

Whistleblowing Policy and Procedure

ISP School Battle



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1. Introduction

The School is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the School's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the complaints procedure.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

2. Aims of Policy

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work (Protect).

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School and the School reserves the right to amend its content at any time.

This Policy reflects the School's current practices and applies to all individuals working at all levels of the organisation, including the governors, headteacher, members of the Senior Leadership Team, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

3. What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns; * See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

If staff are uncertain whether something is within the scope of this policy they should seek advice from the Head Teacher and if the matter is in relation to an alleged wrongdoing by the Head Teacher then staff should seek the advice of the designated governor or Director of Education.

4. Raising a whistleblowing concern

Whistleblowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. ISP School, Battle has a clear and accessible whistleblowing section in the safeguarding and child protection policy. Adults who use whistle blowing procedures should have their employment rights protected.

Adults should recognise their individual responsibilities to bring matters of concern to the attention of the Headteacher, the chair of governors and/or relevant external agencies and that to not do so may result in charges of serious neglect on their part where the welfare of children may be at risk.

ISP School, Battle ensures that there is a whistleblowing section in the safeguarding and child protection policy in place which is known to all has, as part of our safeguarding and child protection policy, clear procedures for dealing with allegations against persons working in or on behalf of the school.

This means that adults should:

- report any behaviour by colleagues that raises concern
- report allegations against adults and volunteers to their headteacher, manager, or registered provider, or chair of governors or where they have concerns about the manager's response report these directly to the LADO

Allegations and Low Level Concerns

All adults should be aware of our schools safeguarding procedures, including the procedures for dealing with allegations against staff and volunteers.

In the event of an allegation being made, by any person, or incident being witnessed, the relevant information should be immediately recorded and reported to the headteacher/DSL as appropriate.

Adults should feel able to discuss with the Headteacher any difficulties or problems that may affect their relationship with or behaviour towards children, so that appropriate support can be provided and/or action can be taken.

In order to safeguard and protect children and colleagues, where adults have any concerns about someone who works with children, they should immediately report this to the headteacher, and Director of Education in line with the school's procedures.

Governing bodies and proprietors should ensure there are procedures in place to manage allegations against staff (including supply staff and volunteers and contractors). Concerns and allegations that may meet the harms test will be addressed as set out in Keeping Children Safe in Education September 2022.

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they **must** consider whether to refer the case to the Secretary of State (via the Teaching Regulation Agency).

As part of our whole school approach to safeguarding, we promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. This will encourage an open and transparent culture; enable our school to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the school.

If anyone has a 'low-level' concern this does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that is inconsistent with this staff code of conduct, including inappropriate conduct outside of work, but does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- Being over friendly with children;
- Having favourites;
- Taking photographs of children on their mobile phone;

- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating or offensive language.
- Humiliating pupils.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

It is crucial that any such concerns, including those which do not meet the allegation/harm threshold, are shared responsibly with the headteacher (this should include self-referral) so that they can be recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from becoming the subject of potential false low-level concerns or misunderstandings.

If the concern has been raised via a third party, the headteacher will collect as much evidence as possible by speaking directly to the person who raised the concern, unless it has been raised anonymously and to the individual involved, along with any witnesses.

Where a low-level concern arises about supply staff or contractors, their employer will be notified so that any potential patterns of inappropriate behaviour can be identified.

If there is ever any doubt as to whether information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, then the LADO will be consulted.

To ensure that there is clarity about how staff should behave, and to avoid inadvertent or thoughtless behaviour, staff should ensure that they have fully read and understood this Staff Code of Conduct.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, that concern should be shared with the headteacher/designated safeguarding lead (or deputy DSL), and recorded in accordance with this policy. Their employer will be notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

This means that adults should:

- be familiar with our school's arrangements for reporting and recording concerns and allegations
- share responsibly, and with the designated safeguarding lead, 'low-level' concerns so that they are recorded and dealt with appropriately and effectively
- self-refer where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards
- know how to contact the LADO/Ofsted/regulatory body directly if required
- take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the school
- take responsibility for sharing any incident relating to a person employed by a supply agency or a contractor with the designated safeguarding lead

- ensures that there is an effective, confidential system for recording and managing concerns raised by any individual regarding adults' conduct and any allegations against staff and volunteers
- defines 'low-level' concerns and expects staff to respond to them

The Head Teacher

The Governor with responsibility for Whistleblowing matters

The Head Teacher will arrange a meeting with the 'whistleblower' as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Head Teacher will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases it will not be possible to maintain confidentiality and the Head Teacher should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The school will take notes and produce a written summary of the concern raised and provide the whistleblower with a copy as soon as practicable after the meeting. The school will also aim to give the whistleblower an indication of how it proposes to deal with the matter.

5. Confidentiality

The school hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the school will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the whistleblower's identity, the school will discuss this with the member of staff first.

The school does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the school cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy and procedure e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the school's disciplinary procedure. If the Head Teacher knows or has a suspicion that an employee comes into this category then s/he will take advice from the designated governor or Director of Education who will help to determine what action should be taken.

If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect formerly known as Public Concern at Work (Independent whistleblowing charity)

Helpline: 020 3117 2520

Online Form: <https://protect-advice.org.uk/contact-protect-advice-line/>

Website: <https://protect-advice.org.uk/documents/protect-formerly-public-concern-at-work-whistleblowing-code-of-practice/>

6. Concerns against Governors

If a concern against a governor is received then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Head Teacher with the Chair of governors who will decide how it should be dealt with.

If the concern is against the Chair of governors then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Director of Education who will decide, in consultation with the Head teacher and the governor with responsibility for whistleblowing matters, how it should be dealt with. In normal circumstances such a concern would be referred to the Department for Education for advice and action.

7. External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work (Protect), operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

8. Investigation and outcome

Once a member of staff has raised a concern, the school will carry out an initial assessment to determine the scope of any investigation. The school will inform the whistleblower of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In most cases a panel of three governors will investigate any issue. In rare cases the school may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the school to minimise the risk of future wrongdoing.

The school will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the school concludes that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action under the school's disciplinary policy and procedure.

Whilst the school cannot always guarantee the outcome a particular member of staff is seeking, the school will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Head teacher will have the right to refer any particular case to the designated governor for review.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Head teacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the school's disciplinary procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

9. Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The school aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the

Head Teacher immediately. If the matter is not remedied the member of staff should raise it formally using the school's grievance policy and procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Head Teacher in the first instance.

10. Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that the Head Teacher is not taking seriously or that they believe there is a serious safeguarding issue involving the Head Teacher they should in the first instance contact the Director of Education.

Appendix 1

Don't think what if I'm wrong – think what if I'm right

Reasons for whistleblowing:

- 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 whistleblowing:

- 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.

How to raise a concern:

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Head Teacher
- If your concern is about your immediate manager/Head Teacher or you feel you need to take it to someone outside the school contact a member of the local governing body or Public Concern at Work (Protect).
- Make sure you get a satisfactory response – don't let matters rest.
- You should then put your concerns in writing, outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next?

You should be given information on the nature and progress of any enquiries. Your employer has a responsibility to protect you from harassment or victimisation.

No action will be taken against you if the concern proves to be unfounded and was raised in good faith.

Allegations made frivolously, maliciously or for personal gain will be seen in a different light and disciplinary action may be taken.

Self-reporting

There may be occasions where a member of staff has a personal difficulty, or 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 their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most situations, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Further advice and support

It is recognised that whistleblowing can be difficult and stressful. Advice and support is available from your line manager, HR department and/or your professional trade union.