

SEVENOAKS SCHOOL

Policy reference	BW1
Policy Category	B. Operations, Resources and Compliance Related
Name of policy	Whistleblowing Policy
Purpose of policy	In line with the Public Interest Disclosure Act 1998, to have a policy that protects Staff from victimisation by their employer if they reveal any wrongdoing or malpractice, including those related to child protection and safeguarding. Such disclosures are popularly known as whistleblowing.
Regulatory or legal requirement addressed by policy	Public Interest Disclosure Act 1998
Other policies referred to	Grievance Procedure
Policy owned by	Deputy Head Staff
<i>Date effective from</i>	30 November 2023
<i>Published on website</i>	Yes

1. Introduction

- 1.1. The Public Interest Disclosure Act 1998 protects Staff from victimisation by their employer if they reveal any wrongdoing or malpractice, popularly known as whistleblowing. In this policy, "Staff" includes all employees of the School, officers, governors, consultants, contractors, work placement students, casual workers, agency workers, visiting teachers, assistants, health practitioners and voluntary helpers.
- 1.2. The protection only extends to qualifying disclosures. A qualifying disclosure is one made in the public interest by Staff who had a reasonable belief that:
 - a criminal offence;
 - safeguarding concerns;
 - a miscarriage of justice;
 - an act creating a serious risk to health and safety;
 - an act causing damage to the environment;
 - a breach of any other legal or professional obligation or regulatory requirements;
 - unauthorised use of public funds or other financial mismanagement;
 - bribery, fraud or corruption;
 - sexual, physical or verbal abuse or bullying or intimidation of employees or students or other unlawful or unethical conduct in the workplace; or
 - concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for Staff to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. In making the disclosure, the individual must not commit a criminal offence or disclose confidential information to an outsider.

- 1.3. Staff reporting concerns about their own conduct or alleged conduct will not be considered whistleblowing but rather as part of their contractual duty of disclosure, with investigation commenced as appropriate. If Staff have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities and such disclosure is in the public interest (a whistleblowing concern) they should report it under this policy.
- 1.4. This policy is not for reporting grievances. Employees should use the grievance procedure if they have a complaint relating to their personal circumstances in the workplace. In the extreme case where the disclosure may involve the Head, to whom the grievance is normally reported, the disclosure may be made directly to the Chair of Governors.
- 1.5. The School recognises that the decision to make an allegation can be difficult. It supports the principles of the Public Interest Disclosure Act and takes malpractice very seriously. Staff who make such a protected disclosure have the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.
- 1.6. If Staff are uncertain whether something is within the scope of this policy they should seek advice from the Deputy Head Staff, the Bursar, Designated Safeguarding Lead, Protect, the NSPCC whistleblowing helpline or the Modern Slavery helpline.
- 1.7. Nothing within this policy is intended to prevent Staff from complying with their statutory obligations in accordance with Keeping children safe in education (DfE, September 2023 as updated from time to time). In particular:
 - If Staff have any concerns about a pupil's welfare, action should be taken immediately (even if they are low level concerns). Staff should report the concern to the Designated Safeguarding Lead or the Deputy Designated Safeguarding Lead. See the School's child protection and safeguarding policy and procedures for full information about what to do if Staff have a concern about a pupil, including what to do if the Designated Safeguarding Lead is not available.

- Staff must raise any concerns about another staff member (even if they are low level concerns) in accordance with the School's safeguarding policy and procedures.
 - Staff should follow this procedure to raise concerns about poor or unsafe practices at the School or potential failures by the School or staff to properly fulfil its safeguarding responsibilities.
- 1.8. The School is committed to the prevention of modern slavery. If Staff have any queries relating to modern slavery they should contact the Bursar. Identified instances of modern slavery should be immediately notified to the police. If Staff think they have identified an instance of modern slavery, or if they consider that they may be a victim of modern slavery they may contact the Modern Slavery helpline on 0800 0121 700.

2. Confidentiality

- 2.1. Allegations will be treated in confidence and every effort will be made not to reveal a whistleblower's identity unless the whistleblower otherwise requests. If the matter is subsequently dealt with through other procedures such as a disciplinary procedure or the allegation results in court proceedings then the whistleblower's identity may have to be revealed. If it is necessary for anyone investigating the whistleblower's concern to know their identity, we will discuss this with them. The School will not, without the whistleblower's consent, disclose the identity of a whistleblower to anyone other than a person involved in the investigation/allegation.

