

Whistle-blowing Policy



Cam Everlands Primary School

"We believe, achieve and celebrate"

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1. Rationale

Employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it.

The Governing Body is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees and others with serious concerns about any aspect of the school's work are encouraged to come forward and voice those concerns.

This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis. The phrase 'whistle-blowing' in this policy refers to the disclosure internally or externally by employees of malpractice, as well as illegal acts or omissions at work.

2. Aims

This policy aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any actions taken
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing; if they have a reasonable belief that they have raised a concern in
- allow employees to take the matter further if they are dissatisfied with the Governing Body's response, or if they feel the overall management and Governing Body of a school is engaged in an improper course of action

This policy describes how any school employee can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures found in school or county policies, e.g., anti-fraud and corruption, grievance, disciplinary, harassment and child protection/safeguarding procedures.

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. Concerns which fall within the scope of the Whistleblowing procedure may be about something that is unlawful; or is against the Governing Body's

Standing Orders or policies; or falls below established standard or practice; or amounts to improper conduct and may include, but is not limited to:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees (where the concerns raised have not been addressed through normal departmental procedures)
- damage to the environment
- the unauthorised use of public funds including fraud and corruption
- other unethical or unprofessional conduct
- notification of any suspicions of price-fixing cartels providing services/goods to the School

If the concerns are around the safeguarding of children, the school's Designated Safeguarding Lead (DSL) should be notified in line with the procedures set out in the Child Protection and Safeguarding policy.

Before initiating the procedure, employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague;
- employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All employees have the right to raise concerns, which could be about the actions of other employees, private contractors, governors, volunteers or outside agencies.

Concerns raised by employees about their own conditions of service, should be addressed via the school's Grievance Procedure or, if the matter relates to salary, the salary review procedures documented in the school's Pay Policy.

3. Safeguards

3.1 Harassment or Victimisation

The Governing Body recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is the subject of the complaint. The Governing Body will not tolerate harassment or victimisation and will act to protect employees when they raise a concern in good faith.

The Governing Body will not tolerate any form of sexual, racial or general harassment or victimisation and will take appropriate action to protect employees, when they raise a concern in the public interest, from suffering a detriment (including bullying or harassment) either from the employer or from co-workers.

Any investigation under this procedure, into allegations of potential malpractice will be dealt with separately to any grievance, disciplinary or redundancy procedure concerning an employee. Equally, any investigation will not be influenced by any such procedures involving

an employee. However, the outcome of the investigation may lead to action under other school's procedures.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistleblowing Policy.

3.2 Confidentiality

The Governing Body will do its best to protect an employee's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the employee may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by the Governing Body to address the concern and in some circumstances, the Governing Body may have to disclose the identity of the employee without their consent, although this will be discussed with the employee first.

3.3 Anonymous Allegations

Employees are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Governing Body. In exercising the discretion, the factors to be considered would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

3.4 Untrue Allegations

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, there is clear evidence that an employee has made malicious or vexatious allegations, disciplinary action may be taken against that employee.

3.5 Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Governing Body deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

3.6 Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and the employee(s) subject to investigation.

4. How to Raise a Concern

There are three levels of escalation.

As a first step, an employee should normally raise concerns with their line manager or their line manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved.

If an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Headteacher or Chair of Governors.

An employee (including the Headteacher and members of the leadership team) can bypass the direct management line and the Governing Body and raise the matter externally if s/he feels the overall management and Governing Body of a school is engaged in an improper course of action. In this case please refer to section 'Raising Concerns Outside of the School'. Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the Whistleblowing procedure.

The earlier an employee expresses the concern, the easier it is to act.

Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern. In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

4.1 The Role of Senior Leader(s)

A Senior Leader may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the telephone. The Senior Leader should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible.

4.1.1 Initial Meeting:

At the initial meeting the Senior Leader should establish that:

- there is genuine cause and sufficient grounds for the concern;
- and the concern has been appropriately raised via the Whistleblowing Policy.

The Senior Leader should ask the employee, to put their concern(s) in writing, if s/he has not already done so. The Senior Leader should make notes of the discussions with the employee. The employee's letter and/or Senior Leader's notes should make it clear that the employee is raising the issue via the Whistleblowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The Senior Leader should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Senior Leader should explain to the employee, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that s/he has made a malicious or
- vexatious allegation, disciplinary action may be taken against them; and

- the investigation may confirm their allegations to be unfounded in which case the Governing Body will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

4.1.2 Review:

Following the initial meeting with the employee, the Senior Leader should consult with the Headteacher or Chair of Governors to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Senior Leader should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- form the subject of an independent enquiry.

Senior Leaders should have a working knowledge and understanding of other school policies and procedures, e.g. disciplinary, harassment, child protection/safeguarding procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is also available from the school's personnel advisory service.

4.1.3 Communication with the employee:

Within 10 working days of a concern being received, the Senior Leader receiving the concern must write to the employee:

- acknowledging that the concern has been received;
- that the matter will be taken seriously and explored immediately;
- what steps s/he intends to take to address the concern;
- how s/he will communicate with the employee during and at the end of the process;
- giving an estimate of how long it will take to provide a final response.

After the review meeting the Senior Leader receiving the concern must write to the employee:

- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved; and
- providing the employee with details of who to contact should s/he be dissatisfied with this response (see section below).

4.2 Raising concerns outside of school

The Whistleblowing policy provides employees with a procedure for raising concerns and resolving these within the School. If an employee is not satisfied with the Governing Body's response, the line manager/Senior Leader should ensure that s/he is made aware with whom s/he may raise the matter externally. The manager should stress to the employee that if s/he chooses to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

When an employee feels the overall management and Governing Body of a school is engaged in an improper course of action, s/he can bypass the direct management line and the Governing Body and raise the matter externally.

Relevant external bodies include (but are not limited to):

- Secretary of State for Education -Ministerial and Public Communications Division, Department for Education Tel: 0370 000 2288 www.gov.uk/contact-dfe'
- 'Public Concern at Work' <http://www.pcaw.co.uk> , Tel No. 0207 404 6609*;
- a recognised trade union (e.g. NASUWT, NEU, NAHT, UNISON, ASCL etc.);
- relevant professional bodies or regulatory organisations;
- a solicitor.

The manager should stress to the employee that if s/he chooses to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

*Public Concern at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

5. Links with other policies

- Staff Grievance policy and procedures
- Child Protection and Safeguarding policy
- Complaints policy