

Whistleblowing Policy



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1. Introduction/Applicability

The school is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the School's policy and procedure.

This policy applies to **all** individuals working at **all** levels of the organisation, including: the Governing Body, the Advisory Panel, Head Teachers, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff, who will be collectively referred to as 'staff' henceforth.

It is important to the schools that any misconduct, wrongdoing or fraud by staff is reported and properly dealt with.

The policy and procedure is in addition to the school's Complaints Policy. The policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the school.

This policy takes account of the Whistleblowing Code of Practice and The Public Interest Disclosure Act 1998.

2. Aims of the policy

The policy aims to encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

The policy should provide staff with guidance about how to raise their concerns.

The policy aims to reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

3. What is whistleblowing?

The Public Interest Disclosure Act 1998, enables individuals to raise concerns when they reasonably believe two things¹:

1. That they are acting in the public interest. **This means that personal grievances and complaints are not usually covered by whistleblowing law.**
2. That the disclosure tends to show past, present or likely future wrongdoing, falling into one or more of the below categories:
 - Criminal offences (this may include, for example, fraud)
 - Child protection and/or safeguarding concerns (please also refer to section 10: Safeguarding)

¹ <https://assets.publishing.service.gov.uk/media/5a819ef5e5274a2e87dbe9e3/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf>

- Miscarriages of justice
- Danger to health and safety
- Damage to the environment
- Failure to comply with any legal or professional obligation or regulatory requirements
- Financial fraud or mismanagement
- Negligence
- Breach of the school's internal policies and procedures including its Code of Conduct
- Conduct likely to damage the school's reputation
- Unauthorised disclosures of confidential information
- Covering up wrongdoing in the above categories²

A whistleblower is a person who raises a genuine concern, in good faith, relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the school's activities (a whistleblowing concern), you should report it under this policy.

If staff are uncertain whether something is within the scope of the policy, they should seek advice from the Headteacher. If the matter is related to an alleged wrongdoing by the Headteacher then staff should seek the advice of the Governing Body.

A personal grievance is not generally regarded as a protected disclosure. If staff require further guidance regarding this, useful information can be found on the ACAS website: [What Someone Can Whistleblow About](https://www.acas.org.uk/whistleblowing-at-work/what-someone-can-whistleblow-about) (https://www.acas.org.uk/whistleblowing-at-work/what-someone-can-whistleblow-about)

4. Raising a whistleblowing concern

Where possible, the school hopes that staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if preferred. They may be able to agree a way of resolving a concern quickly and effectively. In some cases, they may refer the matter to the local Governing Body.

However, when the matter is more serious, or you feel your line manager has not addressed your concern or you prefer not to raise it with them for any reasons, you should contact one of the following:

1. The Headteacher
2. The Governing Body member with responsibility for whistleblowing matters, who is the Governor responsible for Safeguarding, or any other member of the Governing Body in their absence

Staff are encouraged to raise concerns early to enable appropriate remedial action to be carried out.

² <https://assets.publishing.service.gov.uk/media/5a819ef5e5274a2e87dbe9e3/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf>

It is helpful to the investigation if staff can provide the following information:

1. The background history of the concern (providing relevant names and dates)
2. The reason that the member of staff is particularly concerned about the situation

The headteacher, or member of the Governing Body, will arrange a meeting with the whistleblower as soon as reasonably possible to acknowledge that the concern has been raised and clarify the details. The Headteacher or member of the Governing Body will record sufficient details to enable the matter to be thoroughly investigated. As a minimum, the name of the member of staff raising the concern will be recorded (see confidentiality below) along with the nature of the concern.

Where the matter can be resolved simply, for example where there has been a misunderstanding or misinterpretation of an event, the Headteacher or member of the Governing Body will explain this to the member of staff, check that the member of staff is satisfied that the matter is resolved and keep a record of the decision.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The school will take notes and provide a written summary of the concerns raised. The member of staff will be provided with a copy of the notes as soon as is practicable after the meeting. The school will aim to give the member of staff an indication of how it proposes to proceed with the matter.

If you are in any doubt, you can seek advice from Protect, an independent whistleblowing charity, who offer a confidential helpline. They can be contacted in the following ways:

Protect (Independent Whistleblowing Charity)

Helpline: 020 3117 2520

Website: <https://protect-advice.org.uk>

Webform (via their website)

5. Confidentiality

The school hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise their concern confidentially, the school will endeavour to keep their identity secret in so far as it is possible to do so when following this policy and procedure.

If it is necessary for anyone investigating concern to know the identity of the staff member raising the concern, the school will discuss this with the staff member first.

Staff are asked to put their name to their allegation, as anonymous allegations are harder to investigate. Proper investigation may be more difficult or impossible if the school cannot obtain further information. Staff who have concerns about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

6. Malicious allegations

It is not necessary for a member of staff to have proof that wrongdoing is being, has been, or is likely to be committed; a reasonable belief is sufficient.

