Wiltshire Council

DOWNLAND SCHOOL

Whistleblowing Policy and Procedure

NEU, NAHT, NASUWT, ASCL, Unison, Unite and GMB.

April 2025

Version	Changes	Date Ratified	Ratified by
1	Updated by LA		

1. INTRODUCTION

1.1 Downland School is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment, the school wishes to encourage employees, and others that we deal with, who have serious concerns about any aspect of the school's work to come forward and voice those concerns. This process is commonly referred to as "Whistleblowing".

1.2 Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.3 The school upholds the seven principles of public life, it expects all employees (including agency staff) to maintain these standards in everything they do. Employees, and others the school deal with (including governors, suppliers and those providing services to the school), are therefore encouraged to report any wrongdoing by the school or its employees that fall short of these standards.

1.4 The Whistleblowing Policy and Procedure is intended to encourage and enable employees (including temporary staff), contractors working for the school (e.g. agency staff, contractors etc.) and members of the public to raise concerns within the school rather than overlooking a problem or 'blowing the whistle' outside. This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination, or disadvantage. The school is committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly. There is also statutory protection from any disclosures made by staff. It is important for potential whistleblowers to understand that their employment will be protected by the school on the strict assumption that any disclosures or allegations are not malicious in nature. We would rather the matter be raised when it is just a concern, the message we wish to get across is "if in doubt, raise it".

1.5 All employees of the school can raise their concerns under this policy, as well as external persons working for the school (e.g. agency staff, contractors etc.), the voluntary sector and members of the school community. This policy also applies to suppliers of goods and services under a contract to the school and voluntary workers working with the school. The school will seek to ensure that as part of its procurement processes this policy is brought to the attention of such external contractors, suppliers, and service providers.

1.6 This policy and procedure complies with the Public Interest Disclosure Act 1998 ("PIDA") and the Enterprise and Regulatory Reform Act 2013.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- Provide avenues for employees and others to raise concerns and receive feedback on any action taken.
- Allow employees and others to take the matter further if they are dissatisfied with the school's response to the concerns expressed; and,
- Reassure employees and others that they will be protected from possible reprisals or victimisation.

Complaint or blowing the whistle?

2.2 When an individual blows the whistle, they are raising a concern about a danger or illegality that affects others (for example customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern, they are simply trying to alert others.

2.3 When an individual complains or raises a grievance, they are saying that they have been personally treated poorly. This poor treatment could involve a breach of their individual employment rights or bullying, and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, is expected to prove their case.

2.4 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of the grievance procedure. Thus, any serious concern that a member of staff has about any aspect of service provision, the conduct of officers, members of the school or others acting on behalf of the school can and should be reported under this policy. The concerns may relate to something which is happening, has already happened or is likely to happen in the future.

2.5 For example, concerns raised under this Policy could include:

- a criminal offence
- a failure to comply with a legal obligation
- a possible miscarriage of justice
- a Health & Safety risk
- actions causing, or likely to cause damage to the environment
- misuse of public money
- corruption or unethical conduct
- failing to safeguard and promote the welfare of children
- deliberate concealment of any of these matters
- any other substantial and relevant concern.

2.6 Please note that this is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this policy.

2.7 The spirit of this policy will also be applied to governors of the school, recognising though that they have separate and distinct roles in the school..

2.8 Headteachers and staff should be vigilant in respect of identifying potential whistleblowing concerns. If there are concerns that are raised during or as a result of an internal process or which are raised during the course of usual day to day management and which may be considered to potentially amount to a whistleblowing disclosure, the employee concerned should report the matter and seek advice from their Headteacher or a member of the Senior Leadership Team (SLT) in line with the procedure set out within this policy in order for an assessment to be completed as to whether the concerns amount to a whistleblowing disclosure. If the concern is about the Headteacher then the matter should go directly to the Chair of Governors.

