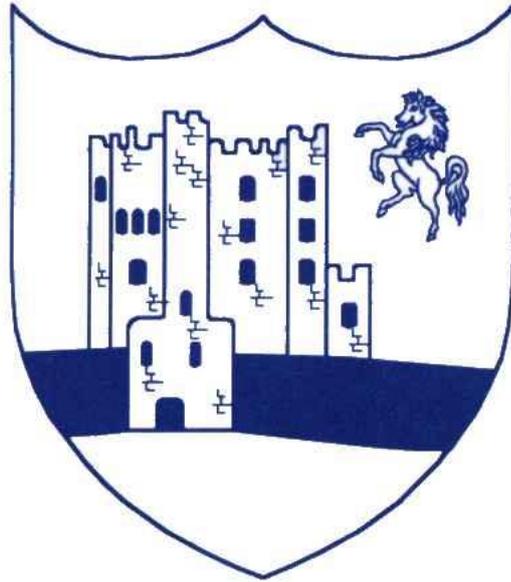


Balfour Infant School



Whistle-Blowing Policy

Date September 2024

Review Date September 2026

Introduction

All schools and academy trusts are required to have appropriate procedures in place for handling whistleblowing and for ensuring school staff know who they can contact if they wish to raise a concern. This policy is in line with DFE Whistleblowing Guidance to school 2014 and Keeping Children Safe in Education.

Balfour Infant School follows the guidance set out in the Medway Whistleblowing policy in terms of timescales and contacts.

[Medway Whistle Blowing Policy.](#)

Aims

This policy explains

- the types of concerns that can be raised under this procedure
- the legal protection for whistle-blowers
- how whistleblowing concerns will be handled.

This procedure should be followed for any whistleblowing matters raised by employees of the school, supply staff, volunteers, contractors and agency workers.

Where the head teacher is subject to these procedures, it will be managed by the Chair of the Governing Body.

Policy Statement

Balfour Infant School is committed to the highest possible standards of:

- openness and inclusiveness
- accountability
- Integrity.

Aim of procedure

- To encourage those working in the school to report suspected wrongdoing promptly, in the knowledge that it will be taken seriously.
- To provide guidance on how to raise concerns.
- To reassure staff that they are able to raise genuine concerns made in the public interest without fear of reprisals, even if they turn out to be mistaken.

What is Whistleblowing?

Whistleblowing is when a worker reports certain types of wrongdoing or misconduct within an organisation. The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. pupils, general public. The wrongdoing must relate to or show one of the following:

- a criminal offence
- a failure to comply with a legal obligation
- a possible miscarriage of justice
- a Health & Safety risk
- damaging the environment
- misuse of public money
- corruption or unethical conduct
- abuse of pupils, students or other users
- deliberate concealment of any of these matters
- any other substantial and relevant concern

The concern could be about something that happened in the past, is currently happening or likely to happen in the future. Concerns or complaints that employees wish to raise formally, about their own employment, should normally be raised using the school's Grievance Procedure, unless the employee believes the concern is in the public interest. This includes for example, concerns related to working conditions, working relations, employment rights or bullying or harassment.

Whistle-blowing and Safeguarding

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and such concerns will always be taken seriously by the leadership team. All members of staff are made aware of the schools Whistleblowing procedure. It is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk.

Staff can also access the NSPCC whistleblowing helpline if they do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 (8:00 AM to 8:00 PM Monday to Friday) or email help@nspcc.org.uk.

Whistle-blowing and Code of Conduct

All school staff have a duty to report any behaviour by a colleague which raises concern. This is particularly important where the welfare of pupils may be at risk and staff are asked to refer to the school's Child Protection Policy and the section above.

Legal Protection for Whistle-blowers

Whistle-blowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'. Whistle-blowers must hold a reasonable belief that the concern they are raising is in the public interest. The school's governing body will provide all

reasonable protection for those who raise concerns made in the public interest. The school's governing body will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure. Although an employee has certain legal obligations of confidentiality to the school, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

Procedure for Raising a Whistleblowing Concern

Whistleblowing anonymously or confidentially. Concerns can be raised anonymously, but the school or person receiving the allegation may not be able to take it further if they haven't been provided with all the information they need. Whistle-blowers can give their name but request confidentiality and in these circumstances, every effort will be made to protect their identity. All disclosures made under this procedure will be treated sensitively, consistently and fairly.

Step 1- Deciding who to report the concern to.

Concerns can be raised verbally or in writing. You can raise your concern with your direct line manager. If this is not appropriate then you can raise your concern with the Headteacher alternatively if this is not appropriate you can raise your concern with the Chair of Governors who may involve the nominated governor for whistleblowing. If you wish to report the matter to someone outside of the school you can contact HR Schools. Reporting concerns to the media, in most cases will lead to the loss of your whistleblowing law rights. Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable grounds to raise them. You may wish to obtain advice from a trade union representative, the Citizen's Advice Bureau or Public Concern at Work on 020 7404 6609 and www.pcaw.co.uk. You can be accompanied by a trade union representative or colleague to any meetings that are required. You should receive an acknowledgement of your concern within 5 working days.

Step 2

The person with whom you have raised your concern, will decide what action is needed. They may ask you to provide further information. They will write to you within 10 days to let you know how your concern will be dealt with. The information you can expect to receive is:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not why not
- information about support available for you

The person with whom you have raised your concern will at the same time notify the schools' HR Adviser that a whistleblowing allegation has been made. Advice on dealing with concerns is available from the school's HR Adviser, legal or financial adviser.

Step 3

Initial enquiries will be made to decide whether an investigation is appropriate. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Full details of the investigation may be withheld from you to protect the confidentiality of other people. Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first. Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the head teacher or a governor, which may, for example, take the form of a disciplinary investigation
- an investigation by the Internal Audit Service
- a referral to the Police⁵
- the setting up of an external independent inquiry.

Step 4

You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law. If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following as appropriate:

- your trade union
- the Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police
- the Local Government Ombudsman
- Equality and Human Rights Commission (See Annex 2 for further details).

If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed above. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies above may not be protected disclosures under the Act. 37.

You have a duty to the school not to disclose confidential information. This does not prevent you from seeking independent advice at any stage or from discussing the issue with the charity Protect (previously called Public Concern at Work) on 020 3117 2520 or www.protect-advice.org.uk in accordance with the provisions of the Public Interest Disclosure Act 1998.

Review and Reporting of the Procedure

The Governing Body of Balfour Infant School will monitor the impact of this policy and review alongside the Senior Leadership Team. This procedure has been reviewed with reference to equalities, human rights and discrimination legislation. Confidential monitoring of the procedures is undertaken in order to gather data to help establish whether the procedure is operated in a fair and consistent manner. In undertaking monitoring the school will not identify individuals.

Appendix 1

What is a whistle-blower?

You're a whistle-blower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

As a whistle-blower you're protected by law - you should not be [treated unfairly or lose your job](#) because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Who is protected by law?

You're protected if [you're a worker](#), for example you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a [Limited Liability Partnership](#) (LLP)

Get independent advice if you're not sure you're protected, for example from [Citizens' Advice](#).

A confidentiality clause or 'gagging clause' in a settlement agreement is not valid if you're a whistle-blower.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

Complaints that do not count as whistleblowing

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

This policy should be read in conjunction with the Safeguarding Policy, Staff Code of Conduct Policy, Health and Safety Policy, Finance Policy, Grievance Policy, Harassment Policy and the Managing Allegations of Harm Policy.

Useful Links

Medway Council Whistle-blowing Policy 2022

[Medway LADO Procedures Feb 2021](#)