Information given should be true to the best of the member of staff's knowledge, information and belief. Maliciously making a false allegation is a disciplinary offence and will be handled under the school's disciplinary procedure.

7. Concerns against the Governing Body

If a concern against a member of the Governing Body is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Headteacher with the chairperson of the Governing Body who will decide how it should be dealt with.

If the concern is about the chair of the Governing Body then this process cannot be followed. In such circumstances, the concern will be taken directly to the Headteacher who will decide, in consultation with the member of the Governing Body responsible for whistleblowing matters, how it should be dealt with. In normal circumstances, such a concern would be referred to the Department for Education for action.

8. External disclosures

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

The law recognises that, in some circumstances, it may be appropriate for staff to report their concerns to an external body, such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The Independent Whistleblowing Charity – Protect (details above), operate a confidential helpline and have information regarding raising concerns to a [Prescribed Regulator](#).

Whistleblowing concerns usually relate to the conduct of the school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believed it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact the Headteacher or a member of the Governing Body for guidance.

9. Investigations and outcomes

Once a member of staff has raised a concern, the school will carry out an initial assessment to determine the scope of any investigation. The school will inform the member of staff of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings to provide further information. You may ask for meetings to be

held off-site, and you may bring a trade union representative or work colleague to attend meetings. You should inform the investigating team in advance of the meeting if you intend to bring someone to the meeting with you.

In most cases, a panel of three will investigate any issue. This panel can be made up of the Headteacher, members of the Board of Governors or members of the Advisory Panel. If necessary, the school may appoint an investigator or team of investigators with relevant experience or specialist knowledge of the subject area. The investigator(s) may make recommendations for change to enable the school to minimise the risk of future wrongdoing.

The school will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

10. Taking the matter further

If you believe that your concern has not been handled properly, you can contact the whistleblowing helpline (see above).

If you are still dissatisfied, you may decide to take the matter outside the school. You should make sure you do not disclose personal information about an individual/individuals, or sensitive business information. If in doubt, you should contact the whistleblowing helpline for guidance.

11. How are you protected?

It is understandable that whistleblowers are sometimes worried about possible repercussions. The school aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment because of raising a concern in good faith. Detrimental treatment could include: dismissal, disciplinary action, threats or other unfavourable treatment connected with raising such a concern. If a member of staff believes they have suffered such treatment, they should inform the Headteacher immediately. If the matter is not remedied, the member of staff should raise it formally using the school's grievance policy and procedure.

Other staff must not threaten or retaliate against staff raising concerns in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the successful implementation of this policy and procedure and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved.

Comments, suggestions and queries should be addressed to the Headteacher in the first instance.

12. Safeguarding

If a member of staff suspects there is a serious safeguarding issue that they feel that the Headteacher is not taking seriously, or they believe there is a serious safeguarding issue involving the Headteacher they should, in the first instance, contact the designated member of the Board of Governors.

Staff should also refer to section 7.7 in the school's Safeguarding policy, which clearly states the process and procedure for making a referral to the Local Authority Designated Officer (LADO).

Staff are able to make a referral directly to the LADO via the Kent Integrated Children's Services Portal: <https://kccchildrens.kent.gov.uk/web/portal/pages/lado>

13. Failure to comply with whistleblowing policy and procedure

Staff are expected to report concerns. For some categories of employees, failing to report a concern may be failing in their professional duty; this may result in disciplinary action being taken.

14. Monitoring Arrangements

The Governing body will monitor the effectiveness of the whistleblowing procedure in ensuring that concerns raised relating to the policy are handled properly.

This policy will be reviewed and approved by the Board of Governors every year.

15. Links with other policies

Policies relevant to whistleblowing content:

- Child protection and safeguarding policy and procedures
- Staff grievance procedures
- Staff disciplinary procedures
- Complaints policy

Appendix 1: Reasons for Whistleblowing

A guide to whistleblowing on the ACAS website can be found at <https://www.acas.org.uk/guide-download/1435?1736099557> . The following are extracted from the guide.

By law, there are several issues you can whistleblow about. These are called 'qualifying disclosures'.

Qualifying disclosures include:

A criminal offence – for example, an employer has been trying to bribe people

The breach of a legal obligation by an organisation – for example, an employer has neglected their duty of care towards children in a care home

A miscarriage of justice – for example, a member of staff has been dismissed for something that turned out to be a computer error

Someone's health and safety being in danger – for example, an employer has forced staff to serve contaminated food

Damage to the environment – for example, an employer has been regularly polluting local rivers

Health and safety issues - By law (Employment Rights Act 1996), people legally classed as employees or workers are protected if they whistleblow about health and safety.

You can also whistleblow about someone trying to cover up information about any of these issues. You can make a qualifying disclosure about an issue that's happened at any time. This includes if it's likely to happen in the future. It can also be about something that takes place overseas. You can report one or more qualifying disclosures.

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.