3. SAFEGUARDS

Harassment or Victimisation

3.1 The school recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice or from the school as a whole. The school will not tolerate any harassment or victimisation (including informal pressures). The school will not tolerate any attempt on the part of any employee, Governor, school contractor or supplier to apply any sanction or detriment to any person who has reported to the school any serious and genuine concern that they may have of any apparent malpractice.

3.2 The school understands that some individuals may not be comfortable with what is known as ‘open whistleblowing’, so the school will offer the option of keeping the person making the disclosure’s identity confidential unless the school are required to disclose it by law, or unless it has your permission. If the whistleblower wishes the school to maintain confidentiality, it will always seek to do so.

3.3 The Public Interest Disclosure Act (PIDA) 1998 provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice. The Act makes it unlawful for the school to dismiss anyone or allow the person making the disclosure to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

3.4 For the protection against recriminations, victimisation or harassment to apply, the person making the disclosure should have a reasonable belief that the disclosure they are making is in the “public interest”. Their belief need not be correct for protection to apply.

Confidentiality

3.5 As far as possible, the school will protect the identity of any employee who raises a concern and does not want his/her name to be disclosed, but this confidentiality cannot be guaranteed. It must be appreciated that any investigation process may reveal the source of the information and a statement by the person reporting the concern may be required as part of the evidence. Where an employee has requested that their identity not be revealed, the school will discuss the matter with them before embarking on any course of action whereby their identity will need to be disclosed.

Anonymity

3.6 Concerns expressed anonymously will be considered at the discretion of the school, although it must be appreciated that it is inherently difficult to investigate concerns expressed this way. It is hoped that the guarantees contained in this policy will provide sufficient reassurance to staff to enable them to raise concerns in person. However, in exercising the discretion, the factors to be taken into account would include:

- The likelihood of obtaining the necessary information.
- The seriousness of the issues raised.
- The specific nature of the concern.
- The duty to the public.

False and Malicious Allegations

3.7 The school will protect itself and its employees from false and malicious expressions of concern by taking disciplinary action where appropriate. The school will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised.

4. HOW TO RAISE A CONCERN

4.1 As a first step, an employee or volunteer raising a concern should normally raise their concerns with a member of the Senior Leadership Team (SLT). Alternatively, you can raise the matter with the headteacher. If a person is raising a concern about the headteacher then the matter should go directly to the Chair of Governors.

4.2 If concerns relate to safeguarding/safeguarding policies at the school or the wellbeing of a child, the person raising a concern should contact the school's safeguarding lead.

4.3 If concerns relate to SEND provision or arrangements at the school, the person raising the concern should contact the school's SENCO.

4.4 In school members of the SLT are:

- Mrs Georgina Keily-Theobald –Headteacher
- Mr Richard Green-Chair of Governors
- Mr David Brown – Head of SEND

- Mr Andy Jefford –Nominated Whistleblowing Governor

4.5 Where a staff member or volunteer feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. Refer to paragraph 4.6 and Annex 2 for details of who to contact if a person making a disclosure wishes to report the matter to someone outside of the school.

4.6 If a person making the disclosure wishes to report the matter to someone outside of the school, they can contact:

- the Head of School Effectiveness at Wiltshire Council or
- any of the other local authority officers listed in Annex 1 or
- one of the external bodies/organisations listed in Annex 2.
- the NSPCC's whistleblowing helpline – it is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and 9 am – 6 pm at the weekends and email: help@nspcc.org.uk.

4.7 Reporting concerns to the media, in most cases will lead to the loss of whistleblowing law rights for the person raising the concern.

4.8 Although a person is not expected to prove beyond doubt the truth of their concerns, they will need to demonstrate that they have sufficient evidence or other reasonable grounds to raise them.

4.9 A person making the disclosure may wish to obtain advice from a trade union representative or the Citizen's Advice Bureau. They can also contact the independent charity Protect who have a free confidential Advice Line Tel 020 3117 2520 or contactable via www.protect-advice.org.uk . Protect have lawyers who can give independent advice at any stage about how to raise a concern about serious malpractice at work.

4.10 A person making a disclosure can be accompanied by a trade union representative or colleague to any meetings that are required.

