



Whistleblowing procedure

Key statutory guidance: *Keeping Children Safe in Education (January, 2021)* and *Working Together to Safeguard Children (July, 2018)*.

Independent School Standards: paragraphs 7 and 34.

Policy content includes:

- our whistleblowing procedure
- referring to the Disclosure and Barring Service (DBS)
- information about the NSPCC helpline.

Last updated by senior leaders	June 2021
Last reviewed by external consultant	June 2021
Next review due	June 2022

What is ‘whistleblowing’?

‘Whistleblowing’ is when an individual reports suspected wrongdoing at work.

Officially this is called ‘making a disclosure in the public interest’.

An individual can report things that are not right, are illegal or if anyone at work is neglecting their duties, including, for example:

- someone’s health and safety being endangered
- damage to the environment
- a criminal offence
- covering up wrongdoing.

Context

The law provides protection for employees who raise legitimate concerns about specified matters. These are called ‘qualifying disclosures’. A qualifying disclosure is one made in the public interest by the employee who has a reasonable belief that...

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- corruptly receiving any gift or advantage, thus failing to comply with the Bribery Act 2010
- allowing private interests to override the interests of the School
- a breach of any legal obligation
- concealment of any of the above

...is being, has been, or is likely to be, committed.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the School’s responsibility to ensure that an investigation takes place.

Where the concerns are about safeguarding children, the School’s designated safeguarding lead must be notified (or in their absence, one of the deputy designated safeguarding leads).

Overview

- This policy applies to all employees and any other individuals performing functions in relation to the School.
- All employees at St. John’s have a full safeguarding induction, which includes coverage of this policy.
- St. John’s expects the highest standards of conduct from all employees and will treat seriously any concern raised about illegal or improper conduct. Any individual covered by this policy will be expected, through agreed

procedures and without fear of recrimination, to bring to the attention of the Principal or Headteacher any serious impropriety or breach of procedure.

- It is important that any fraud, misconduct or wrongdoing by employees or those connected to the School is reported and properly dealt with. The Principal, Headteacher or external consultant with responsibility for governance, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the School, which are in the public interest. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the media), are likely to be subject to a formal disciplinary investigation, as per our disciplinary procedures.

When should this procedure be used?

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the School's grievance procedures.

Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it cannot amount to a protected or qualifying disclosure.

This policy, then:

- is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation
- does not apply where the employee simply disagrees with the way the School is led and/or managed.

Employees must have reasonable grounds for believing the information they have is accurate and not just gossip or rumour.

An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. St. John's will not tolerate harassment and/or victimisation of any employee raising concerns.

Procedure

- The Principal or Headteacher will arrange an investigation into the matter (either by investigating the matter himself/herself or immediately passing the issue to someone in a similarly senior position). The investigation may involve the employee and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out below. The employee's statement will be considered and he/she will be asked to comment on any additional evidence obtained.
- Employees who want to use the procedure but feel uneasy about it may wish to consult their professional association/trade union initially and bring a colleague or professional association/trade union representative along to any discussions, so long as the third party is not involved in the issue.
- Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.
- The relevant senior leader will then take the necessary action, including disciplinary action and the reporting of the matter to any appropriate department or regulatory agency. On conclusion of any investigation the employee will be told the outcome of the investigation and what the next steps will be. If no action is to be taken the reason for this will be explained.

Principles

- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of a worker for raising a qualified disclosure is a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under our disciplinary procedures, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

Who to raise concerns with

Concern	Raise with
About any member(s) of staff below Principal or Headteacher	The Principal or Headteacher
About the Principal or Headteacher	The external consultant with responsibility for governance (contact details available from School offices)

If the employee is concerned that everybody identified above is involved in the wrongdoing, have failed to make a proper investigation or have failed to report the outcome of the investigation, he/she has the option of contacting the Local Authority's Designated Officer (LADO) or the registration authority and regulatory body for the School, the Department for Education (DfE).

What if an issue is raised with a member of staff?

If a member of staff, other than the Principal, Headteacher or external consultant with responsibility for governance is approached by a colleague on a matter of concern as defined in this document, he/she is advised to take the matter to the most relevant senior leader identified in the table above, as appropriate.

Safeguarding children

All employees have a duty to report concerns about the safety and welfare of pupils, as per our child protection and safeguarding policy. These concerns must always be reported to the designated safeguarding lead or a deputy and may include:

- physical abuse of a pupil
- sexual abuse of a pupil
- emotional abuse of a pupil
- neglect of a pupil
- an intimate or improper relationship between an adult and a pupil.

Referring to the Disclosure & Barring Service (DBS)

Senior leaders at St. John's are clear about the duty to refer a person who is deemed unsuitable to work with children to the DBS.

Specifically, we refer to the DBS any member of staff who:

- has harmed, or poses a risk of harm, to a child
- has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence
- is dismissed or receives disciplinary action because of misconduct relating to a child
- leaves their employment during an investigation related to misconduct relating to a child

The DBS will then consider whether to bar the person. Referrals will be made as soon as possible after the resignation or removal of the individual.

NSPCC helpline

Where a staff member feels unable to raise an issue according to the steps highlighted above or feels that their genuine concerns are not being addressed, staff may contact the NSPCC helpline on 0800 028 0285, which is available from 08:00 to 20:00, Monday to Friday. Alternatively, staff can email help@nspcc.org.uk