Bishopton Primary School Whistleblowing Policy

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Whistleblowing Policy

Employees and other workers are assured of protection from suffering detrimental treatment in the workplace if they raise concerns about wrongdoing where this is in the public interest, and they act in accordance with this policy.

1. About this policy

1.1. Warwickshire County Council is committed to the highest possible standards of openness, integrity, and accountability. In line with that commitment, we encourage employees and others with reasonably held concerns about wrongdoing within schools to come forward and voice these concerns at an early stage.

1.2. This model policy applies to all community and voluntary controlled schools (where Warwickshire County Council is the employer) and to voluntary aided, foundation, and academy schools participating in the Warwickshire Consultation Framework.

1.3. It is important that any alleged wrongdoing by a school's employees, officers, governors, trustees, or directors is reported and properly dealt with. All employees, officers, workers, and volunteers are encouraged to raise at the earliest opportunity any genuine concerns that they may have about a risk, malpractice or wrongdoing at work which may affect students, the public or staff.

1.4. We would hope that in most cases employees and others would feel confident in raising concerns through their normal line management arrangements or other reporting arrangements. However, we recognise that in a small number of cases there may be genuine concerns about possible reprisals or victimisation.

1.5. Although this policy is written for employees, it may also be applicable to other individuals such as consultants, contractors, volunteers, interns, casual workers, agency workers and secondees from other organisations. Whilst the Council will endeavour to ensure that such persons are afforded a similar level of protection to that afforded by this policy, it must be recognised that in such cases neither a school nor the Council will have direct control over the actions of other employers.

1.6. This policy aims to:

- provide an opportunity for you to raise concerns and receive feedback on any action taken
- allow you to take the matter further if you are dissatisfied with a school's response
- reassure you that you will be protected from detrimental treatment for whistleblowing where you have a reasonable belief that raising the concerns is in the public interest, you have a reasonable belief in the accuracy of the allegations, and you follow this policy
- put in place relevant support measures for you as an individual during the process.

1.7. Disclosures which relate to an employee's personal circumstances or terms and conditions of employment or where there is a suspected breach of the employee's contract of employment do not fall within this policy and should be raised under a school's Grievance Procedure, Dignity at Work policy or Equalities policy or other policy as appropriate.

1.8. Any of the following policies and documents the school might have may also be relevant and should be consulted where appropriate:

- Financial Regulations;
- Internet and Social Media Policy;
- Staff Disciplinary Policy;
- Staff Grievance Policy;
- Safeguarding and Child Protection Policy;
- Capability Policy (Teacher and Support staff versions);
- Teacher Appraisal Policy;
- Staff Behaviour (Code of Conduct) Policy

1.9. For further information on whistleblowing, the government publishes guidance which can be found at www.gov.uk/whistleblowing.

1.10. This policy does not form part of any employee's contract of employment, and we may amend it at any time.

2. What is whistleblowing?

2.1. Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to a school's activities.

2.2. A worker who "blows the whistle" will be entitled to the protection of the law under the Employment Rights Act 1996 ("the ERA") where he or she makes a "qualifying disclosure." The provisions cover employees, contractors, agency workers, homeworkers, some work experience students, and police officers, and apply where the worker discloses information in the reasonable belief that the disclosure is in the public interest and the information tends to show that any of the following has occurred or is likely to occur:

a. a criminal offence
b. a breach of a legal obligation
c. a miscarriage of justice
d. a danger to someone's health and safety
e. damage to the environment
f. from 6 April 2026) sexual harassment, or
g. the covering up of wrongdoing in the above categories.

2.3. In addition to the above, the school will extend protection under this policy to disclosures of serious wrongdoing that do not fall within the above categories but which the school accepts are in the public interest. An employee who makes such a disclosure may not be entitled to

the protection of the law under the ERA but the school will approach their disclosure as if it did. This would apply to disclosures about serious misconduct which:

h. is in breach of professional obligations
i. amounts to improper or unethical conduct
j. constitutes bribery, or
k. concerns child protection or safeguarding procedures.

2.4. The above list is not exhaustive, but the key requirement is that the worker must reasonably believe that the disclosure is in the public interest.

2.5. Examples of wrongdoing specific to schools include:

- sexual, physical or emotional abuse or neglect of pupils
- sexual, physical or emotional abuse of members of staff
- loss of income to the school due to criminal activity such as fraud or any other breach of a legal obligation
- abuse of power or the use of school powers and authority for any unauthorised or ulterior purpose
- discrimination in employment or in the provision of education.

