

# **Whistleblowing Policy**

Whole school including EYFS

Previously found in the Staff Handbook

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**This school is committed to safeguarding and promoting the welfare of children and young people/vulnerable adults and expects all staff and volunteers to share this commitment.**

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## **Introduction**

The Public Interest Disclosure Act 1998 gives legal protection to employees against victimisation for publicly disclosing legitimate concerns. This policy is therefore designed to enable employees, as well as other members of staff and pupils, to raise concerns internally and in a confidential fashion about bullying, fraud, malpractice, health and safety, criminal offences, miscarriages of justice and failure to comply with legal obligations or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the organisation.

This policy is intended to demonstrate that the School:

- Will not tolerate malpractice;
- Respects the confidentiality of staff and pupils raising concerns and will provide procedures to maintain confidentiality so far as it is consistent with handling the issues effectively;
- Will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate. This includes information about poor or unsafe practice and potential failures in the School's safeguarding regime and provision for mediation and dispute resolution;
- Will invoke the School's disciplinary procedure in the case of false, malicious, vexatious or frivolous allegations;
- Will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

Members of the School community should raise concerns if they suspect:

- Financial impropriety or fraud
- Failure to comply with legal obligations
- Criminal activity
- Dangers to health & safety or the environment
- Improper conduct or unethical behaviour
- Actions contrary to School policies, procedures, or instructions
- Where a miscarriage of justice has or will occur

This policy and procedure is not intended to be a mechanism to challenge decisions with which they disagree or to settle personal scores, but is reserved for raising serious concerns about malpractice.

The Public Interest Disclosure Act sets the following rules:

- The disclosure must be made in good faith
- There must be a reasonable belief that it is substantially true
- Individuals must not act maliciously or make false allegations
- Individuals must not seek any personal gain

No action will be taken against individuals making allegations in good faith which are found to be untrue after investigation. If, however, the allegations are judged to be malicious, disciplinary action may be taken against the individual.

Please note that the following procedures may be more appropriate depending on the nature of your concern:

- if you are a member of the workforce and you wish to make a complaint about your employment or how you have been treated, please use the grievance procedure as outlined in the Staff Handbook.

- if you are a member of the public and are dissatisfied with a service received or would like to complain about a matter relating to the school, please use our complaints procedure.
- if you have a safeguarding concern regarding a child, please refer to the school's Safeguarding Policy and speak to the designated safeguarding lead.

### **Our assurances to you**

#### **Your safety**

The Headteacher, Governors and Trustees are committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken.

This assurance is not extended to someone who maliciously raises a matter they know is untrue. If individuals are found to have made malicious or vexatious allegations, disciplinary action may be taken.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. The harassment or victimisation of anyone raising a genuine concern will be viewed as a disciplinary matter.

The [Public Interest Disclosure Act 1988](#), known as the "Whistleblowing Act" provides protection for workers against detrimental treatment or dismissal for disclosing information because they reasonably believe it is in the public interest to do so. Whilst not within the scope of the Act, individuals not employed by the school, for example those providing contracted services or volunteering, may also raise concerns under this policy.

#### **Your confidence**

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset.

If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such instances, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

### **How to raise a concern internally**

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

#### **Step one – Your line manager**

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager. This may be done verbally or in writing.

## **Step two – The Headteacher**

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with the Headteacher.

### **How we will handle the matter**

All reports will be investigated thoroughly and speedily. The purpose of the investigation is to establish the full details and clarifications of the complaint. You should ensure information is provided in writing and as much supporting evidence as possible is provided. If a pupil is raising the concern, it will be usual to involve the parents/guardians of that pupil at an early stage in any investigation.

Having investigated the complaint the investigating manager will recommend what further steps are to be taken. Such recommendations may include the following:

- Referral of the matter to the Police.
- Investigation of the matter further either internally or by external investigators appointed by the School.
- Referral to the School's Grievance Policy if appropriate.

The School will ensure that any internal investigation does not hinder a formal police investigation. A judgement concerning the complaint and validity of the complaint will be made with recommendations presented to the Governors.

The report may recommend that no further action is taken if satisfied that malpractice has not occurred or is not likely to occur; or is aware that the matter is already subject to legal proceedings; or is aware that the matter is already being dealt with under one of the School's other procedures. You will be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

If, having followed the procedure, you are still not satisfied with the steps taken, you should confirm this in writing to the investigating manager who will advise on how this matter may be raised confidentially with any relevant external body.

### **Independent advice**

If you are unsure whether to use this policy or you want confidential advice at any stage, general advice can be sought via [Whistleblowing for employees: What is a whistleblower - GOV.UK](#).

The NSPCC Whistleblowing Advice Line is also available to staff who do not feel able to raise concerns regarding child protection failures internally, or who have concerns about the way a concern is being handled. Staff can call 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk). Alternatively, staff can write to NSPCC, Weston House, 42 Curtain Road, London, EX2A 3NH.

### **External contacts**

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an

outside body. If so, we would rather you raised a matter with the appropriate prescribed people and bodies than not at all.

The Government have provided a list of [prescribed people and bodies](#) that can be contacted. These are mainly regulatory bodies, for example Ofsted, Care Quality Commission and Health and Safety Executive.

If you do take the matter outside the school you need to ensure that you do not disclose confidential information except to those included in the list of prescribed people and bodies.

If you report a concern to the media or otherwise fail to go through appropriate channels, in most cases you will lose your right to protection under the Public Interest Disclosure Act and could potentially face disciplinary action.

The law is complex in this area. If there is any doubt about which route to take, it is recommended that the prescribed person, Protect, or your union be contacted first for initial advice (only disclosing such details as are required to enable them to provide that advice, and on the basis that such disclosures are treated as confidential).

### **Monitoring & oversight**

The School's governing board has overall responsibility for the maintenance and operation of this policy and maintains records of concerns raised and the outcomes.