



“We all flourish from a wealth of learning experiences that positively impact on our educational, physical and emotional success”

Whistleblowing Policy

Medway's HR Schools team undertakes to check and review this model policy annually, and where necessary, update it to comply with current legislation and good HR practices.

All trade unions and professional associations formally recognised by Medway Council have been consulted in the development of this policy.

Latest revision – August 2018

Approved by:	L Stamp	Date: 31.01.2023
Approved by chair of Governor:	J Murdoch	
Last reviewed on:	31 st January 2023	
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1.0 Introduction

- 1.1 Swingate Primary School (SPS) and Horsted School are committed to tackling unlawful acts including fraud, bribery, corruption, unethical conduct and malpractice regardless of who commits them, or where in the school they are committed. In this way the school ensures that its services are used in the best interests of the pupils and the local community.
- 1.2 We aim to ensure that anyone wishing to raise a concern feels confident in the process under this Policy. This policy is designed to allow individuals to raise a concern without fear of reprisals or victimisation, if the disclosure is made in good faith.
- 1.3 To encourage and enable individuals to do this the school will ensure that anyone who uses this policy to raise a concern will be protected from any form of detriment, harassment or victimisation regardless of:
- The content of the concern
 - With whom the concern is raised and
 - Whatever the outcome of raising the concern.
- 1.4 The Whistleblowing Policy provides an opportunity for whistleblowing concerns to be dealt with internally, after all that is where the solutions will be found, or through an agreed external body.
- 1.5 There is always a temptation to take a concern directly to the media, but this does not necessarily mean that the issues raised are appropriately addressed and often fails to protect innocent parties. There is a duty of confidence at work and an unauthorised disclosure of information may be a disciplinary offence. Please refer to sections 9 and 16 below.
- 1.6 Staff members or volunteers who wish to raise a Whistleblowing complaint should in the first instance raise the complaint with the Headteacher or, if the complaint is regarding the Headteacher or a governor, with the Chair of Governors. If the employee does not consider that their complaint has been dealt with appropriately by the Headteacher/Chair of Governors they may elect to address their whistleblowing complaint to the Local Authority's (LA's) Director of People - Children and Adults.
- 1.7 Further advice on whistleblowing is available from www.gov.uk with contact details for the Secretary of State or the local MP should the matters be most appropriately raised at this level. In most instances matters would be referred back to the school to be dealt with locally (see also 10.4 below regarding Academy schools).

2.0 Scope

- 2.1 This policy applies to all staff and volunteers working at this school.

3.0 What is covered by Whistleblowing?

- 3.1 A concern can relate to any unethical or unprofessional conduct within the school, including malpractice, and abuse. The policy not only covers acts that have actually occurred but also potentially unethical or unprofessional conduct.
- 3.2 The person making the disclosure must do so in the reasonable belief that it shows one or more of the following:

- A criminal offence has been committed, is being committed, or is likely to be committed;
- A person has failed, is failing, or is likely to fail to comply with any legal obligation to which she/he is subject;
- A miscarriage of justice has occurred, is occurring, or is likely to occur;
- Acts or potential acts of fraud and corruption or the misuse of public funds
- Failure to prevent acts of fraud and corruption or bribery
- The health & safety of any individual (employee or member of the public) has been, is being, or is likely to be endangered;
- The environment has been, is being or is likely to be damaged
- Actual or potential acts of all forms of discrimination;
- the actual or possible abuse (including sexual or physical) of pupils or vulnerable adults
- Actual or potential acts of harassment or bullying of, or by, someone working for the school,
- Any unethical conduct that causes concern or brings the reputation of the school into disrepute or,
- The deliberate concealment of information that would indicate any of the above
 - or
 - information tending to show any matter falling within any one of these points has been, is being, or is likely to be concealed.

3.3 If in any doubt as to whether or not to raise a concern then confidential advice can be sought from the School's HR contact, or from trade union representatives, or the whistleblowing charity 'Protect <https://protect-advice.org.uk/> which has a confidential helpline. Tel: 0203 117 2520

3.4 Note: - If, when disclosing a concern the individual commits a criminal offence, for example accepting a bribe and or acts of corruption, they may lose rights to protection from detriment.

