The Robert Drake Primary School

Whistleblowing Policy

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1. Aims

This policy aims to:

- **Encourage individuals to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected[1].**
- **Let all staff know how to raise concerns about potential wrongdoing in or by the school[1].**
- **Set clear procedures for how the school will respond to such concerns[1].**
- **Let all staff know the protection available to them if they raise a whistle-blowing concern[1].**

- **Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken[1].**

2. Legislation and Scope

It is important to the governing body that any suspected fraud, misconduct, malpractice or wrongdoing by workers or employees of the school is reported and properly dealt with[2]. The governing body is committed to creating an open and supportive environment where individuals feel able to “speak up” about any genuine concerns regarding the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, or any third party[2].

This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside the management structure of the school to a prescribed body[2]. All disclosures will be handled consistently and fairly and appropriate action will be taken by the school to resolve the issue in line with this policy[2].

This policy does not form part of any employee’s contract of employment and may be amended at any time[1]. This policy applies to all employees and governors/trustees of the school. **It also applies to other workers who provide services to the school in any capacity, including self-employed consultants or contractors who provide services on a personal basis,** volunteers and agency workers, **who are all** encouraged to use it where appropriate[2][1].

The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook[1]. This policy has been written in line with **this document, government guidance on whistle-blowing, and** the Public Interest Disclosure Act 1998 (PIDA)[2][1]. **This policy complies with our funding agreement and articles of association[1].**

3. Definition of Whistleblowing

The law (Public Interest Disclosure Act 1998) provides protection for employees or workers who raise legitimate concerns about specified matters[2]. These are called "qualifying disclosures"[2]. A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that there has been or is likely to be[2]:

- a breach of any legal obligation[2]
- a miscarriage of justice[2]
- a criminal offence[2]
- a danger to the health and safety of any individual[2]
- damage to the environment[2]
- sexual harassment
- deliberate concealment of information about any of the above[2]

Some examples of qualifying disclosures in a school context may include[2]:

- Fraudulent acts (e.g. manipulation of accounting records/finances, inappropriate use of funds, decision making for personal gain, abuse of position to influence decisions)[2]
- Breaches of acceptable professional and ethical standards[2]
- Breaches of the school's Health and Safety policy entailing danger to staff or pupils[2]
- Breaches of any of the school's policies or the Code of Conduct[2]
- Failure to take reasonable steps to prevent sexual harassment or failure to deal appropriately with concerns raised.

It is not necessary for the employee or worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient[2]. For the purposes of this policy the term "whistle-blower" refers to the individual making the disclosure[2].

The whistle-blower must reasonably believe they are making the disclosure in the public interest (i.e. it affects others such as pupils in the school or members of the public)[2]. This means that personal grievances and complaints (e.g. a concern about their own contractual terms) are not usually covered by this policy and should be dealt with by employees through the Grievance Procedure, or by other parties through the Complaints Procedure[2]. **The charity Protect (formerly Public Concern at Work) has further guidance on the difference between a whistle-blowing concern and a grievance that individuals may find useful if unsure. It also provides a free and confidential advice line[1].**

4. Procedure for Raising a Concern

The governing body encourages the “whistle-blower” to raise the matter internally in the first instance[2]. **Individuals should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature[1].**

Concerns should normally be raised with the Co-Headteachers[2]. If the concern is about the Co-Headteachers, or it is believed they may be involved in the wrongdoing in some way, the concern should be reported to the Chair or Vice Chair of Governors.[2][1].

Concerns should be made in writing wherever possible[1]. If a concern is raised verbally it should be followed up in writing[2]. **The written report should include names of those allegedly committing wrongdoing, relevant dates, places, and as much evidence and context as possible. The person raising a concern should also include details of any personal interest in the matter[1].**

The timescales for handling disclosures will differ depending on the nature of the disclosure made, but all disclosures will be acknowledged within 2 working days[2].