3. How to raise a concern

3.1. You should normally raise concerns with your immediate manager or their line manager. Concerns about the Headteacher/Principal should be raised with the Chair of Governors. Concerns about the Governing Body or Senior Management of the school where it would be unreasonable to raise these concerns within the school can, where Warwickshire County Council is the employer, be raised with the Director of Education Services or the Director of Children and Families Service.

3.2. Concerns relating to child protection or safeguarding should be raised with the Headteacher/Principal in accordance with Safeguarding and Child Protection Policy. The Headteacher/Principal should report allegations that meet the below criteria to the Designated Officer in the Local Authority (also known as the (LADO):

- behaving in a way that has harmed, or may have harmed, a child
- potentially committing a criminal offence against, or related to, a child
- behaving towards a child or children in a way that indicates a person may pose a risk of harm to children, or
- behaving in a way that indicates a person may not be suitable to work with children.

3.3. You may choose to raise the concern in writing and should use the Yellow Form for concerns about child protection and safeguarding. Referrals to LADO should be made using a MARF Position of Trust Referral form. It may be helpful to all concerned if an initial and informal discussion can take place in the first instance. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing.

3.4. Once initial concerns have been raised, it will be important to put these into writing. You will be invited to set out the background and history of the concern, giving names, dates, and places where possible, and the reason why you are particularly concerned about the situation

3.5. The earlier you raise the concern, the easier it is to take action.

3.6. Although you are not expected to prove the truth of an allegation, you will need to give sufficient detail to show there are grounds for your concern.

3.7. You can get advice and guidance in confidence on how matters of concern may be pursued from:

- Protect, which is an independent charity which aims to stop harm by encouraging safe whistleblowing and offers a confidential helpline on 020 3117 2520. Visit www.protect-advice.org.uk.

3.8. The school understands that raising potential whistleblowing issues may be difficult and support is available through county Warwickshire county council's employee assistance programme.

3.9. You may invite your trade union to raise a matter on your behalf and they can be invited to participate in any future discussions between yourself and the investigating officer.

4. Confidentiality and data protection

4.1. Both the whistleblower and any individuals accused of wrongdoing have rights under the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR).

4.2. The school will do its best to protect your identity when you raise a concern and do not want your name to be disclosed to the accused individual(s). However, it must be appreciated that the investigation process may reveal or infer the source of the information and a statement by you may be required as part of the evidence, especially if the next step is a police investigation.

4.3. In most cases, the school will inform any accused individuals about the allegations and tell them who will receive personal data about them because of the investigation (but not the identity of the whistleblower), unless there is a substantial risk that this will prejudice the investigation.

4.4. We will ensure that any personal data that has been disclosed or gathered during any investigation is kept securely and destroyed in line with our Retention Schedules. For more information about how the school processes personal data about staff, please see the school's privacy notice.

5. Anonymous allegations

5.1. The school accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind you are encouraged to put your name to your allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the school.

5.2. In exercising the 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 other sources in the face of a denial from the accused person

6. Unsubstantiated allegations

6.1. If you make an allegation that you reasonably believe and which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against you and you will be fully supported after the event. If, however, you make malicious or vexatious allegations, then disciplinary action may be taken against you.

6.2. Equally, if malicious or vexatious allegations are made against you, the school will ensure that you are fully supported and that appropriate disciplinary action is taken against the person making such allegations.

7. Protection and support for whistleblowers

7.1. The school recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal or victimisation from those responsible for the wrongdoing. The school will not tolerate detrimental treatment of a whistleblower due to their raising concerns and will take appropriate action under its procedures to deal with this. Support measures will be put in place to protect you if you raise a concern.

7.2. It is accepted by the school that staff may feel concerned that, by raising areas of concern, their future careers may be detrimentally affected. This is not the case, and those raising genuine and reasonably held concerns may be assured that concerns will be treated with the utmost respect and play no part in future decisions related to progress or promotion.

7.3. If you are personally already the subject of disciplinary or redundancy procedures for other reasons, whistleblowing will not usually halt these procedures, but the investigating officer will take steps to satisfy themselves that the issues are not interrelated or connected in such a way as would justify delaying or halting such procedures.

8. How the school will respond

8.1. The action taken by the school will depend on the nature of the concern. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

8.2. Some concerns may be resolved by agreed action without the need for investigation.

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

8.4. Other matters raised may:

- be referred to the Council's Internal Auditor in cases of financial impropriety in maintained schools
- be referred to the police immediately where allegations of criminal conduct such as fraud are apparent
- form the subject of an independent inquiry by a nominated person or body outside of the school

8.5. The school will aim to write to you within ten working days of a concern being formalised in writing:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter and where possible who the investigating officer(s) will be
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place and, if not, why not.

