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# WHISTLEBLOWING POLICY AND PROCEDURE FOR ALL CATEGORIES OF SCHOOL

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Policy No. 33



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Owner/approver:	Liz Farr, Director of Education, Skills & Learning
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## **1. 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/trust know how to raise concerns about potential wrongdoing in or by the school/trust
- Set clear procedures as to how to respond to 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 stages set out in the policy, even if they turn out to be mistaken. Vexatious or malicious concerns may be considered a disciplinary issue and should be investigated as appropriate

Please note that if any variations to the policy are made, you will need to consult with the recognised trade unions.

## **2. LEGISLATION**

This document is written in line with the government's guidance on whistleblowing and also takes into account the Public Interest Disclosure Act 1998.

The Academy Trust Handbook sets out the requirement for Trusts to have a clear whistleblowing procedure in place.

## **3. DEFINITION OF WHISTLEBLOWING**

Whistleblowing covers concerns made that report wrongdoing that is "in the public interest". The wrongdoing will typically (although not necessarily) be something they have witnessed at work. Examples of whistleblowing include, but are not limited to:

- A criminal offence, eg fraud or corruption
- Pupils' or staff health and safety being put at risk of harm
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- A miscarriage of justice
- Risk or actual damage to the environment
- An abuse of power or authority
- A deliberate attempt to conceal any of the above, or any other wrongdoing in the public interest

A whistleblower is a person who raises a genuine concern relating to the above. Under legislation, employees and/or workers must reasonably believe that they are acting in the public interest and that the disclosure tends to show past, present or likely future wrongdoing, falling into one or more of the categories listed under the legislation.

This policy and procedure is in addition to the complaints procedure and other statutory reporting procedures where applicable.

Not all concerns about the school/trust 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 should be treated as a grievance. The Grievance policy is available from the School office.

## **4. SEXUAL HARASSMENT**

The School is committed to maintaining a safe, respectful and inclusive work environment for all students, staff and visitors, free from any form of harassment, including sexual harassment. Sexual harassment is unacceptable and will not be tolerated under any circumstances.

Any pupil, staff member or individual who experiences or witnesses any form of sexual harassment, whether it occurs on school grounds, during school events, or in any other school-related context, is encouraged to report the incident(s) through the whistleblowing channels outlined in this policy or as detailed in the school's Sexual Harassment policy. This includes, but is not limited to, unwanted sexual advances, inappropriate comments, gestures or any behaviour that creates a hostile or uncomfortable work environment.

All reports of sexual harassment will be taken seriously, treated confidentially, and investigated promptly. No employee will face retaliation for reporting sexual harassment in good faith, even if the investigation does not ultimately substantiate the claims. Any employee found to have engaged in retaliatory actions or engaged in sexual harassment may be subject to disciplinary action.

## **5. SCOPE**

This policy should also be used to cover any Safeguarding Concerns in relation to poor or unsafe practice and potential failures in a school/trust's safeguarding regime.

This policy applies to all employees (including temporary employees, trainees and independent contractors) who work in a maintained school, but can also be applied to Voluntary Aided, Trust Schools and Academy Schools. All Community and Voluntary Controlled schools where the Local Authority is the legal employer must follow this policy and procedure. The governance arrangements for Voluntary Aided, Trust Schools and Academies are different in that the governing body is the legal employer as opposed to the Local Authority. Therefore, the procedure may be varied in accordance with the arrangements at the school/trust, but any changes will need to be agreed through consultation with the Trade Unions.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

## **6. PROCEDURE**

### **6.1 HOW TO RAISE A CONCERN**

School based staff should report their concern to the headteacher/CEO. If the concern is about the headteacher/CEO or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the chair of the governing board/board of trustees.

If the chair of the governing board may be implicated, then for maintained schools, concerns can be raised with the Director of Education, Skills & Learning. Employees in academy schools can raise a complaint externally to the Education and Skills Funding Agency (ESFA).

Concerns should be made in writing wherever possible. They should include names of those suspected of 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. The earlier the concern is raised the easier it is to take action. Advice and guidance may be sought from:

- Trade Union representative; or
- Protect – an independent charity <https://protect-advice.org.uk> Tel No. 02031172520

- NSPCC - Safeguarding whistleblowing helpline for staff who feel unable to raise concerns regarding child protection failures internally [help@nspcc.org.uk](mailto:help@nspcc.org.uk) or by telephone 0800 0280285 (8am to 8pm Monday to Friday)

It is not the role of the individual to attempt to investigate any suspected wrongdoing and you are not expected to prove beyond doubt the truth of an allegation although you will need to demonstrate that there are reasonable grounds for your concern.

## 6.2 INVESTIGATING THE CONCERN

When a concern is received by the responsible person, 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 representative or colleague
- Obtain as much detail as possible about the concern at this meeting and record the information. If the concern is not of a whistleblowing nature, the individual should be informed that the concern will be dealt with in line with the appropriate policy/procedure
- Reiterate that the individual is 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
- If the concern relates to the head teacher, this should be dealt with by the Chair of Governors/Trustees

It may be possible to resolve some of the concerns without the need for investigation.

Concerns and allegations which fall within the scope of specific procedures (eg child protection or discrimination issues) will normally be referred for consideration under those procedures.

Where there is sufficient cause for concern to warrant a further investigation, it may be investigated through the following channels, as appropriate:

- An appropriate experienced external independent individual/body is appointed to investigate
- By management, internal audit or through the disciplinary process;
- Be referred to the police;
- Be referred to the external auditor;
- For the subject or an independent inquiry

If urgent action is required this will be taken before any investigation is conducted.

