



# Brook Street School

## Whistleblowing Policy and Procedures

Written Jan 2017

Reviewed Nov 2022

Reviewed Sept 2025

Next Review Sept 2028

## **Introduction**

Brook Street School is committed to the highest standards of honesty, integrity and accountability in carrying out its duties. The school does however recognise that wrong doing, although extremely rare, does still occur and that the vigilance of all stakeholders is vital to maintain our high standards. The school expects all stakeholders who suspect wrongdoing to report it and believe that a commitment to this is the most effective deterrent in those rare incidents where wrong doing is considered.

This policy aims to set out the procedures by which wrong doing can be reported and the process by which their reports will be dealt with.

## **Application**

This policy applies to all staff (including any adult, paid or voluntary who works within the school, including Governors) working with children or acting on behalf of Brook Street School for any purpose. It is based on the Whistleblowing Policy adopted by Cumbria County Council (Constitution, Part 6E, Whistleblowing Policy) full details of which can be found on their website.

## **Scope**

This Policy provides all employees with:

- avenues to raise concerns; and
- reassurance that they will be protected from victimization and dismissal as a result of reporting their concerns.

The list below provides examples of the types of wrong doing that can legitimately be reported under the Whistleblowing Policy:

- Any unlawful conduct, whether criminal or a breach of civil law, failure to comply with a legal obligation, or where a miscarriage of justice has occurred or is likely to occur
- Maladministration
- Breach of any statutory Code of Practice Breach of, or failure to implement or comply with, any policy or procedure rules determined by the School
- Misuse of assets including stores, equipment, vehicles, buildings computer hardware and software;
- Failure to observe health and safety legislation or endangering the health and safety of any individual;
- Deliberate falsification of data or information;
- Any other cases of malpractice, negligent, unprofessional or unethical conduct;
- Any conduct which falls outside of the staff code of conduct or practices set out in the child protection policy.
- The deliberate concealment of any information in relation to any of the above.

## **What is Whistleblowing?**

You're a whistleblower if you are a worker and you report certain types of wrongdoing. The wrongdoing you disclose must be in the public interest, that is must affect others. As a whistleblower you are protect by law and should not be treated differently or lose your job because of your actions. You can raise a concern at any time about an incident that has happened in the past, is happening now or you believe will happen in the future.

You are protected by law if you are a worker/member of staff, i.e an employee, a trainee or agency staff, Governor. You are protected by law if you report any of the following:

- A criminal offence
- That someone's health and safety is in danger
- Risk of or actual damage to the environment
- A miscarriage of justice
- That a company is breaking the law
- That someone is covering up wrongdoing.

Personal grievances are not covered by whistleblowing law, unless your case is in the public interest.

## **How to Report a Concern**

An employee wishing to report a concern under the whistleblowing policy should in the majority of cases contact the Headteacher (see note below). It will be the responsibility of the Headteacher to initially investigate the complaint in line with this policy.

Nb- Where the employee feels they can't report their concerns to the Headteacher, *for example if they believe the Headteacher is implicated in their concerns or has failed to take appropriate action regarding concerns that have previously been raised*, then they should contact either the Chair or Vice-Chair of Governors, the Chair being the main contact in the first instance. If appropriate, they may wish to liaise with the Deputy Headteacher, for example for support and guidance, however the Chair of Governors is the person to whom the concern should be reported.

Any concern should be reported in writing (including by email) or followed up in writing as soon as possible following an initial verbal report. Any evidence relating to the concern should be recorded, preserved and secured and supplied to the investigating officer (Headteacher or Chair of Governors) at the time that the concerns are reported or as soon as possible thereafter.

In response to recent changes in guidance from the DfE the school operates a system for reporting low-level concerns. This consists of a simple reporting form that any staff can access and submit to the headteacher. These low-level concern forms may be used to record whistleblowing.

## **Anonymous Allegations**

Anonymous allegations are those that are unsigned and unidentifiable. All reports will be investigated but employees should be aware that anonymous allegations are more difficult to act upon and may not be effective at remedying the wrongdoing.

## **How the school will respond to reports of concern.**

If urgent action is required to safeguard children or individuals, the Headteacher (or Deputy Headteacher in their absence) will immediately take such action as is required.

The Headteacher (and/or Chair of Governors) will take action without delay and within the timescales set out in this policy. Once a report of a concern has been received the Headteacher will pursue the matter if they believe it may be true. It will not be possible for an employee to prevent the matter from being investigated by withdrawing their concern at a later date.

## **Procedural Steps following the report of a concern**

The Headteacher must register the report with the Chair of Governors within 5 working days of receipt of the concern. The details to be provided are:

- Date report of concern received
- Name of person reporting concerns
- Details of the concerns reported
- Proposed action and by whom.

In order to protect both individuals and the school the Headteacher will (unless in their judgement it is inappropriate to do so) make initial enquiries to decide whether an investigation is appropriate and if so what form it should take.

This Policy acknowledges that in some circumstances, the Headteacher may be able to resolve the reported concerns informally, without the need for a detailed investigation.

The Headteacher will normally refer concerns which fall within the remit of specific procedures (such as child or adult safeguarding, disciplinary matters or employee grievances) for investigation under those procedures. The Headteacher will need to make a judgement about whether the concern reported should be dealt with under other procedures or under the Whistleblowing Policy. In making this decision, the Headteacher may wish to consult with the Chair of Governors.

