



MUNTHAM HOUSE SCHOOL

WHISTLEBLOWING POLICY

Whistleblowing Policy

Statement of Intent

Muntham House School is committed to open and honest communication and ensuring the highest possible standards of integrity – we will always treat whistleblowing as a serious matter.

In line with the school's commitment to openness, integrity, and accountability, staff members are able to report concerns. This policy will ensure that if an employee sees or suspects something is wrong, they will raise this with the school. This is known as “blowing the whistle” – a phrase used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates processing personal or special category data, it will be done by the school's Data Protection Policy. This policy will not be confused with the procedure for dealing with workplace harassment or the school's Grievance Policy and Disciplinary Policy and Procedure.

This policy will:

- Give confidence to staff members when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of school staff with an avenue to raise concerns.
- Ensure that staff members receive a response to their concerns and feedback on any action taken.
- Offer assurance that staff members are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Employees of the school
- Trainees, such as student teachers

Legal Framework

This policy has due regard to all relevant legislation and guidance, including, but not limited to, the following:

- Public Interest Disclosure Act 1998.
- Employment Rights Act 1996.
- DfE (2022) 'Keeping children safe in education 2022'.
- GOV.UK (2012) 'Whistleblowing for employees'.
- Sir Robert Francis (2015) 'Freedom to speak up report'.

This policy operates in conjunction with the following school policies:

- Employee Handbook.
- Complaints Procedure.
- Data Protection Policy.

The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially accurate. Disclosures under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

The Principal is the first point of contact for whistleblowing queries. If the allegation is related to the Principal, the concern will be raised with the Chairman of governors, Mike Kipling. mikekipling@muntham.org.uk.

Any school community member or the general public can “blow the whistle”; however, the PIDA only protects employees. The [Non-employees](#) section of this policy includes further details on how whistleblowing affects non-employees.

Definitions

Whistleblowing is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed.
- A person has failed or is likely to fail to comply with any legal obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.
- The environment has been or is likely to be damaged.
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

In the public interest, an individual acts outside their interest for more than personal gain. The disclosure doesn't need to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served.
- The nature of the interests and the extent to which individuals are affected by the wrongdoing disclosed.
- The nature of the wrongdoing disclosed.
- The identity of the alleged wrongdoer.

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they have been mistreated in some way. The person making the complaint will have a direct interest in the outcome. Understanding the difference between raising a grievance and blowing the whistle is essential.

Roles and Responsibilities:

The governing board will be responsible for:

- Ensuring that this policy is properly promulgated and implemented.
- Monitoring the effectiveness of this policy and making any necessary revisions, e.g. reflecting good practice recommendations or changes in legislation.
- Receiving, via the Personnel Committee, reports from the Principal on whistle-blowing incidents.
- Monitoring that any necessary actions are taken against staff members following an investigation into any alleged malpractice.
- Monitoring that genuine whistle-blowers are not adversely impacted by their actions.
- Reviewing this policy annually

The Principal will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Received, investigated, and responded to any concerns raised by school staff.
- Being the first point of contact regarding whistleblowing.

The chair of governors will be responsible for:

- Receiving any concerns raised about the Principal and ensuring that they are independently investigated in line with this policy.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the [Definitions](#) section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

Harassment and Victimisation of Staff

The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which protects employees 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.

Any member of staff who victimises or harasses a member of staff due to their having raised a concern by this policy will be dealt with under the School's Employee Handbook.

Non-employees

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

If an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedures Policy.

Governors are not employees, and while they are responsible for ensuring a whistleblowing procedure is in place, they are not protected under the PIDA.

Good Practice Principles

The school will implement the core whistleblowing principles outlined in the 'Freedom to Speak Up report' to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a culture of change by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

The school will ensure that all instances are efficiently handled by providing a straightforward procedure for mediating and resolving cases, as outlined in the Procedure section of this policy. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How will the school mediate and resolve disputes?

The school will implement measures to support good practice by ensuring adherence to the following principles:

- Offering relevant training to staff.
- Providing the necessary support to staff.
- Providing support to staff who are seeking alternative employment.
- Being transparent.
- Being accountable.
- Conducting an external review of any concerns raised, where necessary.
- Undertaking regulatory action as required.

We will ensure there are particular support Measures in place for vulnerable groups by adhering to the following principles:

- Ensuring non-permanent staff are taught and receive training on the same principles as permanent staff.

- Ensuring trainees are subject to all the safeguarding and whistleblowing principles.
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

Procedure

When raising concerns, individuals will express them in writing to the Principal. If an individual is concerned about the Principal, they should express their concerns in writing to the chair of governors. Where this is the case, the chair of governors will take on the Principal's duties outlined in the [Interview and Investigation](#) section of this policy.

When individuals raise their concerns, they will include the following information as far as possible:

- The Background and history of the concern.
- Any relevant names, dates and places.
- The reasons for the concern.

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals seeking professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school will investigate it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raise the matter.

Appropriate whistleblowing procedures will be implemented for concerns about poor or unsafe practices and potential failures in the school's safeguarding system to be raised with the SLT.

If a staff member feels they cannot raise a safeguarding-related concern with the school or feels their genuine concerns are not being addressed, they can contact the NSPCC Whistleblowing Helpline on 0800 028 0285.

The school or the appropriate external agency will acknowledge receipt of disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Interview and Investigation

The Principal or Chair of Governors will write to the individual within 5 working days of the initial meeting to confirm that the concern has been received and indicate proposals for dealing with the matter.

The initial Stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Principal will establish if:

- There are grounds for concern and that it is genuine.
- This policy raised the concern.

During the initial interview, the Principal will request the individual put their concern in writing if they have not already done so. The Principal will write a summary of the concern if the individual cannot put it in writing.

The Principal will explain the following to anybody raising a concern:

- How will they communicate with the complainant throughout the process? It should be noted that the need for confidentiality may prevent the school from giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken due to the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the governing board will do everything possible to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

The whistleblower will be informed of the outcome if an investigation is carried out.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and stored in line with the school's policies.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit, or the disciplinary process.
- Be referred to the Police or an external auditor.
- Form the subject of an independent inquiry.

Suppose the investigating officer needs to talk to the whistleblower. In that case, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend, or a fellow staff member not involved in the area of work the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. This aims to ensure that a central record is kept, which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

The whistleblower will be informed of the investigation's results, and any proposed action will be subject to third-party rights. Where action is not taken, the individual will be informed of the reasons.

This policy aims to enable individuals to raise concerns confidently without fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school unless it is to be reported through proper external channels, e.g., the LA.
- Declare any personal interest in the matter, as the policy is designed to be used in the public's interest and not for individual issues.

Appeal Process

If no action is to be taken and the individual is not satisfied with how the matter has been handled, they can make a complaint under the school's Complaints Procedure Policy.

Unfair Treatment

An individual can take a case to an employment tribunal if they feel mistreated due to whistleblowing. Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or an individual's trade union.

Any unfair dismissal claims must be made within three months of the end of the investigation.

Monitoring and Review

The governing board will review this policy annually, ensuring that all procedures are up-to-date.

Last reviewed: September 2024

Next review due: September 2025