4.11 Concerns may be raised orally or in writing. Normally it is preferable to put the concern in writing. A person raising a disclosure is invited to set out 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.

4.12 The earlier a concern is expressed, the easier it is to take action. The person making the disclosure should not wait until they have proof. Although they are not expected to prove the truth of the allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their

concern.

N.B. If an employee has any personal interest in the matter this should be disclosed at the outset.

4.13 All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect a whistleblower's wishes. However, the school does not encourage staff to make disclosures anonymously as this can constrain the process of investigation. The information will, normally, need to be passed on to those with a legitimate need to see it in order to investigate the matter and to act upon any findings.

4.14 To protect the person making the disclosure and the school, an initial assessment will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. The initial assessment may be carried out internally or the school may (via Wiltshire Council) ask another body (e.g. SWAP) to carry it out. Concerns or allegations, which, fall within the scope of specific procedures (for example fraud, theft and corruption) will normally be referred to SWAP for consideration under those procedures.

4.15 It should be noted that some concerns may be resolved by agreed action without the need for a full investigation. If urgent action is required, this would be taken before any investigation is completed.

4.16 Within ten working days of a concern being raised, and following the initial assessment, the Headteacher (or their nominee)/the Chair of Governors if the concern is against the Headteacher* will write to the person raising the concern and.

- acknowledge that the concern has been received,
- indicate the initial findings and how they propose to deal with the matter; and
- give an estimate of how long it will take to provide a final response.

4.17 If it is impossible for initial assessment to be completed within ten working days, or where urgent action is required, the situation will be explained in the letter of acknowledgement. Where a decision is made that a full investigation will take place, the reasons for this will be provided.

4.18 If a full investigation is required, this will be carried out by the school internally or the school may ask another body (e.g. SWAP) to carry it out. Following the full investigation, the school will either resolve by agreed action or take appropriate further action. This further action could be:

- Agreed steps such as disciplinary process.
- Referral to the Police.
- An independent enquiry.

4.19 The school will seek advice from their HR Advisor before determining whether SWAP Internal Audit must be notified of all initial assessments and full investigations raised under the Whistleblowing Policy and their outcome. Contact details for SWAP' is confidential@swapaudit.co.uk

4.20 The amount of contact between the Headteacher (or their nominee) considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern. Should further information be required, initial findings will be provided to the person raising the concern within four working days of the additional information requested being received by the school.

4.21 Where any meeting is arranged, employees have the right, if they so wish, to be accompanied by a union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

4.22 The school will take appropriate steps to minimise any difficulties, which a person making the disclosure may experience as a result of raising a concern. For example, if employees are required to give evidence in criminal or disciplinary proceedings, the school will need to inform them and consider what steps are required to provide support.

4.23 The school accepts that a person raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible about the outcomes of any investigation.

5. HOW THE MATTER CAN BE TAKEN FURTHER

5.1 This policy is intended to provide the person making the disclosure with an avenue to raise concerns within the school. The school hopes they will be satisfied with any action taken. If they are not satisfied with the outcome of your confidential allegation they can write to

- The Head of School Effectiveness at Wiltshire Council or
- Any of the other local authority officers listed in Annex 1 or
- One of the external bodies/organisations listed in Annex 2.

5.2 The person raising the concern can write to the Chair of Governors (Vice Chair in a maintained school/CEO in a MAT if the concern relates to the Headteacher) and ask for the investigation and outcome to be reviewed. If they remain dissatisfied and they feel it is right to take the matter outside the school, they may wish to take advice from their trade union, their local Citizens Advice Bureau, any of the external agencies listed in Annex 2, or, if applicable their legal advisor. on the options that are available to them.

