Whistleblowing Policy

St Margaret's CEVAP School

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1. Introduction

1.1 The school is committed to promoting and maintaining the highest standards in its management and procedures, and provides a safe, supportive and open working environment. The Governing Body and, where appropriate, the Local Authority' are responsible for endorsing this policy and making all employees aware of it.

1.2 Every governing body has a responsibility to ensure that its school is managed to the highest standards of integrity, and that its decision making, and administration is conducted in such a way as to be above any suspicion of unethical practises.

1.3 This policy aims to encourage and enable an employee to feel confident in raising concerns within a school. It acknowledges employees' legal rights to make protected disclosures to specific prescribed individuals or bodies under the Public Interest Disclosure Act (PIDA) 1998 and any subsequent legislation, as incorporated into the Employment Rights Act 1996.

1.4 The protection awarded in relation to a protected disclosure applies to employees and workers. This includes, but is not limited to, staff on casual contracts, freelance workers, seconded workers, trainees and agency workers, and ex-employees.

1.5 Staff may have concerns about illegal activities, financial misconduct or risks to the environment, employees and other school workers, the public or the schools' reputation. Therefore, staff are encouraged to come forward and express these concerns.

1.6 The school places great importance on reporting and addressing any misconduct, fraud or wrongdoing by workers or officers. The school is committed to tackling malpractice and ensuring that all instances of wrongdoing are properly dealt with. It is crucial for all staff to understand the significance of preventing and eliminating wrongdoing in the workplace. Any confirmed cases of wrongdoing will be handled with utmost seriousness.

1.7 The school encourages staff to utilise internal channels for reporting malpractice, illegal acts or omissions by current or former employees. All concerns will s be heard and investigated thoroughly. The school will ensure that those who raise genuine concerns are never mistreated or unsupported.

1.8 The school will not tolerate harassment or victimisation of anyone raising a concern, nor any attempts to intimidate an individual into not reporting an issue., Raising a concern should have no negative impact on an employee's continued employment and promotion opportunities or training prospects. Such behaviour is a serious violation of the school's values and, if confirmed through an investigation, will result in disciplinary action, potentially leading to dismissal.

1.9 This procedure has been subject to consultation with all recognised trade unions.

2. What is whistleblowing and what is covered?

2.1 Whistleblowing is the term used to describe the disclosure of information about suspected wrongdoing or danger identified at work. The action of making a disclosure is sometimes called 'blowing the whistle'.

2.2 This policy has been prepared in response to the Employments Rights Act 1996 and the public Interest Disclosure Act 1998 which provide a framework for raising genuine concerns and providing guarantees of full protection to employees and other school employees who raise such issues.

2.3 This policy applies to all teaching and support staff in maintained schools (including those seconded to other schools or organisations) in which the governing body has adopted them for use. It applies to staff in Pupil Referral Units in the same way and to local authority-employed 'unattached teachers' / FE staff.

2.4 The schools concerned are those Community and Controlled schools which have delegated budgets under S.45 of the School Standards and Framework Act 1998, or successor legislation. The Education (Modification of Enactments relating to Employment) Order 1999 provides for the governing bodies of schools concerned to be deemed the employer for the purpose of this policy.

2.5 The governing bodies of Voluntary Aided or Foundation Schools maintained by Suffolk County Council may also adopt this policy, with appropriate modification to reflect that in each case the governing body is the employer.

2.6 An employee working within a school but employed on another organisation's terms and conditions of employment should have the matter managed under their organisation's whistleblowing policy/procedures.

2.7 Furthermore, the Government has indicated the protections may be extended to job applicants, which will prevent schools from blacklisting applicants because they have made protected disclosures against previous employers. This is dependent upon the outcome of a Call for Evidence by the Government.

2.8 Staff should raise their concerns with the school using the schools' internal procedures and reporting arrangements, outlined in section 4 of this policy.

2.9 For the purpose of this policy, whistleblowing is the passing on of information by a worker about wrongdoing at work in the statutory categories set out in the Public Interest Disclosure Act. Passing on of such information is called a protected disclosure and the person making the disclosure is called a whistleblower.

2.10 The term "malpractice" may cover a broad range of acts, omissions, or practices. Employee's will usually report specific instance(s) of wrongdoing by individual(s). In certain circumstances, employee's may report bad practice which, if it were to continue, would be likely to lead to wrongdoing.