8.6. The amount of contact between the investigating officer(s) considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. Where necessary, further information will be sought from you.

8.7. When any meeting is arranged with you, you have the right if you so wish to be accompanied by a representative from your trade union or a workplace colleague. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

8.8. The school will take steps to minimise any difficulties which you may experience as a result of raising a reasonably held concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the school will advise you about the procedure to be followed and make arrangements for you to be released from your normal duties.

8.9. The school accepts that you need to be assured that the matter has been properly addressed. Unless there are legal constraints, you will receive feedback and information about the progress and outcomes of any investigations. You should recognise, however, that during the course of an investigation the school may have a duty of confidentiality which will override your legitimate interest in knowing how matters are progressing.

9. How the matter can be taken further

9.1. Appeals

For Community and Voluntary Controlled Schools where Warwickshire County Council is the employer:

- You can appeal in writing to the Director of Education Services or the Director of Children and Families Service

For Academy, Foundation and Voluntary Aided Schools:

- You should write to the Governing Body although there is no statutory requirement to hold an appeal. Where an appeal is received, it is recommended that individual Governing Bodies consider constituting an appeal panel. Further advice can be sought from the school's HR provider.

9.2. This policy is intended to provide you with an opportunity to raise concerns within the school. The school hopes you will have confidence in using the internal procedure and do not find it necessary to approach anyone externally. If you feel it is right to take the matter outside the school, then provided you reasonably believe that your allegations are substantially true, you can make a disclosure to prescribed persons without losing your rights under whistleblowing law or this policy. The relevant prescribed person depends on the subject matter of the disclosure and the following is not an exhaustive list:

- Auditors appointed under the Local Audit and Accountability Act 2014 to audit the Council's accounts - the proper conduct of public business, value for money, fraud, and corruption. Details of the Council's auditors can be found in the Council's annual accounts.

- Care Quality Commission - matters relating to the registration and provision of regulated health and social care services as defined in the Health and Social Care Act 2008.

- The Children's Commissioner – matters relating to the rights, welfare, and interests of children.

- Comptroller and Auditor General - The proper conduct of public business, value for money, fraud, and corruption in relation to the provision of public services.

- Environment Agency – matters affecting the environment or the management or regulation of the environment, including pollution and flooding.

- Health and Safety Executive or local authorities which are responsible for the enforcement of health and safety legislation - matters which may affect the health of safety of any individual at work or member of the public in connection with the activities of persons at work.

- Information Commissioner's Office - compliance with the requirements of legislation relating to data protection, freedom of information and environmental information law.

- Ofsted – matters relating to the registration of children's homes and care homes and the inspection of education and children's services.

- Ofqual – matters relating to qualifications, examinations, and awarding bodies.

- National Society for the Prevention of Cruelty to Children – matters relating to child welfare and protection.

- Secretary of State for Education – matters relating to specified educational institutions including maintained schools and nursery schools and academy schools.

- A Member of Parliament.

A complete list of prescribed persons under the ERA and the types of matters which may be disclosed to them can be found at www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies.

9.3. If you choose to raise your concerns to an external contact (other than a prescribed person) without first having raised your concerns internally, you will lose your right to protection under the law or under this policy unless you can meet the following conditions:

- You reasonably believe the information or allegation is true
- You are not motivated for purposes of personal gain, and
- In all the circumstances, it is reasonable for you to make the disclosure and either:

a. You reasonably believe that if you disclose your concerns to the school, you will be subjected to detrimental treatment, or

b. You reasonably believe that if you disclose your concerns to the school, it will be covered up and there is no internal person to whom you can make the disclosure,

or

c. The relevant failure is of an exceptionally serious nature.

9.4. If you do take the matter outside the school, you should not disclose information that is confidential to the school or to anyone else, such as an employee or contractor of the school, except to those included in the list of prescribed persons. If you are not sure whether information is considered to be confidential, you should check with one of the contact points listed at paragraph 3.7 above.

9.5. The school will have regard to the identity of the person to whom you make the disclosure in determining whether it is reasonable for you to take the matter outside the school. A disclosure to the media is unlikely to be regarded as reasonable.

10. The responsible officer

10.1. The Governing Body and Headteacher/Principal have overall responsibility for the maintenance and operation of this policy and will report as necessary to school management and governors.

10.2. A school should keep records of whistleblowing concerns raised in accordance with this policy and the outcomes of such concerns.