

# Whistleblowing Policy

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Statutory Policy	Y

## 1. Purpose

The Waldegrave Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, staff, governors and others that we deal with, who have serious concerns about any aspect of the school are encouraged to voice those concerns.

Staff and governors at the school are likely to be the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This document makes it clear that concerns may be reported without fear of victimisation, subsequent discrimination or disadvantage when they have made a disclosure in good faith. It will be fairly and consistently applied in accordance with the Governing Body's commitment to equal opportunities.

The procedure supplements the school's Complaints procedures, Grievance Procedure and Safeguarding & Child Protection Policies.

This policy is not designed to be used:

- for raising a reconsideration of matters that come under existing procedures e.g. Grievance, Disciplinary, Capability or Complaints procedure; or
- for allegations that fall within the scope of specific procedures (for example child protection) which will normally be referred for consideration under the relevant procedure, unless the employee has good reason to believe that the procedure is not being followed or will not be followed effectively; or
- as an appeal process for any complaint or grievance handled under any of the above procedures.

## 2. Definition

Whistle blowing is the reporting, by those working for or on the behalf of Waldegrave School, of suspected wrongdoing on the part of employees, management or the Governing Body. Such wrongdoing might include fraud, malpractice, breach of health and safety law or some other illegal act.

## 3. Legislation

The Public Interest Disclosure Act 1998 (by way of amendment to the Employment Rights Act 1996) is designed to provide protection to workers who raise genuine concerns about specified matters. These are known as "qualifying disclosures". The specified matters are:

- Conduct which is a criminal offence;
- Breach of any other legal obligation;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public or pupils as well as other staff;
- Damage to the environment; or
- Deliberate concealment of any of the above.

A member of staff who makes a qualifying disclosure has the right not to be dismissed, subjected to any other detriment or victimised because he/she has made the disclosure. A zero tolerance approach will be taken to any act of harassment or victimisation resulting from a member of staff raising a concern in good faith. A member of staff making an allegation within the scope of this policy will be supported when raising a concern, providing that he/she:

- Believes the concern to be true;
- Is not acting maliciously or making false allegations;
- Is not seeking any personal gain.

### 3. **Raising a Concern**

As a first step, a member of staff, governor or contractor (the whistleblower) should normally raise concerns with his/her immediate line manager, the Headteacher or the Designated Safeguarding Lead (DSL) where this is appropriate to the nature of the concern. If the concerns relate to allegations that a member of staff or volunteer may have harmed a child or behaved in a way that indicates he/she poses a risk of harm to children, the allegation should be raised with the Headteacher in the first instance, in accordance with the school's child protection and safeguarding policy. Where the allegations involve the Headteacher, the member of staff should raise the matter with the Chair of the Governing Body, via the clerk to Governors.

Concerns may be raised verbally or in writing, but the earlier the concern is expressed the easier it is to take any required action. Where a concern is raised verbally, the person hearing it must ensure that a written statement of it is made to assist with any subsequent investigation. Senior management will take all concerns raised within the scope of this policy seriously and identify the appropriate level of investigation, taking external advice as necessary. The concerns raised will be treated in confidence, whilst recognising that the individual raising the concerns may need to come forward as a witness at a later date.

The whistleblower may invite a recognised trade union representative or a work colleague to be present during any meetings or interviews held in connection with the concerns raised.

#### **Anonymous whistleblowing;**

We do not encourage whistleblowers to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. <http://www.pcaw.org.uk/> Phone - 02074046609.

#### 4. **Investigating Concerns**

Preliminary enquiries will be made into the concerns raised to establish whether a formal investigation is required. Immediate action may be taken – prior to an investigation being conducted – if there are concerns for the safety or welfare of pupils or others.

If a formal investigation is not to be undertaken, the reasons why will be explained to the individual as soon as possible. If an investigation is undertaken, this will normally be conducted by an appropriate senior individual with no previous involvement with the concerns raised. In certain cases, this may involve governors and/or an external independent investigator. The investigation will be conducted, where appropriate, in accordance with other relevant internal procedures which could involve the suspension of staff on normal pay whilst the investigation is being carried out. Investigations involving child protection issues will not commence until external advice has been sought from the local authority's designated officer.

Written records will be taken throughout the investigation and the employee will be kept informed of the likely timescale and progress of the investigation. The investigator will be responsible, where possible within 28 days, for reporting formally to the Headteacher and/or the Chair of Governors on the outcome of the investigation. The Headteacher and/or Chair of Governors will be responsible for taking any necessary action, which may include reporting the matter – as relevant – to the local authority, appropriate government department, regulatory agency or the police, and/or taking action under internal procedures (e.g. disciplinary or bullying and harassment). On conclusion of the investigation, the whistle blower will be informed of the outcome and the proposed action to be taken, whilst respecting the confidentiality of individuals and any legal constraints.

#### 5. **Malicious or Vexatious Complaints**

If a member of staff makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action is likely to be taken in accordance with the disciplinary procedure.

#### 6. **Contacting External Organisations**

Whistle blowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. Compelling reasons could be the involvement of the senior managers in the misadventure, serious health and safety issues or possible discrimination. The external sources which could be used include:

- Department for Education or other relevant government departments
- OFSTED
- AFC
- Police
- relevant professional body or regulatory organisation
- HM Revenue & Customs

If the matter is taken outside the school, individuals should ensure that they do not disclose confidential information. Whistle blowing to the media is not advised as the organisations above are better placed to enforce appropriate action.

If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline.

<http://www.pcaw.org.uk/> Phone - 02074046609.

7. **Data Protection**

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.