2.11 The Employment Rights Act 1996, states a protected disclosure is a qualifying disclosure made by a worker they reasonably believe shows serious wrongdoing within the workplace. This typically involves dangerous or illegal activities. The key points that qualify as protected disclosures: Criminal Offences: Information showing that a criminal offence has been, is being, or is likely to be committed. Legal Obligations: Information showing that a person has failed, is failing, or is likely to fail to comply with any legal obligation. Miscarriages of Justice:

Information showing that a miscarriage of justice has occurred, is occurring, or is likely to occur. Health and Safety: Information showing that the health or safety of any individual has been, is being, or is likely to be endangered. Environmental Damage: Information showing that the environment has been, is being, or is likely to be damaged: Concealment of Information: Information showing that any of the above matters are being deliberately concealed. Sexual Harassment: Information showing the Sexual Harassment within the meaning of the Equality Act 2010 "has occurred, is occurring or is likely to occur".

2.12 The following are examples (and not an exhaustive list) of issues that may be raised (NB; as per paragraph 2.14 there are other policies under which some of these issues may be raised and / or investigated):

- health & safety risks
- a criminal offence
- sexual or physical abuse of both employees and others
- abuse of children and vulnerable adults
- damage to the environment
- theft or abuse of school property
- possible fraud and corruption
- a breach of the schools internal policies and procedures (including the Code of Conduct)
- conduct likely to damage the schools reputation or financial wellbeing
- unauthorised disclosure of confidential information
- negligence
- actions which are intended to conceal any of the above.

2.13 In a school, concerns often (though not always) focus on appropriate use of funds. For example, the following would typically be considered an inappropriate use of the budget:

- disregard of proper tendering procedure for contracts;
- manipulation or falsification of accounting records;
- making decisions for personal gain;
- inappropriate (e.g. private) use of school assets

2.14 In some cases, a protected disclosure will be investigated under a separate policy of the school, where appropriate. Please seek further HR advice from your HR Provider to understand which process is appropriate to use

2.15 Disclosures to an employee's own contract typically fall outside of the scope of whistleblowing and should addressed through grievance procedures.

2.16 The Public Interest Disclosure Act 1998 (PIDA) For a disclosure to be protected, the following additional conditions must also be met:

- The person making the disclosure must be an employee
- The disclosure must be made lawfully and without breaching legal professional privilege.
- It must be made in the public interest.
- The person making the disclosure must not act maliciously or make false allegations; and

- The person making the disclosure must not seek any personal gain for it (where a disclosure has been made to a third party) such as financial payments, gifts or any other benefit or advantage.

2.17 The PIDA Act only protects wider disclosure (e.g., to the media, an MP, etc.) if:

- the employee reasonably believed they would be victimised if they had raised the matter internally or with a prescribed regulator
- there was no prescribed regulator, and they reasonably believed the evidence would be concealed;
- the concern had already been raised with the school or prescribed regulator;
- the concern was exceptionally serious;
- and no payment was accepted for the story.

2.18 A member of staff who makes a protected disclosure has the right in law not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure. This includes cases where the subsequent investigation into the concern did not identify wrongdoing. For example, detriment linked to making a protected disclosure could be:

- harassment and bullying,
- inappropriate disciplinary action,
- loss of work or pay,
- damage to career prospects,
- providing poor references,
- defamation,
- inappropriately referring them to external organisations for audit or scrutiny,
- not considering them for a role if they re-apply,
- dismissal or selection for redundancy because of making a qualifying disclosure.

3 Other relevant guidance and procedures

3.1 The Suffolk Local Management of Schools (LMS) Handbook along with its supplementary instructions outlines the standards of good practice in school management and administration. These standards are used by the County Council to assess whether school governors and staff have acted inappropriately.

3.2 This is not intended to replace other procedures. Complaints by staff regarding their personal treatment or the application of employment policies and practices should be addressed through the grievance procedure or other appropriate process. Concerns about child protection should normally be raised under the designated procedures for that purpose, unless those procedures have not been adequately implemented.

4 Procedure for making a disclosure

4.1 The method of making a disclosure will vary depending on the nature and severity of the concern, the sensitivity of the issues, and the individual(s) believed to be involved in the reported malpractice.

Lines of reporting

4.2 As a general rule, an employee wishing to make a disclosure should raise the concern in the first instance with the Headteacher. If the concern relates to the Headteacher, the disclosure should be made to the Chair of Governors or, for unattached teachers, the relevant Head of Service. This is suitable when the concern involves the conduct or practices of colleagues or when there is belief the school's policies and procedures are not being properly or fairly applied. This allows the issue to be addressed at school level.

4.3 Where an employee wishing to make a disclosure (the "whistleblower") believes that they cannot approach the Headteacher or the Chair of Governors, the concern should be raised with the Head of Organisational Support. This will be appropriate if the disclosure concerns the conduct of the Headteacher or the Governing Body, or if a disclosure has already been made to them and no discernible or timely action has been taken to address the situation.