5.3 Another option a person making the disclosure may wish to rely on is their rights under the Public Interest Disclosure Act 1998. This Act gives a person making a disclosure, protection from victimisation if they make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the school who can be contacted in certain circumstances. The person raising the concern

should seek advice on the effect of the Act and can do by contacting Protect Advice line https://protect-advice.org.uk/advice-line/

5.4 If a person raising a concern does take the matter outside the school, they need to ensure that they do not disclose information where they owe a duty of confidentiality to persons other than the school (e.g. pupils/other service users) or where they would commit an offence by making such disclosures. This is something that they would need to check with one of the officers mentioned in Section 4.4.

6. External Contacts

6.1 If for any reason a person raising the concern does not wish to use the internal arrangements set out above, or require additional support and advice, a list of some of the prescribed people and bodies to whom they can make a disclosure and whose functions have particular relevance to the school's work can be contacted using the following link List of Prescribed people and bodies

6.2 A list of prescribed people or bodies that a person raising a concern can go to can be found in Annex 2.

7. RESPONSIBILITY FOR IMPLEMENTING

7.1 The responsibility for ensuring that the school adheres to this Policy rests with the Governing Body of Downland School. This policy is based on the Local Authority's procedure.

7.2 The role of HR is to promote advice and guidance on this policy and procedure and to support the Headteacher or their nominee where appropriate. This may include attending formal meetings when required in complex cases.

8. MONITORING AND REPORTING

8.1 Headteacher reports for the Governing Body about whistleblowing concerns will be anonymised and will only identify common themes, numbers of disclosures year on year. It is the Governing Body's responsibility to highlight actions taken to improve systems and policies.

9. REVIEW

9.1 This Policy will be regularly reviewed in line with future changes and developments and at least every two years.

10. RELATED POLICIES AND OTHER STRATEGIES

10.1 The following policies support or are linked to the Whistleblowing Policy and Procedure.

- Codes of Conduct (employees and governors)
- Grievance Policy and Procedure
- Disciplinary Procedures

11. WHISTLEBLOWING BY MEMBERS OF THE PUBLIC

11.1 Unlike disclosures by employees, Public Interest Disclosure Act 1998 (PIDA) does not offer legal protection for disclosures made by members of the public. However, the school will take reasonable and appropriate action to protect members of the public when they disclose a concern.

11.2 The school considers that any such disclosure made by members of the public in respect of serious misconduct should be handled in the same way as concerns raised by employees.

11.3 Once a disclosure from a member of the public has been received by the school, it will be handled in the same way as concerns raised by employees, unless it is considered more appropriate for the concerns to be dealt with using the School's Complaints Procedure or any other procedure as appropriate.

11.4 The school will liaise with their HR Advisor to decide whether to notify SWAP Internal Audit of all concerns, initial investigations and full investigations raised by members of the public under the Whistleblowing Policy and their outcome using SWAP's email address: - confidential@swapaudit.co.uk

APPENDIX 1

INVESTIGATION ARRANGEMENTS

1. The Headteacher (or their nominee) will seek advice from their HR Advisor before determining whether SWAP Internal Audit must be notified for all initial assessments and full investigations raised under the Whistleblowing Policy and their outcome. Contact details for SWAP' is confidential@swapaudit.co.uk

2. For Locally Managed and Voluntary Controlled schools - the Headteacher (or their nominee) will seek advice from their HR Advisor before determining whether all concerns raised should also be passed to the Section 151 Officer (Director of Finance and Procurement), the Monitoring Officer (Director Legal & Governance), the Deputy Monitoring Officer, and the Head of Internal Audit (SWAP Assistant Director) irrespective of who was contacted in the first instance.

3. On notification of the concern, the Headteacher (or their nominee) will seek advice from their HR Advisor before determining whether SWAP is required to conduct the initial assessment of the concern or whether the school shall itself conduct the initial assessment.

4. All initial assessments will be undertaken by the Headteacher (or their nominee) unless it is determined that the school requires or SWAP Internal Audit Services to take on this role.

