



CIRENCESTER  
KINGSHILL  
SCHOOL

# Whistleblowing Policy and Procedure

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## 1. Statement of Intent

Cirencester Kingshill School is committed to open and honest communication and ensuring the highest possible standards in integrity. We will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy and procedure will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school. This is known as "blowing the whistle", a phrase that is used throughout this policy and procedure, and should be viewed as a positive action of speaking up.

This policy and procedure seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy and procedure necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy. This policy and procedure will not be confused with the procedure on dealing with harassment at work or the school's Grievance Policy and Conduct and Disciplinary Policy and Procedure.

To set out the Board of Trustees' policy and procedure for dealing with concerns raised by employees which relate to suspected wrongdoing or dangers at work (see paragraph 5, definitions). Allegations of child abuse against teachers and other staff and volunteers is to be dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges, September 2024, and in the school's Safeguarding Children Whistleblowing Policy.

As employees are often the first to realise that there may be something wrong within the School, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act 1998 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

The Board of Trustees is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This policy and procedure makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or alerting anyone external to the school and ensure that responses to concerns are made.

This policy and procedure will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of school staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy and procedure, any of the following can raise a concern:

- Employees of the school
- Voluntary workers working with the school
- Trainees, such as student teachers

This policy and procedure does not form part of any employee's contract of employment and it may be amended at any time.

## 2. Legal Framework

This policy and procedure has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ESFA Academy Trust Handbook
- DfE 'Keeping Children Safe in Education 2024'
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

## 3. Linked Policies and Key Documents

This policy operates in conjunction with the following school policies:

- Conduct and Disciplinary Policy and Procedure
- Complaints Procedures Policy
- Data Retention Policy
- Data Protection Policy
- Grievance Policy and Procedure
- Safeguarding Children Whistleblowing Policy

## 4. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The Headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the Headteacher, the concern will be raised with the Chair of Trustees.

Any member of the school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The 'Non-employees' section of this policy includes further details on how whistleblowing affects non-employees

## 5. Definitions

**“Whistleblowing”** is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

A **“whistleblower”** is a person who raises a genuine concern relating to the matters below and reports the suspected concern at work to their employer. If employees have any genuine concerns related to suspected wrongdoing, fraud or danger affecting any of our activities (a whistleblowing concern) he/she should report it under this policy.

**“Whistleblowing”** is the disclosure of information which relates to suspected wrongdoing or dangers at work which may include:

- (a) criminal activity;
- (b) miscarriages of justice;
- (c) danger to health and safety;
- (d) damage to the environment;

- (e) failure to comply with any legal or professional obligation or regulatory requirements;
- (f) bribery;
- (g) unauthorised or inappropriate use of public funds including financial fraud corruption or mismanagement;
- (h) negligence;
- (i) breach of our internal policies and procedures
- (j) conduct likely to damage our reputation;
- (k) unauthorised disclosure of confidential information;
- (l) public examination fraud
- (m) the deliberate concealment or likely deliberate concealment of any of the above matters

**“In the public interest”** means that an individual acted outside of their own personal interest; they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

**“Blacklisting”** refers to an individual who is being refused work because they are viewed as a whistleblower.

**“Grievances”** involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

## 6. Roles and Responsibilities

The Board of Trustees will be responsible for:

- Establishing and agreeing the whistleblowing policy and procedure.
- Ensuring the agreed whistleblowing policy and procedure is published on the trust’s website.
- Monitoring the effectiveness of this policy and procedure, and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy and procedure.
- Investigating, in liaison with the Headteacher, any concerns that are raised.
- Ensuring this policy and procedure provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the Board of Trustees include a record of the school’s whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one Trustee and one member of staff to act as points of contact for staff members when reporting concerns.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
- Ensuring that whistleblowing forms part of the school’s Code of Conduct as part of a wider approach to having in place appropriate safeguarding policies and procedures.

The Headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy and procedure.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.

The Chair of Trustees will be responsible for receiving any concerns raised about the Headteacher.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the 'Definitions' section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## **7. Aims of The Policy**

This policy and procedure aims to:

- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
- reassure employees that they will be protected from reprisals or victimisation for whistle-blowing where they have a genuine concern
- allow employees to take the matter further if they are dissatisfied with the Governing Body's response.

Before initiating the policy and procedure, employees should consider the following:

- The responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- Employees should use line managers or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

This policy and procedure should not be used for complaints about an employee's personal circumstances, such as the way he/she has been treated at work. In these cases, an employee should use the school's Grievance Procedure. If the matter relates to salary, the salary review procedures documented in the school's Pay Policy.

## **8. Safeguards**

### Harassment or Victimisation

The Board of Trustees recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Board of Trustees will not tolerate harassment or victimisation and will take appropriate action to protect employees when they have a genuine concern in good faith.

This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the Whistleblowing Policy.