4.4 In exceptional circumstances the whistleblower may approach the Assistant Director for Education & Learning, or the Service Director for Children and Young People. This will normally only be appropriate if they reasonably believe that the Head of Organisational Support is involved in the malpractice/wrongdoing or would for some other reason be unwilling to investigate it.

4.5 If the whistleblower reasonably believes that the senior officers of Children and Young People's Services are themselves implicated, they should report the matter to the County Council's Whistleblowing email address: whistleblowing@suffolk.gov.uk

For unattached teachers

4.6 Where an employee wishing to make a disclosure (the "Whistleblower") believes that they cannot approach the Head of Organisational Support, the concern should be raised with the relevant Assistant Director. This will be appropriate if the disclosure concerns the conduct of the Head of Organisational Support, or if a disclosure has already been made to them and no discernible or timely action has been taken to address the situation.

4.7 In exceptional circumstances the whistleblower may approach the Director for Children and Young People. This will normally only be appropriate if they reasonably believe that the relevant Assistant Director is involved in the malpractice or would for some other reason be unwilling to investigate it.

4.8 If the whistleblower reasonably believes that the senior officers of Children and Young People's Services are themselves implicated, they should report the matter to the County Council's Whistleblowing email address: whistleblowing@suffolk.gov.uk

Process of disclosing

4.9 While a disclosure does not need to be in writing, it is best practise, to do so, either by email or letter. The whistleblower should identify themselves and clearly state that they are making a disclosure within the terms of this policy.

4.10 A whistleblower who raises a concern verbally is expected to support and substantiate those concerns in writing, unless special circumstances make this inappropriate. If the whistleblower feels unable to put their concerns in writing they will usually be asked to meet with an appropriate line manager, who will compile a written note of the disclosure.

4.11 The whistleblower may be accompanied by a trade union representative or appropriate workplace colleague at meetings that are held for the purpose of formally discussing or investigating the disclosure.

4.12 It is not necessary for a whistleblower to produce conclusive evidence to support their disclosure. Suspicion may be valid grounds for raising a concern. However, the whistleblower should normally have direct information or knowledge of the alleged malpractice or wrongdoing or know where such evidence can be found. The Whistleblower's concern should be based on more than hearsay, gossip, or second-hand reports of others. The disclosure should generally include specific examples of unacceptable behaviour.

4.13 Disclosures should not be made to the press, radio, television, social media or any other media. The recommended internal reporting channels should be used. Employees have certain rights to report malpractice to specified external agencies, e.g. an employee who suspects that a criminal act has been committed may inform the police. However, it is expected that whistleblowers are expected to follow the reporting lines above.

5. Responding to a disclosure

5.1 The response to a whistleblower's disclosure will depend on a number of factors such as the seriousness and complexity of the allegations made.

5.2 Allegations may be:

- investigated within the school or, where appropriate, the Directorate for Children and Young People;
- referred to the internal or external auditors (for maintained schools, the Council's Audit Services can assist);
- referred to the police;
- referred to another independent form of enquiry;
- or any combination of the above.

5.3 The school may wish to consider using external independent investigators; however, this will partly depend on the complexity of the case.

5.4 Disclosures will be subject to initial enquiries in order to decide whether a full investigation is necessary and, if so, what form it should take, who should conduct it, and whether any reference to another agency is necessary or desirable. Some concerns may be resolved through agreed action without the need for further investigation.

5.5 If the whistleblower's concern falls within the scope of an alternative procedure, they will be advised to pursue it through that procedure.

5.6 A whistleblower who presents their disclosures in writing will, wherever possible within ten working days, receive:

- an acknowledgement that the concern has been raised;
- an indication of how the school proposes to deal with the matter;
- an estimate of how long it will take to provide a final response;
- an indication of any initial enquiries that have been made; and
- an indication of whether further investigations will take place and, if not, why not.

5.7 The whistleblower will be informed of the outcome of any investigation, as long as it does not conflict with the school's duty of confidentiality. The amount of information provided to whistleblowers will depend on various factors, e.g. whether the investigation is referred to the police and results in criminal prosecution. If an investigation is prolonged, it is recommended that the school or relevant officer keep the whistleblower updated on its progress, as a lack of communication may lead to suspicions of inaction and prompt external disclosure.

5.8 Where a whistleblower is unwilling to identify themselves, any person receiving a complaint about malpractice or potential wrongdoing should log the incident and consult the Head of Organisational support, or seek advice from their HR provider, to consider whether any investigation should be undertaken.

6 Safeguards for whistleblowers

Internal procedures

6.1 Deciding to report malpractice/wrongdoing can be challenging for employees, who may fear victimisation or harassment. No action will be taken against employees who raise a concern appropriately and reasonably believe to be in the public interest, even if the concern is later found to be unfounded after investigation.