The responsible person will inform the Director for Education, Skills & Learning (for maintained schools) that the complaint has been received.

The person who raised the concern should be kept informed of how the matter is being investigated and given an estimated timeframe for when they will be informed of next steps.

## 6.3 OUTCOME OF THE INVESTIGATION

Once the investigation (initial investigation of the concern or further investigation), the investigating officer 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 police.

The outcome of any investigation will be unique to each case and subject to determination by the requirements of any specific procedure followed. Outcomes may include, but are not limited to:

- Review of policy and practice;
- Formal disciplinary action;

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the individual.

If it is found that the concern was unfounded and/or raised with malicious or mischievous intent, then the school/trust will consider whether any disciplinary action is appropriate against the person raising the concern.

It is not possible to guarantee the outcome(s) sought, but concerns will be dealt with fairly and in an appropriate way.

#### **6.4 NOTIFY THE INDIVIDUAL RAISING THE CONCERN**

Once the outcome has been determined, the responsible person will write to the individual who raised the allegation to let them know the outcome. Depending on the nature of the matter, there may be limitations to what may be disclosed, as some details may need to be restricted due to confidentiality. They will also advise the individual of any further action they could take if they are not satisfied with the outcome.

#### **7. HOW THE MATTER CAN BE TAKEN FURTHER**

Staff should raise their concerns internally to enable the school/trust to deal with matter appropriately. If the outcome is not considered satisfactory or where there may be a need to report concerns to an external body, a list of prescribed bodies to whom staff can raise concerns with is included here: [Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

#### **8. NOTES**

All concerns will be treated in confidence and every effort will be made not to reveal their identity if an individual wishes, unless required by law. At the appropriate time, however, the individual may need to come forward as a witness. This should be discussed with the individual early on to establish if this is possible and consent sought, but should not be regarded as a barrier to investigating the matter.

Concerns expressed anonymously will be considered but action taken to look at the disclosure may be limited and may not be regarded as “protected” under the Public Interest Disclosure Act 1998. Those seeking to raise concerns anonymously will not normally be able to receive feedback. Where an employee wishes to make a disclosure anonymously, it may be more difficult for an employee to demonstrate that they qualify for protections as a whistleblower as it is more difficult to link their identity to the issue. The responsible person should look at mechanisms to overcome the challenges and should consider anonymous concerns properly and robustly.

All reasonable steps will be taken to ensure that no employees will be victimised or suffer any detriment for raising a matter under this procedure. This means that continued employment and opportunities for future promotion or training will not be prejudiced because they have raised a legitimate concern.

In exceptional circumstances, and in order to protect someone who has raised a qualifying disclosure, or to facilitate a thorough investigation, a whistleblower may be redeployed. This may be on a permanent or a temporary basis and will always be subject to mutual agreement with clear terms, under which there is no detriment to the individual. It is advised that employees contact their trade union for additional support and advice in these circumstances.

Harassment or victimisation of an individual for raising a qualifying disclosure will be a disciplinary offence. Colleagues who victimise whistleblowers can be made personally liable for their own conduct, and the local authority (for maintained schools) could be held vicariously liable if it has not taken all reasonable steps to prevent victimisation.

If misconduct is discovered as a result of any investigation under this procedure the school's disciplinary procedure will be used, in addition to any appropriate external measures.

No action will be taken if an allegation is made but is not confirmed by the investigation.

Maliciously making a false allegation is a disciplinary offence.

Any instruction to cover up wrongdoing is itself a disciplinary offence. If told not to pursue a concern, even by a person in authority, individuals should not agree to remain silent and should contact the headteacher, CEO, chair of governing board/trustee or the Director for Education, Skills & Learning.

## 9. DOCUMENT CLASSIFICATION

### Version log

Version	Status	Date	Description of change	Reason for change	Pages affected
0.01	DRAFT	1 September 16	New policy		
V2	Final	3 March 2025	Policy review	General update/ review References to investigations included – Section 1; Definition of Whistleblowing updated; New section (3.1) added re Sexual Harassment; Section 5.1 updated; Section 5.2 – reference to Chair of Governors/Trustees added; Section 7 updated – anonymous disclosures and seeking support from trade union	All

### Consultation Log

<i>Date sent for consultation</i>	<i>Consultees</i>
October 2024 and February 2025	<p><u>Herefordshire Council</u> Liz Farr - Service Director, Education, Skills and Learning</p> <p><u>Schools/Academies</u> Rachel Ussher – Head teacher – Ledbury Primary School Paul Jennings – Head teacher - Fairfield High School Helen Rees – Head teacher – Leominster Primary School Bev Blower – Executive Head - The Herefordshire PRU Tom Williams – Head teacher – The Bishop of Hereford’s Bluecoat School Lyndsey Manning – Head teacher Trinity Primary School Steven Kendrick – Ashfield Park Primary School Tracey Kneale – CEO &amp; Executive Head teacher, Fern Academy Trust Nikki Gilbert, Head teacher, Westfield Special School Alex Davies, CEO Orchard MAT</p> <p><u>Hoople Ltd (HR Services)</u> Julie Davies - HR Services Manager Julie Bridgewater- Senior HR Business Partner</p> <p><u>Trade Unions</u> Chris Lewandowski (NASUWT) Julie Turner (NASUWT) Paul Deneen (NEU) Ian Taylor (NAHT) Carol Rushton/Louise Hatswell (ASCL) Rachael Lynch (Community TU) Elaine King (GMB) David Stevens/Helen Astley (UNISON)</p>