



## Whistleblowing Policy

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## Statement of intent

The Shrubby School is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "**blowing the whistle**" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the school's Grievance Policy and Disciplinary Policy and Procedure.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of school staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith.

## 1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Employment Rights Act 1996
- DfE (2024) 'Keeping children safe in education 2024'
- GOV.UK (2012) 'Whistleblowing for employees'

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Complaints Procedures Policy
- Data Protection Policy
- Grievance Policy

## 2. Definitions

"**Whistleblowing**" is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer. "Qualifying disclosures" pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged

- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

“**Blacklisting**” refers to an individual who is being refused work because they are viewed as a whistleblower.

“**Grievances**” involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

### **3. Roles and responsibilities**

The proprietor will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.

The headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.

The proprietor will be responsible for receiving any concerns raised about the headteacher.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the ‘Definitions’ section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

### **4. Harassment and victimisation of staff**

The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school’s Disciplinary Policy and Procedure.

### **5. Confidentiality**

The School recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed. However, investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

## **6. Anonymous allegations**

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Governing Body will take the following factors into account:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of confirming the allegation and obtaining information provided.

## **7. Untrue and malicious/vexatious allegations**

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the school will consider taking disciplinary action against the member of staff.

## **8. Allegations concerning child protection issues**

If a member of staff raises a concern related to a child protection issue, the Designated Safeguarding Lead should urgently consult the LA Officer designated to lead on child protection.

## **9. Reasons for whistleblowing**

Staff must acknowledge their individual responsibility to bring matters of concern to the attention of a member of SLT. There should be transparency and accountability in relation to how concerns are received and handled.

Reasons for whistleblowing include:

- each individual has a responsibility for raising concerns about unacceptable practice or behaviour;
- to prevent the problem worsening or widening;
- to protect or reduce risks to others;
- to prevent becoming implicated yourself.

What stops people from whistle blowing:

- starting a chain of events which spirals;
- disrupting the work or project;
- fear of getting it wrong;
- fear of repercussions or damaging careers;
- fear of not being believed.

## **10. How to Raise a Concern**

Concerns should be expressed in writing to the Head teacher. If the concern involves the Head teacher then the Proprietor should be the first point of contact. It is expected that the person receiving the allegation will become the investigating officer. However, it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern, giving names, dates and places where possible, and explaining the reason for your concerns. If you feel unable to put the matter in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union or professional association to raise the matter on your behalf or to support you in raising the concern.

### **Response to Whistleblowing**

The matter raised may:

- need inquiry internally in the school;
- need to be passed to the Police if it relates to alleged criminal activity;
- need to be referred to the LA Officer designated to lead on safeguarding if there is a concern relating to child protection.

At this stage concerns/allegations are neither accepted nor rejected.

### **The Inquiry Report**

Following completion of the inquiry process the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the Disciplinary Procedure to be implemented against the person reported. The whistleblower will also be notified of the outcome. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.

### **Self-reporting**

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with the Head teacher so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

## **11. Monitoring and review**

This policy is reviewed annually by the headteacher.