3. Anonymous Allegations

- 3.1. The School encourages whistleblowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate. Anonymous allegations are much less powerful but will be considered at the discretion of the Head, taking into account the seriousness of the issue raised, the credibility of the allegation and whether the allegation can realistically be investigated from factors or sources other than the complainant.

4. Untrue Allegations

- 4.1. No disciplinary or other action will be taken against a whistleblower who makes an allegation in the reasonable belief that it is in the public interest to do so even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against a whistleblower who makes an allegation without reasonable belief that it is in the public interest to do so (e.g. making an allegation frivolously, maliciously or for personal gain where there is no element of public interest).

5. Reporting

- 5.1. It is preferable for allegations to be made to the whistleblower's immediate line manager. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. Reports of an allegation relating to teacher may also go to the Deputy Head Staff, and those relating to support staff may also go to the Director of HR. If the allegation is about the Deputy Head Staff or Director of HR or is related to the safeguarding of students, the report should go directly to the Head, or in the case of support staff, the Bursar. If the allegation is related to the Head, it should be reported to the Chair of Governors.
- 5.2. Allegations may be in writing or given verbally (and the person making the allegation may be accompanied if they wish) and should include:
- the whistleblower's name and contact details;

- the background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- the specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

6. Action on receipt of an allegation

- 6.1. If the allegation discloses evidence of a criminal offence, it will be reported to the Chair of Governors and a decision will be made as to whether to inform the Police. If the allegation concerns suspected harm to children, the LADO will be informed.
- 6.2. Staff making the allegation can expect a response detailing to whom the disclosure has been notified or any action taken within seven days of the line manager becoming aware of the disclosure.
- 6.3. If no response is forthcoming after seven days from the line manager, if Staff are not satisfied with the way in which their concern has been handled or if the line manager is involved in the suspected wrongdoing Staff should notify the Deputy Head Staff, the Bursar or the Head, as appropriate. Staff can expect a response detailing any action taken within seven days of the Deputy Head Staff, the Bursar or the Head becoming aware of the disclosure.
- 6.4. If no such response is forthcoming after seven days from the Deputy Head Staff, the Bursar or the Head, if Staff are not satisfied with the way in which their concern has been handled or if Deputy Head Staff, the Bursar or the Head is involved in the suspected wrongdoing Staff should inform the Chair of Governors of the disclosure.
- 6.5. Where the allegation has been made internally and anonymously, the School will be unable to communicate what action has been taken.
- 6.6. Disclosures may result in matters which cannot be dealt with internally, in which case external authorities might be involved. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
 - LADO;
 - Children's Social Care;
 - the Information Commissioner;
 - the Department for Education, where referrals can be made at <https://www.gov.uk/contact-dfe>;
 - the Department for Business, Energy and Industrial Strategy;
 - the police;
 - the Charity Commission;
 - the Boarding Schools Association;
 - Ofsted;
 - The Channel Police Practitioner;
 - ISI;
 - NSPCC;
 - HM Revenue & Customs;
 - the Financial Conduct Authority (formerly the Financial Services Authority);
 - the Competition and Markets Authority;
 - the Health and Safety Executive;
 - the Environment Agency;
 - the Independent Police Complaints Commission; and
 - the Serious Fraud Office.

- 6.7. Staff are strongly encouraged to seek advice before reporting a concern to anyone external. In most cases, Staff should not find it necessary to alert anyone external but before they do, as well as considering the internal help and support available which is identified above, they should seek external advice from:
- If Staff have any concerns about disclosing a suspected wrongdoing the independent whistleblowing charity, Protect, operates a confidential helpline. Staff can call 020 3117 2520 for advice.
 - The NSPCC whistleblowing helpline is available for Staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0808 800 5000 (12.00 pm to 4.00 pm Monday to Friday) or email help@nspcc.org.uk.
 - The Modern Slavery helpline is available for Staff who do not feel able to raise concerns about modern slavery internally. Staff can call on 0800 0121 700.
- 6.8. This Policy represents the School's approach to Whistleblowing. For completeness, it will never be appropriate for staff to approach a commercial body or the media with a malicious motivation or for personal gain. Where this is the case the protection given under this procedure will be lost and under certain circumstances the School may consider this to be gross misconduct and disciplinary action may be taken.

7. Confidential Annual Report

- 7.1. A confidential, annual update will be provided to Governors. This will take the form of a confidential report, which does not identify the whistleblower.