In exceptional circumstances the Headteacher may decide not to investigate a complaint further. The Headteacher may make such a decision if the facts on which the complaint is based have already been investigated and dealt with under the Whistleblowing Policy or other policies and procedures. If, following consultation with the Chair of Governors, the Headteacher determines that a complaint should not be further investigated, they will write to the complainant giving their reasons.

The Headteacher is responsible for commissioning an appropriate senior manager or external investigator as Investigating Officer. If the allegation involves or may involve wrong doing by an employee, the Investigating Officer must be senior to the person under investigation.

The Headteacher will identify an individual who will be available to provide support and advice to the person who reported concerns during the investigation and afterwards.

The Headteacher will also identify a contact person for any employee who is under investigation under the Whistleblowing Policy.

Within 10 working days of receiving the complaint the Headteacher will write to the person who reported concerns:

- Acknowledging that the report of concerns has been received
- Indicating how the Headteacher proposes to deal with the matter
- An estimate of how long it will take to provide a final response
- Stating what action has been taken and what action will be taken and by whom, including the name of the Investigating Officer appointed.
- Explaining the reason if the Headteacher has decided not to investigate further.

The Investigating Officer will conduct an investigation to establish the facts of the reported wrong-doing and will make a written report, appending witness statements and other evidence to the Headteacher.

All employees are required to co-operate with any investigation carried out under this Policy. Any employee who attends a meeting in connection with an investigation of alleged wrong doing is entitled to be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the investigation relates.

The Investigating Officer will keep the person who reported a concern informed of progress with the investigation. If the person has any concerns about the investigation they may raise these with the Headteacher or if the concerns are about the Headteacher, with the Chair of Governors.

If the investigation is taking longer than estimated, the Investigating Officer will provide a written update to the employee and to the Headteacher at least every month.

Once he/she has received the report of the Investigating Officer, the Headteacher will take any necessary action. If the investigation reveals circumstances in which disciplinary action against an employee, or action to enforce a contractual obligation, is appropriate, the Headteacher will be responsible for ensuring that the necessary steps are taken.

In some circumstances, the Headteacher may consider it appropriate to report a matter to the Police or other regulatory authority. This decision should be taken in consultation with the Chair of Governors and with supporting advice from the Local Authority where appropriate.

If an allegation is found to be groundless the school will take reasonable steps to remedy any adverse consequences arising from the investigation.

In all circumstances the Headteacher must update the register at the conclusion of the process by notifying the Chair of Governors of:

- Any resolution of the complaint without the need for investigation
- Any referral for investigation under another policy
- or, any decision not to investigate a complaint.
- Where investigated, the date of completion of the investigation.
- The findings of the investigation;
- Action taken by the Lead Manager.

All information relating to the report of concerns and its investigation must be retained by the school in line with current best practice.

### **Confidentiality**

The school will be sensitive both to persons reporting concerns and to persons under investigation following a report under this Policy. Investigations will be carried out as confidentially as possible. There will, however, be circumstances where information relating to a report of concerns will have to be disclosed by the school, for example if there is a legal obligation to disclose the information or if the wrong doing is serious and is to be reported to the Police or External Auditor.

The Investigating Officer will not disclose the identity of the person who reported concerns unless they agree or it is necessary for the purpose of the investigation or for any legal reasons.

The Investigating Officer will advise the person who reported concerns if it becomes necessary to disclose their identity against their wishes. The person will have the opportunity to raise the issue with the Headteacher who will without delay review the necessity of the disclosure before the investigation continues.

### **How concerns can be taken further**

If an employee is not satisfied with how the school has addressed a matter they have reported under this policy, they may contact

- The Senior Manager for the Learning Improvement Service.
- The Chair of the audit and assurance committee
- The County external auditor
- The relevant professional body such as the Health and Safety Executive, Ofsted, Cumbria Local Safeguarding Children Board.

An employee who discloses confidential information, or concerns relating to the School, its business or other employees, outside the procedures set out in this policy may, if the law does not permit such disclosure, lose their entitlement to the protection against adverse consequences available to them under this policy or under the law. Employees are therefore advised always to follow the procedures under this Policy if they have concerns about wrong doing in the School. This does not affect the legal right of employees to disclose concerns to outside bodies where this is legally prescribed.

### **Independent advice to employees**

Free confidential advice about wrong doing at work can be sought from the independent charity Public Concern at Work on 020 7404 6609 ([www.pcaw.org.uk](http://www.pcaw.org.uk)) or from an employee's Trade Union.

### **Failure to report a concern**

Where an employee fails to report concerns, they themselves may become implicated in the wrong doing and the School will therefore also treat failure to report concerns as a serious matter which may, in the case of a person employed by the School amount to a disciplinary matter.

### **Additional Information on Whistleblowing**

In February 2015 the 'Freedom to speak up' report was published. The report looked at how incident of poor care practice in the NHS could have been prevented. Whilst principally focused on the NHS, the findings have been applied to other fields, including those organisations covered by 'Working Together To Safeguard Children.

Sir Robert Francis's Freedom to Speak Up review report can be found at:  
[www.freedomtospeakup.org.uk](http://www.freedomtospeakup.org.uk)

See also [www.gov.uk/guidance/whistleblowing-procedure-for-maintained-schools](http://www.gov.uk/guidance/whistleblowing-procedure-for-maintained-schools)

You may also wish to call the NSPCC Whistleblowing advice line on 0800 028 0285 or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk) or visit [www.nspcc.org.uk/what-you-can-do/report-abuse/dedicatedhelplines/whistleblowing-advice-line/](http://www.nspcc.org.uk/what-you-can-do/report-abuse/dedicatedhelplines/whistleblowing-advice-line/)