5. For Locally Managed and Voluntary Controlled schools, The Monitoring Officer will advise on the legal implications and will:

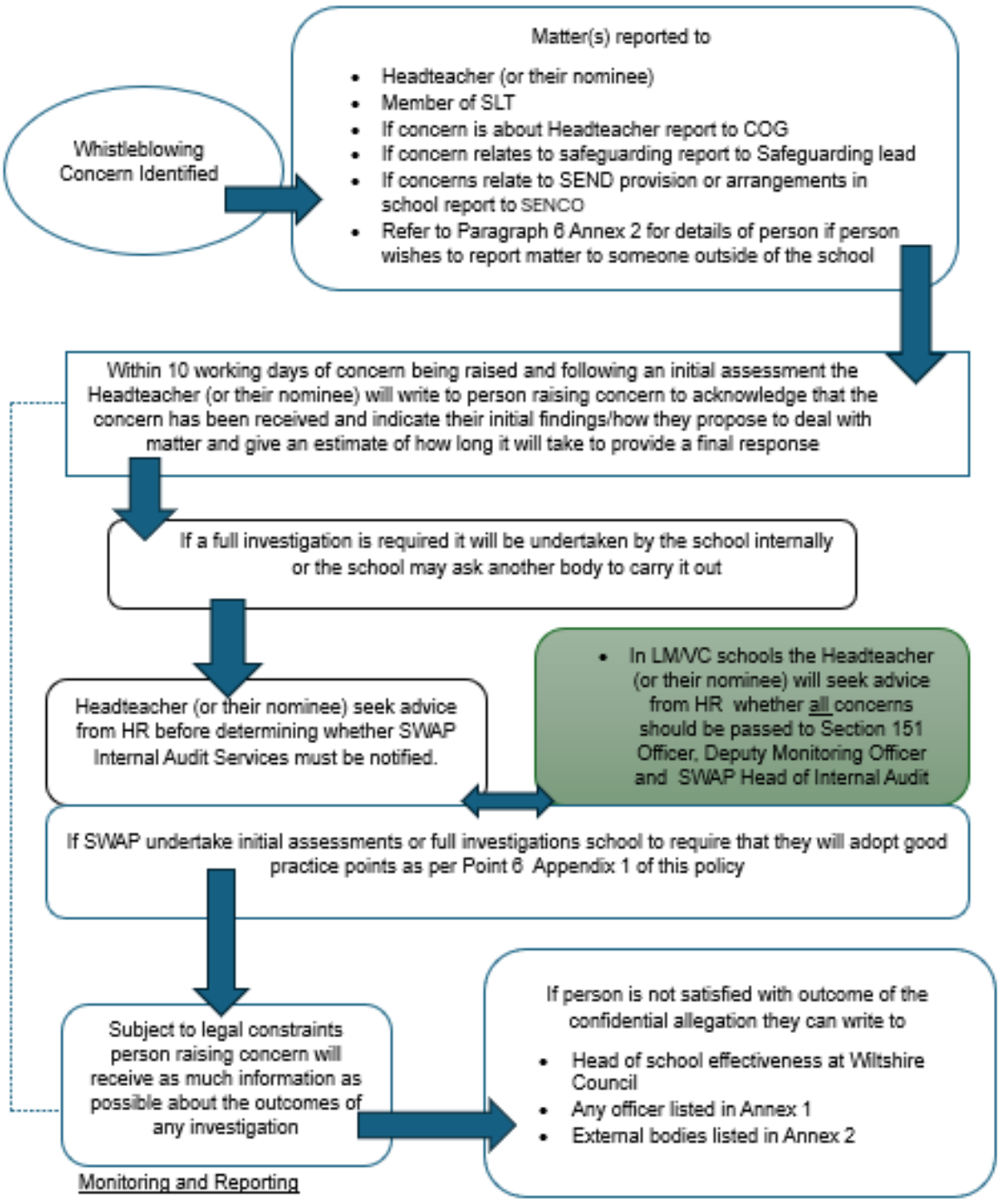
   a) Arrange support and counselling for the employee who reported the concern as necessary; and,
   b) Provide advice on any necessary disciplinary action, if required.

