



Safeguarding Children - Whistleblowing Policy and Procedures

Legal:

The key piece of whistleblowing legislation is the Public Interest Disclosure Act 1998 (PIDA) which applies to almost all workers and employees who ordinarily work in Great Britain. The situations covered include criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage. Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed.

For a disclosure to be protected it must be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.

Applies to:

- Whole School including EYFS
- We explicitly require staff to report to the Headteacher of Kingswood School or to the Proprietor.

Related Documents:

- Safeguarding Children – Child Protection Policy
- Health, Safety and Welfare Policy
- Safeguarding Children – Safer Recruitment Policy and Procedures
- Anti-bullying Policy
- Employment Policies
- Equality and Diversity Policy and Implications

Available from:

- The School Office and website.

Monitoring

- The Proprietor and the Headteacher will regularly monitor and review this policy annually or earlier if legislation so requires.

Signed:

Read: 10th May 2025

Signed: Date: 6th September 2024

- Acting Headteacher: Ms.M.Beech

Headteacher at time of policy writing and currently
Proprietor's Representative



Whistleblowing Policy

Preamble

Kingswood School is committed to the highest possible standards of openness, probity and accountability. In line with that commitment employees and others with serious concerns about malpractice or wrongdoing in the School's work are encouraged to come forward and voice those concerns without fear of victimisation. Whatever the source the Proprietor is committed to listening to the concerns, taking them seriously and ensuring that they are dealt with promptly and fairly.

We explicitly require staff to report to the Headteacher of Kingswood School or the Proprietor any concern or allegation about school practices or the behaviour of colleagues which are likely to put pupils at risk of abuse or other serious harm

The Second Report of the Committee on Standards in Public Life: Local Public Spending Bodies published by The Nolan Committee used the term "whistleblowing" to mean the confidential raising of problems or concerns within an organisation by a member of staff. This is not "leaking" information but refers to matters of impropriety e.g. a breach of law, school procedures or ethics. Nor is whistleblowing the raising of a grievance within the school (which would be dealt with under the staff grievance procedures).

Those external to the School are encouraged to raise any concerns they have about the way in which the School operates through the School's Complaints Procedure. Employees are often the first to realise that there may be something seriously wrong with an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. Employees are encouraged to raise their concerns within the School by applying the approach described in this document, rather than overlooking a problem or blowing the whistle outside the organisation.

Kingswood School provides immunity from retribution or disciplinary action against such staff for "Whistleblowing" in good faith. At all levels, including newly appointed and ancillary, staff have been given briefing or training on responding to suspicions or allegations of abuse and know what action they should take in response to such suspicions or allegations.

The policy aims

The purpose of this policy is to ensure that we:

- encourage a member of staff to feel confident in raising serious concerns and to question and act upon concerns and practice;
- provide an avenue for a member of staff to raise those concerns and receive feedback on any action taken;
- ensure that a member of staff would receive a response to their concerns and that the member of staff is aware of how to take the matter further if they are not satisfied with Kingswood School's response;
- reassure the member of staff that he/she will be protected from reprisals or victimisation for any disclosure that has been made in good faith;
- the policy is intended to cover any serious concerns that a member of staff has about any aspect of service provision or the conduct of a member of staff or others acting on behalf of Kingswood School or major concerns that fall out of the scope of other procedures.

Introduction

The staff and proprietor of Kingswood School seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. If members of school staff, parents, the proprietor or the school community at large become aware of activities which give cause for concern, Kingswood School has this whistleblowing policy; this acts as a framework to allow concerns to be raised confidentially and provides for a



thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the School's disciplinary procedure.

Kingswood School is committed to tackling fraud and other forms of malpractice and treats these issues seriously. Kingswood School recognises that some concerns may be extremely sensitive and has therefore developed a system which allows for the confidential raising of concerns within the school environment but also has recourse to an external party outside the management structure of the school.

Policy

The proprietor and all employees have a responsibility to carry out their duties to the highest standards of openness, probity and accountability and to come forward when they have serious concerns about malpractice or wrongdoing in the work of the School.