Members of the school community are reminded of their obligation to report all safeguarding concerns immediately, as set out in the school’s safeguarding policy and code of conduct[2]. The whistle-blower has no responsibility for investigating the matter - it is the school’s responsibility to ensure that an appropriate investigation takes place[2].

Where the complaint is serious, for example involving fraud, theft or other potential gross misconduct by an employee, the whistle-blower should act quickly to report it but should not mention it to the subject of the complaint or other colleagues as this could affect the investigatory process[2].

If the whistle-blower considers the matter too serious or sensitive to raise it internally, they may refer the matter to an external prescribed body. A prescribed body is an organisation, normally with some regulatory function (for example the Health and Safety Executive), which is prescribed by the Secretary of State for the purposes of the Public Interest Disclosure Act who an individual may make a protected disclosure to. Any such disclosure to a prescribed body

will qualify for protection under the Act. A list of prescribed bodies is available at the following link:

https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

In the event that the whistle-blower feels a disclosure should be referred to an external prescribed body some of the relevant bodies are also set out below:

Nature of disclosure:	**External reporting/Prescribed body:**
Fraud or financial malpractice (see 3.2 below)	(Academies and Schools) Report fraud or financial irregularity to DfE - GOV.UK allegations.mailbox@education.gov.uk (Maintained schools only:) Counter Fraud Manager *[insert your local authority contact details contact]*
Child Protection/ **Safeguarding issues**	Local Authority Designated Officer (LADO) *[insert your local LADO contact details contact]* NSPCC Whistleblowing helpline: 0800 028 0285 Email: help@nspcc.org.uk
Data protection issues	Information Commissioner https://ico.org.uk/
Health and Safety issues	Health and Safety Executive http://www.hse.gov.uk/

5. School Procedure for Responding to a Concern

The person who receives the concern (the 'recipient') will arrange an investigation into the matter, which may include reporting the matter to the Co-Headteachers/Chair or Vice Chair of Governors/Trustees or an appropriate prescribed body (if this has not already taken place).

The recipient will meet with the person raising the concern within a reasonable time[1]. The person raising the concern may be accompanied by a trade union representative or work colleague if they wish[2][1].

At this meeting, the recipient will seek as much detail as possible about the concern and record the information[1]. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient will ensure the concern is handled in line with the appropriate policy, such as the Grievance or Complaints Procedure[1]. The recipient will also reiterate that the whistle-blower is protected from any unfair treatment as a result of raising the concern and explain that if the concern is found to be malicious or vexatious, disciplinary action may be taken[1].

The recipient will establish whether there is sufficient cause for concern to warrant further investigation[1]. If there is, an appropriate person will be appointed to investigate (except where they are the subject of the disclosure)[2]. **In some cases, the school may need to bring in an external, independent body to investigate or report the matter to the police[1].** The investigation will be carried out promptly and confidentially[2].

The person who raised the concern will be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps[1].

If a whistle-blower wishes to remain anonymous this should be raised with the person to whom the initial disclosure is made[2]. In some cases, this may be possible but in more serious cases where disciplinary action may have to be taken against others this may be more difficult[2]. Where a concern is raised anonymously the school will not ordinarily be able to provide feedback, although it will take all appropriate steps to investigate such a disclosure[2].

The whistle-blower's statement (where available) will be taken into account, and they will be asked to comment on any additional evidence obtained. The person responsible for the investigation may ask the whistle-blower to attend a meeting to gather all the information needed to ensure a clear understanding of the situation.

Where a meeting is held, the whistle-blower should be permitted to be accompanied by a trade union representative or work colleague if they wish and where possible the dates/times will be agreed to facilitate this, or in the case of a third party, by an appropriate person (e.g. friend, family, colleague). Legal professionals will not normally be allowed to attend such meetings.

Once the investigation is complete, the investigator will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation[1].

On conclusion of any investigation, the whistle-blower will be told the outcome of the investigation (in as much detail as is deemed appropriate and subject to confidentiality restrictions) and what action is to be taken or is proposed[2][1]. If no action is to be taken, the reason for this will be explained[2].