Staff are protected in law by the Public Interest Disclosure Act, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Conduct and Disciplinary Policy and Procedure.

## Confidentiality

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Board of Trustees will make every effort to protect an employee's identity if confidentiality is requested.

As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed, i.e. as a witness in a court case.

## Anonymous Allegations

Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Board of Trustees. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## Untrue Allegations

If an employee makes an allegation where he/she has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

## Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Board of Trustees deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

## Support to Employees

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation.

The school will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required
- Informing staff what protection is available to them if they report someone
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

The school will ensure there are particular support measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff

- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

## 9. How to Raise a Concern

When raising concerns, individuals should express them in writing to the Headteacher. If the individual is raising a concern about the Headteacher, they should express their concerns in writing to the Chair of Trustees.

The employee should set out the background and history of the concerns, giving relevant names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the Whistleblowing Policy and Procedure.

The earlier an employee expresses the concern, the easier it is to take action.

Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances, it may be appropriate for an employee to ask the trade union to raise a matter on the employee's behalf.

At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

Once an individual has raised a concern, the school will be responsible for investigating it.

## 10. Interview and Investigation

Within ten working days of a concern being received and the initial meeting being held, the Headteacher or Chair of Trustees receiving the concern must write to the employee to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter including the following:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the employee whether any initial enquiries have been made; and
- telling the employee whether further investigations will take place, and if not why not; and/or
- letting the employee know when s/he will receive further details if the situation is not yet resolved.

At the initial meeting the member of the Headteacher should establish with the whistleblower that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistleblowing Policy and Procedure.

The Headteacher should ask the employee, to put their concern(s) in writing, if s/he has not already done so. If the employee is unable to do this the Headteacher will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The Headteacher should make notes of the discussions with the employee. The employee's letter and/or Headteacher's notes should make it clear that the employee

is raising the issue via the Whistleblowing Policy and Procedure and provide:

- the background and history of the concerns
- names, dates and places (where possible)
- the reasons why the employee is particularly concerned about the situation.

The employee should be asked to date and sign their letter and/or the notes of any discussion. The Headteacher should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Headteacher or Chair of Trustees should follow the policy and procedure as set out above and in particular explain to the employee:

- how the Headteacher or Chair of Trustees will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation, the Investigating Officer appointed to carry out the investigation if this is not the Headteacher or Chair of Trustees, or any necessary disciplinary action taken as a result of the concern
- that the employee will receive a written response within ten working days;
- that the employee's identity will be kept confidential from the alleged wrongdoer and that the Board of Trustees will do everything in its power to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern is genuine, even if the concern is not confirmed by the investigation, no disciplinary action will be taken against them;
- if an investigation is carried out, the whistleblower will be informed on the final outcome.
- the investigation may confirm their allegations to be unfounded in which case the Board of Trustees will deem the matter to be concluded unless new evidence becomes available

If clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Data Retention Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, the Headteacher or Chair of Trustees should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

The Headteacher or Chair of Trustees should have a working knowledge and understanding of other school policies and procedures, e.g. grievance, conduct and disciplinary, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process. Advice is available from the Head of Personnel.

## **10. What the school Asks of Whistleblowers**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LA.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **11. Raising Concerns Outside the School**

The aim of this policy and procedure is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external. If an employee is not satisfied with the Board of Trustees response, the manager should ensure that s/he is made aware with whom s/he may raise the matter externally:

- 'Protect' formerly 'Public Concern at Work' tel. no. 020 3117 2520; [Protect \(formerly Public Concern at Work\) Speak up stop harm | Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk/)
- recognised trade union;
- Senior LA Officer;
- the external Auditor;
- the Health and Safety Executive;
- the Environment Agency;
- the Financial Conduct Authority/Prudential Regulation Authority;
- the Department of Education;
- the Education and Skills Funding Agency;
- the Department of Work and Pensions;
- the Senior Fraud Squad;
- Her Majesty's Revenue and Customs;
- The relevant voluntary organisation;
- Charity Commission;
- Police;
- relevant professional bodies or regulatory organisations;

- a solicitor.

\*Protect is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.

The manager should stress to the employee that if he/she chooses to take a concern outside the school, it is the employee's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.

Concerns about safeguarding practices can be raised externally using the NSPCC whistleblowing helpline. Employees can call 0800 8000 5000 from 9.00a.m. – 5.00p.m. Monday – Friday or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk) (NSPCC helpline | NSPCC)

## **12. Non-Employees**

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedures Policy.

Trustees are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

## **13. Appeal**

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Procedure Policy.

## **14. Unfair Treatment**

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal needs be made within **three months** of the investigation ending.

## **15. Monitoring and Review**

The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Board of Trustees every three years.

## **Whistleblowing Policy and Procedure**

Reviewed by: S Gardiner (School Business Manager)

Date: February 2025

Adopted by Trustees: 12 February 2025

Sign: E. Rowbottom

Date: 12 February 2025

Next Review Date: February 2028