This policy aims to:

- Provide avenues for employees to raise concerns and receive feedback on any action taken;
- Allow employees to take the matter further if they are dissatisfied with the School's response;
- Reassure employees that they will be protected from reprisals of victimisation for whistleblowing in good faith;

There are existing procedures in place (e.g. grievance, harassment and bullying) which make provision for employees to lodge a concern relating to their own employment. This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope.

Concerns about malpractice or wrongdoing may include:

- any unlawful act, whether criminal or a breach of civil law, including corruption or fraud;
- breach or failure to comply with the School's standing orders or policies;
- breach or failure to comply with established standards or practice, including statutory codes or practice and standards promoted by professional bodies;
- any form of improper conduct;
- actions likely to cause physical danger to any person or to give rise to a risk of significant damage to property;
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant, avoidable cost or loss of income to the School or would seriously prejudice the Proprietor or the School;
- manipulation of accounting records and finances;
- inappropriate use of school assets or funds;
- decision-making for personal gain;
- any criminal activity;
- damage to the environment of the School;
- dangerous practices;
- abuse of position;
- serious breaches of school procedures which may advantage a particular party (for example tampering with tender documentation, failure to register a personal interest);
- sexual or physical abuse of pupils or others whether physical or verbal;
- other unethical conduct;
- indecent or violent behaviour towards any person;
- harassment or bullying of a pupil or member of staff;
- serious neglect of duties (including unauthorised absence from work);
- serious breach of the School's policies and procedures;
- any act which might give rise to a serious complaint against the School by any pupil, parent, employee, supplier, contractor or visitor;
- abuse of power or the use of the Board of Management's powers and authority for any unauthorised or ulterior purpose. The above is not a comprehensive list but is intended to illustrate the range of issues, which might be raised under this policy.



The Proprietor provides guidance to employees on the standards he expects from the School's employees through the policies agreed by the Board of Management such as:

- Health and Safety Policy
- Equal Opportunities Policy
- Harassment and Bullying Policies
- No Smoking Policy
- Security Guidelines Departmental Codes of Practice and through the procedures, agreed with the relevant recognised trade unions and professional associations, for addressing poor standards which include:
 - Disciplinary Procedure
 - Grievance Procedure
 - Capability Procedure

When might the whistleblowing policy apply?

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle blower should ask a few questions before taking action:

- Is it, or do you believe it to be, illegal?
- Is it, or do you believe it to be, against codes of practice issued by the school, regulatory authorities or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle blower witnessed the incident?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. All allegations should be capable of being dealt with through the disciplinary procedure and will be considered appropriately. Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this whistleblowing policy e.g.:

Anonymous allegations will only be considered if the issues raised are:

- Very serious;
- The credibility of the allegation is considered to be high;
- The likelihood of confirming the allegation is high.

How to raise a concern - General

Employees are encouraged to set out in writing the background and history of the concern, giving names, dates and places where possible and the reason why they are particularly concerned about the situation. If employees do not feel able to put their concern in writing the matter can be raised by telephone or by way of a meeting with the appropriate person. In any event, employees should try to make an immediate note of relevant details, e.g. what was said in a telephone or other conversation.

Employees are encouraged to express their concerns at the earliest opportunity. The earlier a concern is raised, the easier it is normally to take action. When raising concerns employees must declare any personal interest they have in the matter. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for a concern. However, they should not attempt to investigate a concern or accuse individuals directly. Employees may invite their trade union or professional association to raise the matter on their behalf.

How to raise a concern - main steps

As a first step an employee should normally raise concerns with her/his immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if an employee believes that her/his immediate line manager is involved, the employee should approach:



The Headteacher or the Proprietor

In some circumstances, confidential informal advice from the employee's trade union or professional association may help an employee who is unsure of how best to pursue a concern about malpractice.

How the School will respond

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation on a sensitive and confidential basis. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the School's external auditors, legal or personnel advisors, the police or the regulatory bodies.

The action taken by the School will depend on the nature of the concern. The matters raised may:

- Be investigated internally;
- Be referred to the Police;
- Be referred to an external auditor;
- Form the subject of an independent enquiry.