6.2 However, whistleblowers who are already the subject of investigation or action under a formal procedure (e.g. discipline, capability or harassment) should not expect the procedure to be discontinued as a result of the disclosure, unless there is good reason for doing so.

Other protections

6.3 To harass, bully, or otherwise subject a person to detriment because they have made a whistleblowing disclosure, or assisted in the investigation of one (for example as a witness), will be considered a disciplinary offence.

6.4 If whistleblowers prefer not to be identified during the course of an investigation, their wishes will be respected as much as reasonably possible. However, anonymity cannot be guaranteed. The investigation process may reveal the whistleblowers identity, and, in serious cases, whistleblowers may be required to provide evidence, either by the school, the County Council, or the police. Anyone facing disciplinary action or prosecution has access to all the evidence.

6.5 The school, or the Director for Children and Young People as appropriate, will take all reasonable steps to minimise any difficulties whistleblowers may face as a result of raising a

concern. Whistleblowers from LA schools who are required to give evidence in disciplinary or criminal proceedings may seek procedural advice from the Head of Organisation support or, in certain circumstances, the County Council's Monitoring Officer. The school will sympathetically consider requests from whistleblowers for special leave, counselling or other support.

7. Improper disclosures

7.1 No action will be taken against a whistleblower if a concern is raised in the appropriate way, where the whistleblower believes to be in the public interest. However, if allegations are not raised in the appropriate way, and/or the whistleblower cannot show they reasonably believe it to be in the public interest, disciplinary sanctions may occur. This is particularly likely if it is believed that the disclosure was also malicious, vexatious, or made for personal gain.

8. How the matter can be taken further

8.1 This procedure is intended to provide individuals with an avenue to raise concerns with their school and, in some circumstances, Suffolk County Council. If the whistleblower is not satisfied, and feels it is right to take the matter further, the following are possible contact points:

- Local audit framework: https://www.gov.uk/search/all?keywords=local+audit+framework
- Public Sector Audit Appointments: Contact us - Contact us - PSAA
- National Audit Office: Contact us - Contact us - National Audit Office (NAO)
- Financial Reporting Council: Contact us (frc.org.uk)
- Cabinet Office: Cabinet Office - GOV.UK (www.gov.uk)
- Recognised trade union
- Elected Suffolk County Council member
- The Health and Safety Executive: Tell us about a health and safety issue - Contact HSE
- Information Commissioner How you can contact us | ICO
- The Pensions Regulator: https://www.thepensionsregulator.gov.uk/en/contact-us
- Local Government Ombudsman: https://www.lgo.org.uk/contact-us
- OFSTED: https://contact.ofsted.gov.uk/contact-form
- A solicitor
- The Police

8.2 If the matter is taken outside Suffolk County Council, the whistleblower must take all reasonable steps to ensure that confidential or privileged information is not disclosed (i.e. confidential information, in whatever format, must not be handed over to a third party).

9. Advice

For further advice on this procedure, please contact:

Schools' HR Duty Casework on 0300 123 1420 option 7 or hrcaseworkteam@schoolschoice.org

Summary of changes

Document control		
Date	**Section(s)**	**Update(s)**
31/01/2022	10	Updated contact information for HR consultancy team
31/05/2024	1	Changed from school to governing body
31/05/2024	1.1	Added definition of whistleblowing
31/05/2024	1.2	Changed employer to school & staff to employee's
31/05/2024	1.3	Changed county council to school & updated the link for the code & changed his/her to their
31/05/2024	2.	Changed procedure to policy
31/05/2024	3	Changed worker to employee/removed county council and changed worker to employee
31/05/2024	4.1	Changed staff to employees and organisation to school
31/05/2024	4.2	Changed workers to employees. Added reference to disciplinary policy/added year of act/changed worker to employee/changed proper to appropriate
31/05/2024	4.3	Members of staff changed to employees
31/05/2024	5.1	Worker changed to employee
31/05/2024	5.2	Changed worker to employee/she/he changed to they/changed strategic manager to head of Organisational support
31/05/2024	5.3	Changed worker to employee/changed she/he to they
31/05/2024	5.4	Changed may be to should be/ him/herself to themselves and changed procedure to policy/changed senior officer to line manager/ added social media or any other media/changed worker to employee
31/05/2024	6	Changed she he to they/changed employer to school/changed strategic manager to head of Organisational support/added consultant
31/05/2024	7.1	Changed staff to employees
31/05/2024	7.2	Changed strategic manager to head of Organisational support
Feb-25	4.2	Updated GOV.uk The Public Interest Disclosure Act Updated 15 April 2020
Feb-25	4.4	Updated LMS to Local Management of Schools
April-25	9	Updated contact details
March 2026	2.11	Adding Sexual Harassment to definition of qualifying disclosure