



## **Whistleblowing Procedure**

### **To be read in conjunction with**

- Staff Code of Conduct
- Staff Grievance Procedure
- Complaints Policy
- Safeguarding and Child Protection Policy
- eSafety Policy

### **Aims**

This policy aims to:

- Encourage individuals affected 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.
- Let all staff in the school know how to raise concerns about potential wrongdoing in or by the school.
- Set clear procedures for how the school will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistleblowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in this policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the school in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

### **Legislation**

This policy has been written in line with government guidance on whistleblowing (<https://www.gov.uk/whistleblowing>) and also takes into account the [Public Interest Disclosure Act 1998](#).

### **Definition of Whistleblowing**

Whistleblowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistleblowing include (but aren’t limited to):

- Criminal offences, such as fraud or corruption
- Pupils’ or staff health and safety being put in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest.
- Damage to the environment.

A whistleblower is a person who raises a genuine concern relating to the above.

Not all concerns about the school count as whistleblowing. For example, personal staff grievances such as bullying, or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow the school’s staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- Further guidance on the difference between a whistleblowing concern and a grievance that staff may find useful if unsure, and is available at <https://protect-advice.org.uk/what-is-the-difference-between-raising-a-grievance-and-whistleblowing/>
- Free and confidential advice either by phone from the Protect Advice Line: **020 3117 2520** (\*option 1) or by email to **whistle@protect-advice.org.uk**

## Procedure for Raising a Concern

### When to raise a concern

Staff should consider the examples given above when deciding whether their concern is of a whistleblowing nature. Consider whether the incident(s) was illegal, breached statutory or School procedures, put people in danger or was an attempt to cover any such activity up.

Safeguarding concerns should be raised in accordance with the school’s Safeguarding and Child Protection Policy in the first instance. If it is felt that a safeguarding concern is not or has not been responded to appropriately or dealt with properly then the matter should be raised in accordance with this Whistleblowing Procedure.

### Who to report to

Staff should report their concern to the Proprietor, Executive Head or the Compliance and Operations Officer (COO). If the concern is about the Proprietor, Executive Head or COO, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to another member of the school’s senior leadership team (SLT), or School Improvement Partners. Sarah Seleznyov, one of our School Improvement Partners can be emailed at: [sarah.seleznyov@bigeducation.org.uk](mailto:sarah.seleznyov@bigeducation.org.uk).

### How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

## **School Procedure for Responding to a Whistleblowing Concern**

### **Investigating the concern**

When a concern is received the person dealing with the concern is referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative.
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see Malicious or Vexatious section of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - The recipient should then arrange a further investigation into the matter, involving the Head Teacher and/or the Head of School/Proprietor if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police.
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

### **Outcome of the investigation**

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) 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, such as the local authority or the police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the Executive Head/COO and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

## **Malicious or Vexatious Allegations**

Staff 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 member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the person making the allegation.

## Escalating concerns beyond the School

The school encourages staff to raise their concerns internally, in line with this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included in the Government's Whistleblowing list of prescribed people and bodies available at <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>

The Protect advice line, details given

above, can also help staff when deciding whether to raise the concern to an external party.

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