

Whistle-blowing policy

KWS Bedford



Approved by:	Sarah Nichols-Weaver	Date: Sep 2023
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1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Legislation

This policy has been written in line with the [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but are not limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staff health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

4. Procedure for staff to raise a whistle-blowing concern

4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

4.2 Who to report to

There are a number of avenues that a staff member, volunteer or student can take if they wish to raise a concern:

- 1- Concerns about staff should be taken to the Headteacher or DSL
- 2- Concerns about the Headteacher should be taken to the Trustees or DSL.

If you feel unable to do this (perhaps because the concern relates to them), always seek independent advice at the earliest opportunity. This may be to check who may be best placed to deal with their concern or simply to talk the matter through in confidence first and discuss how to raise their concern, i.e. union, professional body, early years and childcare advisor.

It is advisable, in terms of both addressing the concern and securing your own protection as a whistle-blower, to raise this first with a body that has some oversight of the work of the setting. This may be a governing body/committee, the local authority, Ofsted, or the student's educational establishment. If your concern is about an immediate or current risk to an individual child or children, it is important to contact the LADO.

Who to contact

The LADO is the Local Authority Designated Officer, for concerns within KWS, staff should contact the Bedford Borough LADO on 01234 276693.

Each local authority has a LADO and these would be contacted for concerns about staff in another local authority establishment:

Luton Borough Council- 01582 548069

Central Bedfordshire Council- 0300 300 4833

Cambridgeshire County Council. 0345 045 5203

Milton Keynes Council- 01908 254300

Ofsted – contact can be made as follows:

- By telephone to the dedicated whistleblowing hotline - 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).
- By email to the whistleblowing team - whistleblowing@ofsted.gov.uk.
- By post: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

The hotline can be used by anybody who has a whistleblowing concern about services or practice in any local authority, or in a care or educational setting regulated and inspected by Ofsted, including: employees and

former employees; agency staff currently and formerly working within care or educational settings; voluntary workers in care or educational settings

Alternatively, the NSPCC has a whistleblowing hotline – 0800 028 0285

4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter. All of the avenues outlined above are also appropriate.

5. School procedure for responding to a whistle-blowing concern

5.1 Investigating the concern

When a concern is received by the headteacher or DSL- referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the headteacher (if DSL is the recipient and headteacher is not the subject) and chair of trustees if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police
 - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified, and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, trustees and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

7. Escalating concerns beyond the school

KWS encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns has been identified in section 4 above.

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

8. Approval

This policy will be reviewed every two years.

These procedures have been agreed by the board of trustees, who will approve them whenever reviewed.

9. Links with other policies

This policy links with our policies on:

- Complaints procedure
- Safeguarding and child protection policy
- Staff code of conduct