6. The Headteacher (or their nominee) will require that any initial assessment or full investigation carried out by SWAP Internal Audit Services, will adopt the following good practice points:
   - Deal promptly with the allegation or concern.
   - Contact the Police and other agencies as appropriate at an early stage and keep them and the employee who reported the concern informed of progress.
   - Prepare a background or objectives statement and consider the likely outcome, i.e. prosecution and/or internal disciplinary action.
   - Record all evidence received, ensure that it is sound, adequately supported and kept secure.
   - Notify the school's insurers where appropriate.
   - Notify and liaise with the Monitoring Officer (Director Legal & Governance) and the Section 151 Officer (Director of Finance and Procurement).
   - Identify actions required, systems weaknesses and lessons learnt.

7. Any initial assessment or full investigation carried out by the school and/or other investigative teams shall adopt similar good practice points where relevant.

APPENDIX 2

Whistleblowing Procedure Flowchart



Monitoring and Reporting

Headteacher will report to Governing Body about concerns. The concerns will be anonymised, only identify common themes, numbers of disclosure year on year. It is the Governing Body's responsibility to highlight actions taken to improve systems and polices

APPENDIX 3

WHISTLEBLOWING POLICY – Report Form for Whistleblowing Concerns

Downland School is committed to the highest possible standards of openness, professionalism, and accountability. In line with that commitment, we expect employees, partners, members of the public and others that we deal with who have serious concerns about any aspect of the school's work to come forward and voice those concerns.

Description of the concern (continue using a separate sheet if necessary).

Where possible include:

- Dates of
- Whether there were any
- Who was involved/other witnesses
- Why this is a concern
- Whether you have tried to raise this with your headteacher (or their nominee)
- What the result was

The person raising a concern is encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate but will be considered at the discretion of the Headteacher (or their nominee).

Name:		Department/Faculty/Team (if staff member)	
Address:		Contact Number:	
Date:		Signature:	

Annex 1 - Contact list for Wiltshire Council

Role: Name of Post Holder	Contact email address
HR Operations Manager – Lucy Wilton	lucy.wilton@wiltshire.gov.uk
Director of Education and Skills – Kathryn Davis	kathryn.davis@wiltshire.gov.uk
Acting Head of School Effectiveness – Louise Lewis	louise.lewis@wiltshire.gov.uk
Health and Safety Team for Schools – Craig Parker	craig.parker@wiltshire.gov.uk
Strategic Financial Support Manager Finance & Procurement – Grant Davis	grant.davis@wiltshire.gov.uk

Annex 2 - External bodies and organisations

A person making a disclosure can blow the whistle to an external organisation rather than your employer. There is a list of prescribed people or bodies that they can go to.

The person making the disclosure should choose the correct one for their issue. A full list can be found online at Gov.uk:
https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

Some of the bodies that may be relevant for school staff are:

Ofsted
WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD
Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk

Office of Qualifications and Examinations Regulation
Complaints Investigation Manager, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.
Tel: 0300 303 3344
Email: whistleblowing@ofqual.gov.uk
Online reform form: www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/

National Society for the Prevention of Cruelty to Children (NSPCC)
The NSPCC Whistleblowing Advice Line is for anyone with child protection concerns in the workplace. The helpline provides support and advice to those who feel unable to get a child protection issue addressed by their employer. It can be contacted anonymously on 0800 028 0285.
NSPCC's whistleblowing helpline

Health and Safety Executive
Tel: 0300 790 6787
www.hse.gov.uk

The Local Government Ombudsman
Address: PO Box 4771, Coventry. CV4 0EH
www.lgo.org.uk
Tel: 0300 061 0614

Data Protection and Freedom of Information
The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF
Tel: 0303 123 1113

Secretary of State for Education

Ministerial and Public Communications Division, Department for Education,
Piccadilly Gate, Store Street, Manchester, M1 2WD
Tel: 0370 000 2288
Website: www.gov.uk/contact-dfe

Equality and Human Rights Commission

Tel: 0161 829 8100
Email: whistleblowing@equalityhumanrights.com

Website: www.equalityhumanrights.com/whistleblowing