statutory protection.

51. **Reporting.** We will value any concerns reported in good faith under this procedure. If you are uncertain whether the matters concerning you are within the scope of this policy (for example, if you are suspicious but uncertain as to whether the law has been broken, or whether a person is acting outside the scope of their authority), we encourage you to report the concerns to the Headmaster in accordance with the procedure.

52. **Who to make a disclosure to.** We recognise that those making a disclosure may not feel comfortable discussing concerns with a line manager. For the purpose of this procedure you are asked, in the first instance, to raise concerns about any form of malpractice falling within the categories outlined with the Headmaster. The Headmaster reports directly to the School Governors. In the absence of the Headmaster, the Governors may nominate another officer to carry out the Headmaster's duties under this policy. If the disclosure is extremely serious or in any way involves the Headmaster, it should be reported directly to the Chairman of Governors. The School will always endeavour to handle investigations promptly and fairly, but if a disclosure has been under the procedure and the complainant is unsatisfied with the investigation or its conclusion, they should write directly to The Chairman detailing concerns.

53. **Procedure for making a disclosure.** The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any workplace wrongdoing. It is therefore hoped that it will not be necessary for employees to alert external organisations. However, in very serious circumstances, or following an internal report which has not been addressed, we recognise that it may be appropriate for you to report your concerns to an external body, such as a regulator. The government has prescribed a list of appropriate bodies for such external reporting; for example, the Environment Agency and the Health and Safety Executive. A full list is available from an independent charity called Public Concern at Work, who can be contacted by telephone on 0207 4046609 and by e-mail at whistle@pcaw.co.uk. The School's procedure:

- a. Raise your concerns with the Headmaster orally or in writing, stating that you are using the Whistleblowing Policy and specify whether you wish your identity to be kept confidential. The Headmaster will ask you to formalise your concerns in writing either before or after the first meeting. The Headmaster will acknowledge receipt of your formal written disclosure and keep a record of further action taken.
- b. The whistleblower is entitled to be accompanied by a workplace colleague or union representative at any meeting with the Headmaster (or, if the Headmaster is unavailable, an individual acting in the Headmaster's place) under this procedure. The companion will be asked to respect the confidentiality of the disclosure and any subsequent investigation.
- c. The School recognises that disclosures made under this policy may involve highly confidential and sensitive matters and some may prefer to make an anonymous disclosure. However, the School cannot guarantee to investigate all anonymous allegations. Proper investigations may prove impossible if the investigator cannot obtain further information from the complainant, give feedback, or ascertain whether the disclosure was made in good faith. It is preferable for whistleblowers to reveal their identity to the Headmaster and measures can be taken to preserve confidentiality if appropriate.

54. **Investigation of disclosure.** Sherborne Prep School is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following a submission of a formal written disclosure, the Headmaster (or another individual acting in his place) will acknowledge receipt within five working days and make appropriate arrangements for investigation.

55. **Length and scope.** The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, the Headmaster will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information. In any event a report will be produced and copies will be provided to the Governors and, where appropriate, you will also receive a copy. If you are dissatisfied with the investigation or its conclusion, then you should refer to paragraph 5.3.

56. **Longer investigations.** If a longer investigation is considered necessary, we will usually appoint an investigator or investigation team including personnel with experience of operating workplace procedures or specialist knowledge of the subject matter of the disclosure.

For example, if the disclosure concerns financial malpractice, the Bursar may be asked to investigate. Separate personnel will be asked to make a judgement on the report submitted by the investigator (or investigative team). Recommendations for change will also be invited from the investigative team to enable us to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Governors will then be responsible for reviewing and implementing these recommendations.

57. **Progress updates.** So far as the Headmaster considers it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent us giving you specific details of the investigation or actions taken. It is not normally appropriate to set a specific time frame for completion of investigations in advance, as the diverse nature of disclosures contemplated makes this unworkable. We will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.

58. **External investigations.** The School recognises that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. The School will endeavour to inform the reporter if a referral to an external authority is about to or has taken place, although it may need to make such a referral without your knowledge or consent if we consider it appropriate.

59. **Confidentiality.** Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, the individual will also be expected to keep the fact that they have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in the School's view such circumstances exist, it will make efforts to inform the informer that their identity is likely to be disclosed. If it is necessary for the informer to participate in an investigation, the fact that they have made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect them from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that the whistleblower could still become apparent to third parties during the course of an investigation.

60. **Protection and support for whistleblowers.** No member of staff who raises genuinely-held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action. Detriment includes unwarranted disciplinary action and victimisation. If they believe that they are being subjected to a detriment within the workplace as a result of raising concerns under this procedure, they should inform the Headmaster immediately. Employees who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

61. **Malicious whistleblowing.** If an investigation under this procedure concludes that a disclosure has been made maliciously, vexatious, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action. Those choosing to make disclosures without following this procedure or anonymously may not receive the protection outlined in this policy.

62. **Corrective action and compliance.** As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigative team to enable Sherborne Prep School to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered.

The Headmaster will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required to the Governors.

63. **Monitoring and review of policy.** This policy reflects the law and Sherborne Prep School's practice. The Headmaster, in conjunction with the Governors will be responsible for reviewing this policy from a legislative and operational perspective at least annually. The Headmaster has responsibility for ensuring that any personnel who may be involved with administration or investigations carried out under this policy receive regular and appropriate training to assist them with these duties. Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting Deputy Head Pastoral.