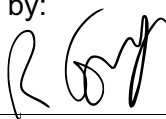


Down Ampney C of E Primary School

Whistleblowing Policy

Signed by:



Headteacher

Date: 8th December 2023



Chair of governors

Date: 8th December 2023

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Statement of intent

Down Ampney C of E Primary School is committed to the highest standards of openness, probity and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the School's work, to come forward and voice those concerns. The phrase 'whistle-blowing' in this procedure refers to the disclosure internally or externally by employees of malpractice, as well as illegal acts or omissions at work.

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 Procedure makes it clear that employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the School, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the School who, in the public interest, speak out against corruption or malpractice at work have statutory protection against victimisation and dismissal.

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 and within the meaning of the Public Interest Disclosure Act (PIDA).

Under this policy, any of the following can raise a concern:

- Employees of the school
- Voluntary workers working with the school
- Trainees, such as student teachers

The School fully understands that employees who are members of a trade union recognised by the Council may, in the first instance, wish to seek advice and guidance from their union on the application of this Procedure

1. Legal framework

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

- [Public Interest Disclosure Act 1998](#)
- [Employment Rights Act 1996](#)
- [DfE \(2022\) 'Keeping children safe in education 2023'](#)
- [GOV.UK \(2012\) 'Whistleblowing for employees'](#)
- [DfE \(2014\) 'Whistleblowing procedure for maintained schools'](#)
- [Sir Robert Francis \(2015\) 'Freedom to speak up report'](#)
- GCC Plus School's Model Whistleblowing Procedure

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Records Management Policy
- Complaints Procedures Policy
- Data Protection Policy

2. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the headteacher, the concern will be raised with the chair of governors.

Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. [Section 6](#) includes further details on how whistleblowing affects non-employees.

3. Definitions

Whistleblowing is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

As outlined by the PIDA, **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
- The unauthorised use of public funds including fraud and corruption

- Sexual or physical abuse
- Other unethical or unprofessional conduct
- Notification of any suspicions of price-fixing cartels providing services/goods to the Council/School.
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

Any serious concerns that employees have about any aspect of service provision, or the conduct of employees or members of the Governing Board/School/Council or others acting on behalf of the Governing Board/School/Council, can be reported under this Procedure. This may be about something that:

- Makes an employee feel uncomfortable in terms of apparent non-adherence to known standards
- Appears to be contrary to the requirements of the Council's Standing Orders and the School's Code of Conduct
- Falls below established standards of practice
- May amount to improper conduct
- Appears to be an attempt to mislead.

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.

4. Roles and responsibilities:

The governing board 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.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the headteacher, any concerns that are raised.

- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the governing board include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.

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 chair of governors 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 [section 3](#) of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

5. Safeguards: harassment or victimisation

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 by the PIDA, which gives employees protection 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.

6. Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedures Policy.

Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

7. Good practice principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the [Procedure](#) section of this policy, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The school will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required

We will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

8. Procedure

When raising concerns, individuals will express them in writing to the headteacher. If an individual is raising a concern about the headteacher, they should express their concerns in writing to the chair of governors. Where this is the case, the chair of governors will take on the headteacher's duties outlined in the [Interview and investigation](#) section of this policy.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the LA, they should contact the LA's LADO – details on safeguarding board.

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

9. Interview and investigation

The headteacher will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the headteacher will request the individual puts their concern in writing, if they have not already done so. The headteacher will write a summary of the concern if the individual is unable to put it in writing.

The headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the governing board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

10. What the school asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LA.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

11. Confidentiality

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. However, this cannot be guaranteed if, say, following an investigation a case is taken to Court, where the employee may need to be called as a witness.

12. Anonymous allegations

In order to ensure that employees receive protection of the PIDA employees should put their name to their allegation. Concerns expressed anonymously are sometimes less credible. Anonymous concerns and allegations, whether made to the Headteacher or the Governing Board, will therefore be investigated at the discretion of the School.

In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources' factual evidence.

13. Untrue Allegations

If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, the allegation is frivolous, malicious or for personal gain, disciplinary action may be taken against them.

14. How to raise a concern

Employees who wish to raise a serious concern should do so verbally or in writing (marked 'Confidential') to the Headteacher or Chair of Governors.