In order to protect individuals and the School, initial enquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (e.g. child protection or discrimination issues or financial irregularities), will normally be referred for consideration under those procedures. Some concerns may be resolved by action agreed between the employee raising the concern and the person to whom it is reported without the need for investigation. The person with whom the concern is raised will write personally to the employee who has raised the concern within 10 working days:

- Acknowledging that the concern has been received;
- Indicating how s/he proposes to deal with the matter;
- Giving an estimate of how long it will take to provide a response.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Proprietor or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third party referral such as the police.

Employees raising a concern will be informed of the final outcome of any investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party.

If the whistle blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Proprietor.

Harassment or victimisation

The Proprietor recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal by those responsible for the malpractice. The Proprietor will not tolerate harassment or victimisation and will take action to protect employees when they raise concerns in good faith. This does not mean that if an employee is already the subject of procedures such as discipline, capability or redundancy, that those procedures will be halted as a result of a concern being raised under the provisions of this policy.

If an employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee knowingly makes malicious and false allegations, disciplinary action may be taken against the employee. Disciplinary action will be taken against an employee if s/he tries to stop



another employee from raising a concern or if an employee is responsible for any act of recrimination against an employee who raises a concern. Where an employee may have been party themselves to an act of possible gross misconduct on which they are now “blowing the whistle” this could be considered in mitigation. They are not, however, exempt from disciplinary action. Disciplinary action may be taken against employees if they contact the media (newspapers, TV, radio etc.) with concerns about conduct at work without first following the steps set out in this policy.

Confidentiality

The Proprietor will make every effort to protect an employee’s identity when s/he raises a concern and does not want her/his name to be disclosed and will as far as possible protect him/her from reprisals. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence. All employees have a duty not to disclose or make public any professional or trade secret or confidential information they come across in their work. This whistleblowing policy does not affect the contract of employment or any confidentiality agreement.

Protection of Whistle blowers

A member of staff who makes a disclosure in good faith pursuant to this policy will not be dismissed or subjected to any detriment as a result of such action. (Detriment includes unwarranted disciplinary action and victimisation.) If you believe that you are being subjected to a detriment as a result of making a disclosure under this policy, you should inform the Headteacher or the Clerk to the Proprietor immediately. Members of staff who victimise or retaliate against those who have made a disclosure under this policy will be subject to disciplinary action.

Grievances

A member of staff who feels that he/she has been or is being unfairly treated by the School may bring a grievance under the School’s grievance procedure. If you do not have a copy of the grievance procedure you may obtain one from the School Office.

Anonymous allegations

Employees are strongly encouraged to put their names to their allegations. Concerns expressed anonymously are much less powerful and are extremely difficult to investigate but they will be considered at the discretion of the Proprietor.

In exercising the discretion, the factors to be taken into account will include:

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

Members of staff should also bear in mind that, if they do choose to raise a concern anonymously, it will be more difficult for the matter to be investigated and to provide the member of staff with feedback.

Untrue allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If however, a member of staff makes an allegation which the investigation indicates may have been made frivolously, maliciously or for personal gain, disciplinary action will be considered and may be taken against the member of staff.

Monitoring

All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register held by the Clerk to the Proprietor. The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised in order to monitor any patterns and to assist in monitoring and reviewing the policy.



Conclusion

Existing good practice within Kingswood School in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the School operates, ensures that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the School. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accord with the School's disciplinary procedure, which should cover all of the potential areas of concern.

Guidance on terminology used in this policy

Harassment: A person is harassed when he/she is subjected to unwanted physical or verbal conduct which has the purpose or effect of violating personal dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual.

Bullying: A person is bullied when he/she is subjected to offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes that person feel vulnerable, upset, humiliated or threatened.

Such behaviour may include:

- a staff member shouting at, being sarcastic towards, ridiculing or demeaning a pupil or colleague;
- making physical or psychological threats;
- overbearing supervision;
- making inappropriately derogatory remarks about a pupil or colleague;
- persistent unfair assessment of a pupil or colleague's work;
- unfairly excluding pupils from classes, projects or events.

Bullying does not include reasonable and constructive criticism of a pupil or colleague's work or behaviour.