4.0 Who Is Covered By the Whistleblowing Procedure?

- 4.1 The Public Interest Disclosure Act 1998 (as amended by The Enterprise and Regulatory Reform Act 2013 (ERRA)) will protect "Workers" who disclose information in the correct manner from dismissal or penalisation. "Workers" include individuals who are:
- Employees employed under a contract of employment;
 - Employed under any other contract, under which they perform personally any work or services;
 - Agency workers; or
 - Individuals undertaking work experience as part of a training course.

5.0 How am I Protected?

5.1 Under the ERRA, to qualify for protection for disclosure, the worker must:

- Be acting in good faith;
- Believe that the disclosure is made in the public interest, and have reasonable grounds for believing that the

information disclosed indicates the existence of one of the problems itemised in section 3 above

6.0 Confidentiality

- 6.1 The school accepts that wherever possible the confidentiality of anyone wishing to raise a concern will be protected. There might however be occasions where confidentiality cannot be protected, for example, where there is the involvement of the police.
- 6.2 If there is any possibility that confidentiality cannot be protected the individual will be told of the reasons and offered appropriate advice and support.

7.0 Raising a concern

- 7.1 Individuals are encouraged to raise a concern provided they believe that they satisfy the requirements detailed at 5.1:
- Under no circumstances should a whistleblower investigate the concern themselves. This avoids any risk of prejudicing any investigation (including a criminal investigation) if it is warranted. Further, this will protect a whistleblower from any repercussions.

8.0 Anonymously raised concerns

- 8.1 Concerns expressed anonymously will be investigated on the basis of the information provided. However, an investigation may be hampered by the inability to gain further information and the school would encourage the whistleblower to provide some method of contact to assist in the investigation.

9.0 Misuse of the whistleblowing policy

- 9.1 Raising a concern with malicious intent or for personal gain or the gain of others is not acceptable and may lead to disciplinary action under the School's Disciplinary Policy. If in any doubt potential whistleblowers should contact the relevant whistleblowing officer.

10.0 Who can concerns be raised about?

- 10.1 Concerns can be raised about the practice of anyone who undertakes work for, or on behalf of, the school or Local Authority, including:
- Employees of the school
 - School Governors
 - Employees of the Local Authority;
 - Contractors;
 - Volunteers.
- 10.2 The Local Authority reserves the right to investigate any issues raised with them under the Whistleblowing Policy if the matter is related to a maintained/community, voluntary aided or foundation school; although matters that are best dealt with at school level will be referred to the school for investigation.
- 10.3 If it is not appropriate for a school based Whistleblower to raise a concern with the Headteacher or Chair of Governors then they should, in the first instance, contact the Director of People - Children and Adults at Medway Council.

- 10.4 Whistleblowing complaints relating to Academy schools, should be raised in accordance with the school's whistleblowing policy; The Education Funding Agreement (EFA) has procedures for dealing with complaints against academies, including whistleblowing complaints (see www.gov.uk).

11.0 How to raise a concern

- 11.1 No matter with whom the concern is raised, it will be dealt with under this Policy.
- 11.2 If the person with whom the concern is raised feels it necessary they may refer the concern on to a more appropriate person within the school or to an external organisation if appropriate. If this is the case the whistleblower will normally be contacted first and have the opportunity to discuss any issues this may raise.
- 11.3 It may be possible to resolve some concerns informally by agreed action without the need for further formal investigation. Where it is not possible to resolve the matter informally the action taken by the school may include:
- Undertaking a management investigation
 - Referral to the school's auditors
 - Referral to another regulatory authority
 - Referral to the Police
 - Referral to the Local Authority

12.0 What to consider when expressing a concern

- 12.1 To enable concerns to be dealt with in a proper and effective manner:-
- Be as clear as possible about what the concern is and to whom and what it relates. Individuals may also want to discuss the concern with others to see if the concern is shared.
 - Be as clear as possible about who may be involved, when and where actions may have taken place. Please ensure the facts are recorded i.e. record the dates and times in a diary. Try to be clear about what has actually been heard or seen and when, rather than rely on memory or hearsay.
 - Request that whistleblowing concerns are to be dealt with formerly under this procedure.
- 12.2 Staff should be aware that raising a concern by email might result in third parties identifying a Whistleblower. Staff should therefore consider arranging a meeting with the relevant Whistleblowing Officer if they are concerned about third parties accessing the emails.

13.0 The procedure to be followed

- 13.1 To ensure that all concerns raised are taken seriously and are fully investigated the school/academy will follow appropriate procedures in all cases.
- 13.2 If, at any stage of the procedure, a whistleblower is asked or wishes to meet with someone addressing the concerns raised, the option to be accompanied by a work place colleague, trade union representative or representative from a professional body should be offered.

