



# Whistleblowing Policy and Procedure

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## **1. Purpose of this Policy**

- 1.1 This policy is written to set out the Governing Board's practice and procedure for dealing with concerns raised by employees, which relate to suspected wrongdoing or dangers at work (see paragraph 3).

Allegations of child abuse made against teachers, all other staff and volunteers at Heltwate School will be dealt with in accordance with '**Keeping Children Safe in Education - Statutory guidance for Schools and Colleges.**

## **2. Background & Context**

- 2.1 As school employees are often the first adults to realise that there may be something happening within the school, which is wrong, it is important that they feel able to express their concerns freely and without fear of harassment or victimisation.

We recognise that if they are not encouraged to share their worries appropriately and openly, staff and volunteers may eventually find it easier to ignore the concern rather than report it.

The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information or raise their concerns in 'the public interest', and protects them from detrimental response and/or dismissal. This policy builds upon the provisions of this Act.

- 2.2 The Governing Board is committed to the highest possible standard of operation, probity and accountability in our school. In line with that commitment, all employees, visiting professionals, contractors, volunteers, agency workers and other visitors with any serious concerns are encouraged to come forward and voice those concerns to us.

The intention of this policy document is to make it clear that everyone connected to our school can voice their concerns without fear of reprisal or discrimination. It is intended to encourage, empower and enable staff, visitors and volunteers to raise any serious concerns within the school rather than overlooking a problem and/or necessitating the need to alert anyone external to the school about the issue.

- 2.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## **3. Aims of the Policy**

- 3.1 This policy aims to:
- provide avenues for employees to raise concerns internally, as a matter of course and receive timely feedback on any action taken;
  - provide for matters to be dealt with quickly and appropriately, and ensure that concerns are taken seriously and treated consistently and fairly;

- reassure employees that they will be protected from reprisals and/or victimisation for whistle blowing on others where they have a genuine concern;
- allow employees the opportunity to take the matter further if they are dissatisfied with a management and/or the Governing Board's response to their concerns.

A **whistle blower** is a person who raises a genuine concern relating to the matters below.

If employees have any genuine concerns related to suspected or perceived wrongdoing or danger affecting any of our activities (known as a whistleblowing concern) they should report it under this policy.

**Whistleblowing** is the disclosure of information which relates to suspected or perceived wrongdoing or dangers at work.

This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regular requirements;
- bribery;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- public examination fraud
- and the deliberate concealment of any of the above matters.

3.3 Before initiating the whistleblowing procedure, employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.4 This policy should not be used for complaints about an employee's personal circumstances, such as the way he/she has been treated at work. In these cases, an employee should use the school's Grievance Procedure and if the matter relates to salary, the salary review procedures documented in the school's Pay Policy.

## 4. Safeguarding Individuals

### 4.1 Harassment or Victimisation

4.11 The Governing Board recognises that the decision to report a concern can be a difficult and even occasionally a moral one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Governing Board will not tolerate harassment, victimisation or bullying of any kind and will take action to protect employees when they have raised a genuine concern.

4.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

### 4.2 Confidentiality

4.21 We hope that staff will feel able to voice whistle blowing concerns openly under this policy. The Governing Board will make every effort to protect an employee's identity if confidentiality is requested, and it is appropriate.

4.22 As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, we will ensure that this is discussed with the employee before their name is disclosed.

### 4.3 Anonymous Allegations

4.31 Employees will be encouraged to put their name to an allegation wherever they feel able to do so. Proper investigation may be more difficult or even impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible.

Serious anonymous allegations will be considered at the discretion of the Governing Board. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### 4.4 Untrue/Malicious/Vexatious Allegations

4.41 If an employee makes an allegation where he/she has a genuine concern, but it is not confirmed by any subsequent investigation, no action will be taken against that employee. If however, we conclude that an employee has made malicious or vexatious allegations, or with a view to making personal gain, disciplinary action may be taken against that employee.

#### 4.5 Unfounded Allegations

- 4.5.1 Following investigation, allegations may be confirmed as being unfounded. This outcome will be notified to the employee who raised the concern, and they will be informed that the Governing Board deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

#### 4.6 Support for Employees

- 4.6.1 It is recognised that raising concerns can be difficult and stressful to the individual raising them. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) who may find themselves subject to investigation.

