



ST EDMUND'S SCHOOL CANTERBURY

3-18 Whistleblowing Policy

THIS POLICY SHOULD BE READ IN CONJUNCTION WITH THE SCHOOL SAFEGUARDING POLICY AND KEEPING CHILDREN SAFE IN EDUCATION 2021.

THESE CAN BE FOUND ON THE SCHOOL WEBSITE HERE:

<https://www.stedmunds.org.uk/about-us/policies-inspection-reports/>

“All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school’s or college’s safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.”

(Keeping Children Safe in Education 2021, p21)

The Governing Body of St Edmund’s School Canterbury aims to be a good employer and is committed to high standards of probity and good practice in employer/staff relations. St Edmund’s seeks to ensure that there is a culture of safety and of raising concerns, including about poor or unsafe practice and potential failures in the school’s safeguarding regime. There will be transparency and accountability in relation to how concerns are received and handled.

This policy is designed to describe simple procedures which value staff and encourage reflective practice, and to reassure everyone in the school that their concerns will be taken seriously.

Responsibilities

The Head has overall responsibility for the procedures and for ensuring that:

- the appropriate procedures are in place
- they are implemented
- any concerns and any action taken are reported to the governing body

- all staff are aware of their rights and duties under the Act through regular training and support

Rights

Any St Edmund's staff member is entitled, without any fear of reprisal, to disclose any action which they reasonably consider:

- potentially or actually unlawful
- involves a miscarriage of justice
- compromises an individual's health and safety
- might cause environmental damage
- contravenes any DfE or school policy
- might be considered improper
- falls below the normal standards of conduct in the school.

This right is guaranteed by the governing body, so long as the individual has acted in good faith.

Duties

The member of staff must:

- act in good faith when making such a disclosure
- not commit a criminal offence in so doing
- not disclose such confidential information to any person outside the school
- not expect any personal gain from making the revelation
- must reasonably believe that the disclosure is "in the public interest"

Definition of Whistleblowing

This definition is derived from Government "Whistleblowing: Guidance for Employers and Code of Practice" (March 2015)

Whistleblowing is the term used when a staff member passes on information concerning Wrongdoing in the workplace.

To be covered by whistleblowing law, a staff member who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.

The second thing that a staff member must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

A staff member is protected by law if they report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the School is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). The latter protects staffs from any victimisation by employers if they reveal any wrong-doing in the workplace, and fear that they might be victimised in so doing. It provides the right for a staff to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

Complaints Procedures

Members of staff should consider whether the school's grievance or complaints procedure should be followed in the first instance. Any disclosure of a lack of probity during these procedures is protected by whistleblowing legislation and the Governing Body's guarantee.

The Complaints Policy can be found here:

<https://www.stedmunds.org.uk/about-us/policies-inspection-reports/>

Confidential Reporting

In addition, any member of staff who has a reasonable concern about the probity of any action taken in the school can also choose to follow the confidential reporting route. If, however, the information would lead to a criminal investigation, confidentiality cannot be guaranteed.

The confidential reporting route is as follows:

In the first instance, the member of staff should take the matter up in confidence with the Head (Head of the Junior School, Head of Pre-Prep or Bursar as appropriate), or, if the concern is about any action taken by the Head, with the Chairman of Governors, via the Clerk to the Governing Body (the Bursar).

The Head (Head of the Junior School, Head of Pre-Prep or Bursar), or Chairman of Governors, must attempt to resolve the matter with the member of staff within a reasonable time and, in any case, must report progress to the member of staff, under normal circumstances, within ten days of the making of the complaint.

If the member of staff is not satisfied with the Head's (Head of the Junior School's, Head of Pre-Prep's or Bursar's) or Chairman's response to the complaint, or the time being taken to resolve

it, the member of staff may take the matter up formally and promptly with the Chairman of Governors. The Chairman may give the member of staff the opportunity to approach the Vice-Chairman in the first instance if the Chairman is already involved. The Chairman (Vice-Chairman) will appoint two Governors plus one external person to consider the formal complaint, and to attempt a resolution, including, where necessary and appropriate, making provision for mediation and dispute resolution, within ten working days, under normal circumstances, of receiving the complaint. The decision of this panel is final and binding.

Malicious Accusations

False, malicious, vexatious or frivolous accusations will be dealt with under the school's Disciplinary Procedure.

Victimisation

At all times the Governing Body guarantees that the member of staff will be protected from any reprisals or victimisation. However, any member of staff taking such a course must not make malicious or vexatious allegations which are shown to be untrue. In such circumstances, the member of staff's conduct could lead to disciplinary action.

External Contacts

Where a staff member feels unable to raise an issue with the school, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- general guidance on whistleblowing can be found via: *Advice on Whistleblowing*:

<https://www.gov.uk/whistleblowing>

- the NSPCC's "What you can do to report abuse" dedicated helpline 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:

<https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/>

- Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

Monitoring and Review

The Head will report all complaints of this nature to the next governing body meeting, without revealing the name of the complainant or any unnecessary details. The Head will report on the nature of any complaint, the action taken, and the resolution of it.

The governing body will review the working of the procedures annually.

FURTHER GUIDANCE

The school has made reference to the non-statutory DfE advice '*Working together to safeguard children*' (July 2018) in creating this policy and also to '*Keeping Children Safe in Education*' (KCSIE) (September 2021)

Both can be found here:

<https://www.stedmunds.org.uk/about-us/policies-inspection-reports/>

V1 February 2018
V2 September 2018
V3 September 2019
V4 September 2020
V5 September 2021

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