14.0 Upon raising a concern:

- 14.1 Whether the concern is by telephone or in person, the whistleblower should:
- Receive an acknowledgement of the concerns normally within five working days of notifying the relevant person who would consider the concern (this can be sent to the person's home address, if known);
 - The investigating person will decide how to progress the concern. This may mean undertaking an investigation. This does not mean that the concern is either true or untrue, but will help to assess the gravity of the complaint and establish the facts.
- 14.2 Within ten working days of making the concerns known a whistleblower will either:
- have a confidential meeting with the investigating person to further discuss the concerns or
 - have received in writing an outline of how the investigating person intends to deal with the concerns raised.
- 14.3 Dependent on the nature of the concerns raised, there may be subsequent meetings with the relevant investigating person. These can be held "off-site" if preferred.

15.0 The outcome of the concern

- 15.1 Having raised the concern, the school/academy recognises that the whistleblower will need to be assured that the issues have been dealt with correctly. The whistleblower will be kept informed on a regular basis of what actions are being taken and the final results of any investigations.
- 15.2 In some situations, such as referrals to external bodies, it may not be appropriate (or legally possible) for the investigator to supply the whistleblower with the full information discovered. However the reasons for this will be explained at that time.

16.0 Taking a concern further

- 16.1 If the whistleblower has exhausted all these channels and still has concerns, or feel that the issues have not been fully or appropriately addressed, and the issue relates to a maintained school, the whistleblower can contact the Director of People - Children and Adults at the Local Authority or have them contacted on their behalf, to discuss the concern in confidence.
- 16.2 However individuals should not refer the matter outside the organisation without first ensuring that all other possible avenues have been exhausted.
- 16.3 Additional information and details of regulatory bodies can be found in Appendix One.

17.0 Contacting the media

- 17.1 If a whistleblower is considering contacting the media, they are strongly advised to seek guidance from other representative bodies and to discuss the matter where possible with the Headteacher/Chair of Governors. Please be aware that contacting the media before allowing the Whistleblowing team to investigate could result in prejudicing any investigation.
- 17.2 Disclosures to the media can be made under the law, and will be protected if the following circumstances are met:
- The disclosure is made in good faith and is made in the belief that it is in the public interest;
 - The employee reasonably believes the information and any allegations are substantially true;
 - The employee does not act for personal gain.

17.3 Additionally, one or more of the following conditions must be met:

- The Worker reasonably believes they would be subjected to a detriment if disclosure were made to the employer or prescribed person
- In the absence of an appropriate prescribed person, the Worker reasonably believes a disclosure to their employer would result in the destruction or concealment of information about the wrongdoing
- The Worker has previously disclosed substantially the same information to their employer or prescribed person; and
- It must be reasonable to make the disclosure

17.4 Please be aware that contact with the media, where these conditions have not been met, may result in disciplinary action under the school's Disciplinary Policy.

18. **Independent Advice**

18.1 Independent support and advice on whistleblowing is available from Protect.

[https://protect- advice.org.uk/](https://protect-advice.org.uk/) Tel 0203 117 2520

Additional Information

Contacts for Medway Council

HR Advice Tel.01634 334 499

Trade Unions

Contact details for trade union representatives are available from individual trade unions and named local contacts can be obtained from the school's HR provider.

Regulatory and professional bodies

Ofsted www.ofsted.gov.uk

Tel. 0300 123 4666

Health & Safety Executive www.hse.gov.uk

Tel. 0845 345 0055

Care Quality Commission www.cqc.org.uk

Tel. 03000 616161

Health Professions Council (HPC) www.hpc-uk.org

Tel 0800 328 4218

General Social Care Council www.gscc.org.uk/

Tel 01788 532405

Nursing and Midwifery Council (NMC) www.nmc-uk.org

Tel 0207 333 9333 General Medical Council (GMC) www.gmc-uk.org

Tel 0161 923 6602

Institution of Civil Engineers <http://www.ice.org.uk/homepage/index.asp>

Tel. 020 7222 7722

Local Government Ombudsman www.lgo.org.uk

Tel. 0300 061 0614

Information Commissioner's Office www.ico.gov.uk

Tel. 0303 123 1113

- Equality and Human Rights Commission www.equalityhumanrights.com

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