Where a concern is raised anonymously the school will not ordinarily be able to provide feedback to the whistle-blower and any action taken as a result of an anonymous disclosure may be limited. The school will take all appropriate steps to investigate such a disclosure in line with the level of information provided. If an anonymous whistle-blower wishes to seek feedback from the school an appropriate anonymised email address should be provided.

Beyond the immediate actions, the school will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing[1]. Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way[1].

6. Escalating Concerns and Further Action

Where a whistle-blower has a genuine belief that the school has failed to take appropriate action or investigate the issue properly, they may report their concern to an appropriate prescribed body[2]. A prescribed body is an organisation prescribed by the Secretary of State to whom an individual may make a protected disclosure[2].

A list of prescribed bodies is available on the government's website[2]. **The Protect advice line, mentioned in section 3, can also help individuals when deciding whether to raise the concern with an external party[1].**

7. Protecting Whistle-blowers

Any whistle-blowers who make protected disclosures in line with this procedure have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure[2]. This means continued employment and opportunities for promotion or training will not be affected because the whistle-blower has raised a legitimate concern[2].

Whistle-blowers should report any harassment or victimisation to an appropriate manager as soon as practicable[2]. The school will take all reasonable steps to prevent and address such harassment or victimisation[2]. Victimisation of a whistle-blower for making a protected disclosure will be considered a disciplinary matter and will be dealt with under the Disciplinary Procedure[2].

Whistle-blowers may find the process of reporting an issue difficult and uncomfortable[2]. The school will take all reasonable steps to support the whistle-blower which may include access to an external counselling service[2]. The whistle-blower may also be referred to the charity Protect for information and advice[2].

8. Malicious or Vexatious Allegations

Individuals are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the person who raised the concern[1].

If, however, following an appropriate investigation, it is considered that an employee has made a malicious **or vexatious** allegation **that is deliberately invented or made in bad faith**, this will be taken as a serious matter and may potentially lead to disciplinary action in line with the Disciplinary Procedure[2][1].

Where other individuals engaged by the school make a malicious allegation, the school will investigate the allegation thoroughly and take appropriate action, which may include terminating the contract or arrangements with the individual[2].

9. Other Issues

- **Concerns Raised by Members of the Public**
  Where complaints are received from members of the public, the school's formal complaints procedure will be followed, unless the complaint relates to the specific conduct or performance of an individual employee, in which case the Disciplinary Procedure may need to be instigated[2].

- **Criminal Issues/Fraud**
  In the event of an allegation of a very serious nature, for example relating to a fraud or other potential gross misconduct offence, there may be a need to involve the school's auditors, the police, or other appropriate authorities[2]. This should normally be agreed initially by the Co-Headteachers/Chair of Governors who should, where appropriate, keep the Local Authority/Education and Skills Funding Agency (ESFA) informed[2]. The school must notify the DfE of any instances of fraud, theft or irregularity where the value exceeds £5,000 individually, or £5,000 cumulatively in any financial year[2]. Any unusual or systematic fraud, regardless of value, must also be reported[2].

10. Data Protection

When an individual makes a disclosure, the school will process any personal data collected in accordance with its data protection policy[2]. Data collected from the point at which the individual makes the disclosure is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure[2].

11. Policy Approval and Review

This policy has been agreed by the Board of Governors, who will approve it whenever it is reviewed[1]. This policy will be reviewed annually.

- Last review date: Autumn Term 2026
- Next review date: Autumn Term 2027

12. Links with Other Policies

This policy links with our policies on[1]:

- **Staff Grievance Policy**
- **Complaints Procedure**
- **Safeguarding and Child Protection Policy**
- **Staff Code of Conduct**
- **Disciplinary Procedure**
- **Data Protection Policy**

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1. Model-Policy.docx
2. Whistleblowing-Policy.docx