



Abbey School

WHISTLEBLOWING POLICY

Abbey School

Version number	1.1	Date	March 2021
Approved by	Senior Leadership Team	Date	March 2021
Last reviewed on	Spring 2022		
Next review due by	Spring 2023		

Other relevant policies:

Recruitment Policy

Staff Grievance Policy and Procedures

Staff Discipline Policy and Procedures

Compliments and Complaints Policy

Safeguarding Policy and Procedure

Abbey School

for Exceptional Children

Contents

Contents	1
1. Aims and scope	2
2. Legislation	2
3. Definition of whistle-blowing.....	2
4. Responsibilities.....	3
4.1. Proprietor and Advisory Body	3
4.2. The Principal.....	3
4.3. Staff.....	3
5. Procedure for staff to raise a whistle-blowing concern	3
5.1. When to raise a concern	3
5.2. Who to report to?.....	3
5.3. How to raise the concern	3
6. School procedure for responding to a whistle-blowing concern.....	4
6.1. Investigating the concern	4
6.2. Outcome of the investigation.....	4
7. Malicious or vexatious allegations.....	4
8. Non-employees.....	5
9. Escalating concerns beyond the school	5
10. Safeguarding children, young people and adults at risk.....	5
11. Appeal process	5
12. Approval.....	5

Abbey School

for Exceptional Children

1. Aims and scope

This policy aims to:

- Create a spirit of openness, support and transparency throughout the school and to deter serious malpractice.
- 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 know how to raise genuine and legitimate concerns about potential wrongdoing in or by the school.
- Set clear procedures for how the school 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 or treated unfairly 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.

This policy applies to all employees or other workers who provide services to the school 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: [Department for Business Innovation & Skills, Whistleblowing guidance for Employers and Code of Practice](#). We also take into account the [Public Interest Disclosure Act 1998 \("PIDA"\)](#) and [Employment Rights Act 1996](#)

3. Definition of whistle-blowing

Whistle-blowing is the term used when an employee passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something that they have witnessed at work.

To be covered by whistleblowing law, an employee who makes a disclosure must reasonably believe two things:

- That they are acting "in the public interest"
- That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - Criminal offences, such as fraud or corruption
 - Pupils' or staffs' health and safety being put in danger
 - Miscarriages of justice
 - Failure to comply with a legal obligation or statutory requirement
 - Breaches of financial management procedures
 - Damage to the environment
 - Attempts to cover up the above, or any other wrongdoing in the public interest

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

Not all concerns about the school 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 to be a grievance.

Abbey School

for Exceptional Children

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

[Protect](#), formerly Public Concern at Work, are leading experts in whistleblowing and give free confidential advice to individuals. Advice includes [further guidance](#) on the difference between a grievance and whistle-blowing concern.

4. Responsibilities

4.1. Proprietor and Advisory Body

The Proprietor is responsible for the school's Whistleblowing arrangements with the support of the Advisory Body. These responsibilities are operationally delegated to the Principal.

A relevant member of the Advisory Body will:

- Agree the whistleblowing procedure and ensure it has been established
- Ensure the whistleblowing procedure is published on the website
- Monitor the effectiveness of the policy and undertake any necessary reviews
- Investigate any concerns raised against the Principal

4.2. The Principal

The Principal is responsible for:

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

4.3. Staff

All members of staff are responsible for:

- Raising any concerns illustrated in [Section 3](#) of this policy
- Being truthful and reasonable with any concerns that they have
- Not taking any concerns outside of the school, e.g. by gossiping
- Not raising malicious or unfounded concerns.

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

5.1. 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 school procedures, put people in danger or was an attempt to cover up any such activity.

5.2. Who to report to?

Staff should report their concern to the Principal. If the concern is about the Principal, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Proprietor.

5.3. How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those believed to have committed a 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.

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

6.1. Investigating the concern

When a concern is received by the Principal – 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 that 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 7](#)).
- 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 Chair of Advisory Body, 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.

6.2. 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 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 Principal, Advisory Body 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.

7. Malicious or vexatious allegations

Staff are encouraged to raise concerns even when they believe there to be a potential 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.

Staff are protected in law by the PIDA, 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.

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

8. Non-employees

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

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

9. Escalating concerns beyond the school

The school encourages staff to raise their concerns internally, in line with [Section 5](#) 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 with is included [here](#).

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.

Staff who take their concerns to outside bodies not on the prescribed list (e.g. the press), may be subject to a formal disciplinary investigation.

10. Safeguarding children, young people and adults at risk

Separate to the obligations under this policy, all employees have a duty to report concerns about the safety and welfare of pupils in accordance with the Child Protection and Safeguarding Policy and the Adult at Risk Protection and Safeguarding Policy.

Concerns about any of the following should be reported to the school's Designated Safeguarding Lead (DSL) or their deputy (DDSL):

- 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 pupil

The reason for the concern may be the actions of a colleague, a member of the Advisory Body, another pupil or someone outside of the school. Whatever the reason, concerns must be reported. Failure to report a Child Protection or Adult at Risk Protection related allegation will be in itself, a disciplinary matter.

11. Appeal process

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 Compliments and Complaints policy.

12. Approval

This policy will be reviewed annually by the Senior Leadership Team.

These procedures have been agreed by the Advisory Body, who will approve them whenever reviewed.