### 5. How to raise a Concern

- 5.1 As a first step, an employee should normally raise concerns with their immediate line manager or with a member of SLT. This depends, however, on the seriousness and sensitivity of the issues and who is involved.

For example, if an employee believes that their immediate manager or a member of SLT is involved in the malpractice, they should approach the Head teacher or Chair of Governors.

An employee (including the Head teacher and members of the leadership team) can by-pass their direct management line and the Governing Board if they feel the overall management and Governing Board of the school is engaged in an improper course of action. In this case, please refer to section 7 below.

- 5.2 Concerns are better raised when put in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an employee does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that however, the concern is raised, and that the employee makes it clear that they are raising the issue via the **whistle-blowing procedure**.
- 5.3 The earlier an employee expresses their concern, the easier it is to take appropriate action.
- 5.4 Although an employee is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern to be escalated.
- 5.5 In some instances, it may be appropriate for an employee to ask their trade union to raise a matter on the employee's behalf.
- 5.6 At each meeting under this policy the employee may bring a colleague or trade union representative for support. The companion must respect the confidentiality of the disclosure and any subsequent investigation thereafter.

## 6. The Role of Senior Managers

6.1 A senior manager may be informed by an employee about concern(s) and that they are "blowing the whistle" within the procedure in person, or in writing or over the phone.

6.2 The senior manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

### 6.3 Stage One:

6.3.1 At the initial meeting the senior manager should establish that:

- there is genuine cause and sufficient grounds for the concern;
- the concern has been appropriately raised via the Whistleblowing Policy.

6.3.2 The senior manager should ask the employee to put their concern(s) in writing, if they have not already done so. If the employee is unable to do this, the senior manager will take down a written summary of their concern/s and provide them with a copy of the minutes after the meeting.

The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns;
- the names, dates and places (where possible);
- the reasons why the employee is particularly concerned about the situation.

6.3.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and equally more difficult to address, especially if the letter/notes become evidence in other subsequent proceedings, e.g. an internal disciplinary hearing.

6.3.4 The senior manager should follow the policy as set out above and in particular explain to the employee:

- who they will need to speak to determine the next steps (e.g. Head teacher)
- what steps they intend to take to address the concern;
- how they will communicate with the employee during and at the end of the whistleblowing process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;
- that the employee will receive a written response **within ten working days**;

- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Governing Board will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them;
- the investigation may confirm their allegations to be unfounded in which case the Governing Board will deem the matter to be concluded unless new evidence becomes available.

#### 6.4 **Stage Two:**

- 6.4.1 Following the initial meeting with the employee, the senior manager should consult with the Head teacher or Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take.

A written record should be made of the decisions and/or agreed actions.

- 6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s);
- the likelihood of confirming the allegation(s) from attributable and reliable sources.

- 6.4.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigations being made. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to an external auditor;



- form the subject of an independent inquiry.

6.4.4 Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g. the Grievance, Disciplinary, Harassment, and Safeguarding/Child Protection policies and procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure or process. Advice is available from EPM.

## 6.5 Stage Three

6.5.1 **Within ten working days** of a concern being received, the senior manager receiving the concern (at paragraph 5.1 above), must write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling the employee whether any initial enquiries have been made;
- telling the employee whether further investigations will take place, and if not why not;
- advising the employee when s/he will receive further details if the situation is not yet resolved.

## 7. Raising Concerns Outside of the School

7.1 The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace.

In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely if ever, be appropriate to alert the media.

Employees are strongly encouraged to seek appropriate advice before reporting a concern to anyone externally. If an employee is not satisfied with the Governing Board's response, the senior manager should ensure that s/he is made aware of with whom the employee may raise the matter externally:

The employee may seek appropriate advice from the following sources;

- By visiting <https://protect-advice.org.uk/> or telephoning: 0203 117 2520\*;
- a recognised trade union;
- a senior LA officer such as the LADO;

- an external Auditor or auditing body;
- a relevant professional body or regulatory organisation;
- a solicitor;

7.2 The senior manager should stress to the employee that if s/he chooses to take a concern outside the school, it is the employee's responsibility to ensure that **confidential information is not disclosed**, i.e. confidential information, in whatever format, is not handed over to a third party.

7.3 Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

*\*Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

## **8. Monitoring and Review**

8.1 The Head teacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Governing Board as necessary, but as a minimum on a biennial basis.