Alternatively, the concern can be raised by writing to Monitoring Officer, Gloucestershire County Council, Shire Hall, Gloucester, GL1 2TZ. You can also complete the online [Whistleblowing Allegation form](#) which will go directly to the Monitoring Officer.

Or employees may wish to use the Council's 24 hour "whistle blowing" answerphone service on Gloucester 01452 - 427052 to report any concern relating to possible fraud, corruption, conduct or mal-practice/administration.

Employees who wish to make a written statement/report are invited to set out:

- The background and history of the concern
- Relevant dates, person involved
- Details of supporting evidence.

Although employees are not expected to prove an allegation they will need to demonstrate that the disclosure is in the public interest.

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

15. How the School/Council will respond

In all cases in order to protect individuals and those involved in the concern, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the School/ Council will take into account is public interest; however, there is a zero tolerance attitude to any fraudulent activity. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

Within 10 working days of a concern being raised, the employee will be contacted at their private address:

- Acknowledging that the concern has been received
- Indicating how it is proposed to deal with the matter
- Telling the employee whether any initial enquiries have been made
- Telling the employee whether further investigations will take place and, if not, why not.

Allegations reported to the school will normally be investigated by the Headteacher/Governing Board. However, in some circumstances, sometimes to avoid contaminating evidence which may then go to a criminal investigation, they may decide to involve external investigators.

Advice/support on investigation can be obtained from Piyush Fatania, Head of Internal Audit on 01452 328883 or e-mail piyush.fatania@gloucestershire.gov.uk or Carolyn Wignall Counter Fraud Specialist on 01452 328887 or e-mail

The Monitoring Officer will arrange investigation of allegations reported to the Council. The Monitoring Officer will respond to such concerns and, where appropriate, the matters raised may be:

- Investigated by school management, Internal Audit
- Referred to the Police
- Referred to the District Auditor
- The subject of an independent enquiry.

The School's Conduct Procedures will be used where the outcome of an investigation indicates improper behaviour by an employee.

A representative of a trade union recognised by the School/Council or work place colleague may accompany an employee during any stage of an investigation conducted under this Procedure.

The School/Council will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, where an employee is required to give evidence in criminal or disciplinary proceedings the School/Council will arrange for them to receive advice about the procedures involved.

The School/Council accepts that employees need to be assured that matters of concern have been properly addressed and, therefore, subject to legal constraints, employees will be informed of the outcome of any investigation.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. If you have raised a concern anonymously, we will not be able to write to you. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

16. Further Action

This Procedure is intended to assist employees who wish to raise concerns within the School and it is hoped that employees will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the School/Council, the following organisations are possible contact points:

External Contact	Contact Information
Health & Safety Executive	Tel: 0300 003 1647 or Online form: Raising your concern
Environment Agency	Tel: 03708 506 506 or Website: Environment Agency
External Auditors	
The Financial Conduct Authority/Prudential Regulation Authority	
Department for Work and Pensions	Telephone: 0800 854 440 or you can also report suspected benefit fraud online
Serious Fraud Office	Website: Reporting serious fraud, bribery or corruption
Trade Union	
Her Majesty's Revenue & Customs	Tel: 0800 788 887 or Website: Reporting Tax Evasion
Relevant Voluntary Organisation	
Charity Commission	Tel: 0300 066 9197 or Email: whistleblowing@charitycommission.gsi.gov.uk
Police	Telephone 101 or In an emergency telephone 999
Public Concern at Work	Tel: 0207 404 6609
Ofsted	Complaints about schools and childminders Contact https://www.gov.uk/complain-about-school Complaints about other providers Ofsted inspects Contact https://contact.ofsted.gov.uk/online-complaints

If employees do decide to take the matter outside the School/Council, they must ensure that they do not disclose to a third party any School/Council confidential information. If employees are in any doubt, they are strongly advised to seek confidential advice before taking any action to ensure that they are not putting themselves in a vulnerable position.

17. Appeal process

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Procedure Policy.

18. Unfair treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal need be made within three months of the investigation ending.

19. Monitoring and review

The governing board will review this policy annually, ensuring that all procedures are up-to-date – the next review date for this policy is December 2024.

Any changes made to this policy will be communicated to all members of staff.