



Whistleblowing Policy and Procedure

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1. Scope

- 1.1. This policy applies to all employees and workers of the Leys and St Faith's Schools Foundation (the 'Foundation').
- 1.2. The term 'School' in this document refers to both The Leys and St Faith's schools.
- 1.3. Other individuals involved in the work of the Schools should have access to this policy, as appropriate. This includes, but is not limited to, agency workers and volunteers.
- 1.4. This policy should be read in conjunction with the following related Foundation policies:
 - Anti-Fraud Policy
 - Anti-Bribery and Corruption Policy
 - Grievance Policy and Procedure
 - Disciplinary Policy and Procedure

2. Introduction

- 2.1. The aim of this policy is to provide an internal mechanism for reporting and investigating any misconduct or wrongdoing of employees or other individuals working in or on behalf of the Schools, and to ensure that all individuals working at or on behalf of the Schools feel secure in raising any concerns. The Governing Body is committed to maintaining a culture of openness, accountability and integrity.
- 2.2. The Schools expect the highest standards of conduct from all employees and will treat seriously any concern raised about illegal or improper conduct, misconduct or wrongdoing of employees or other individuals working in or on behalf of the Schools.
- 2.3. Any individual covered by this policy will be expected, through agreed procedures and without fear



of recrimination, to bring to the attention of the Head (or the Chair of the School Committee of Governors, if the concerns relate to the Head) any suspected misconduct or wrongdoing which may be in scope of this policy (as set out in section 3 below).

- 2.4. Employees are encouraged to raise their concerns internally. In most cases it should not be necessary for concerns to be raised externally. The law recognises that in some circumstances it may be appropriate to report concerns to an external body, such as a regulator. Employees may take confidential advice from Protect, a whistleblowing charity, before reporting their concern externally.
- 2.5. All records are confidential and kept in accordance with the Data Protection Act 2018, or any successor legislation.

3. 'Qualifying disclosures'

3.1. The law provides protection for workers who raise legitimate concerns about specified matters and which the individual concerned reasonably believes is in the public interest. These are called 'qualifying disclosures'. A qualifying disclosure is the disclosure of information which relates to suspected wrongdoing or dangers in relation to activities of the Foundation. This may include a reasonable belief that the following has is or likely to occur:

- a criminal offence, for example fraud
- a miscarriage of justice
- the health and safety of any individual has, or is likely to be, endangered;
- risk of or actual damage to the environment;
- a breach of any legal obligation; or
- an attempt to conceal and/or concealment of information about any of the above.

3.2. It is not necessary for the whistleblowers to have proof that any such misconduct or wrongdoing is being, has been, or is likely to be committed, a reasonable belief is sufficient. The whistleblower has no responsibility for investigating the matter; it is the School's responsibility to consider whether an investigation should take place and if applicable, conduct such an investigation.

3.3. Where the concerns are about **safeguarding children or young people**, staff and other adults working in or on behalf of the School must refer to and follow the School's Safeguarding Policy, available on the website, making a referral under that policy as appropriate.

3.4. Individuals who have concerns that an adult working on behalf of the School poses a **risk of harm**¹ if they continue to work in their present position, or in any capacity with children in a school or college, must report such concerns in accordance with the Safeguarding Whistleblowing Policy (The Leys) or the Safeguarding Policy (St Faith's).

¹ The harm test is explained in the Disclosure and Barring service [Guidance: Making barring referrals to the DBS](#)



- 3.5. Staff who have a low-level concern that an individual may not be suitable to work with children or has otherwise breached the School's Code of Conduct but does not present an immediate risk of harm (known as low-level concerns), should report these in accordance with the Low Level Concerns Policy (The Leys) or the Safeguarding Policy (St Faith's) respectively.

4. When this policy and procedure does not apply

- 4.1. The Whistleblowing Policy and Procedure is not normally for disclosures about a breach of a person's own contract of employment, a grievance or a colleague's professional capability. Concerns about such matters should normally be raised under the relevant policy and procedure and raised with an appropriate manager in the first instance. This policy also does not apply where the employee simply disagrees with the way the School is run.
- 4.2. Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it is unlikely to amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.
- 4.3. Employees must have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour.
- 4.4. An individual who is unsure whether the conduct they are concerned about does constitute illegal or improper conduct or how to proceed may contact the HR department, a member of the senior management team, as appropriate, their professional association/trade union or Protect, to discuss their concerns further.

5. Principles

- 5.1. Employees should not suffer any detrimental treatment as a result of raising a genuine concern, and employees should not threaten or retaliate against whistleblowers in any way. An employee who makes a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because they have made a disclosure, provided it has not been made maliciously. The School will not tolerate harassment and/or victimisation of any employee raising concerns. If an employee believes they have suffered any such treatment they should inform the Head immediately (or the Chair of the School Committee of Governors if the concern relates to the Head).
- 5.2. Protection from detriment also applies to former employees making disclosures after the termination of their employment.
- 5.3. Maliciously making a false allegation is a disciplinary offence and will be dealt with under the disciplinary procedure.
- 5.4. An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.



5.5. If allegations are not raised in the proper way, and/or the whistleblower cannot show that they reasonably believe the concerns to be in the public interest, disciplinary sanctions may occur. This is particularly likely if it is believed that the disclosure was also malicious, vexatious, or made for personal gain.

6. Procedure for making and responding to a disclosure

6.1. The School hopes that staff will be able to voice concerns openly under this policy. The earlier and more open the expression of concern the easier it will be to take appropriate action. Whistleblowers are therefore encouraged to raise their concern as soon as practicable.

6.2. An overview of the procedure for a member of staff to make a disclosure, and the School to respond, is set out in Appendix 1 of this policy.

6.3. In the first instance, the whistleblower should raise any concerns with the Head. If the Head is unavailable, the concern may be reported to the Bursar or the Deputy Head (Senior Deputy Head at The Leys), where appropriate and where the concerns do not relate to them. If the Head is reasonably believed to be involved, the concern should be raised with the Chair of the School Committee of Governors.

6.4. The means of making a disclosure will depend to some extent on the nature and seriousness of the concern, the sensitivity of the issues and the individual(s) thought to be involved in the malpractice reported.

6.5. A disclosure may be made verbally (e.g. by telephone) or in writing. A whistleblower raising a concern verbally will normally be expected to support and substantiate those concerns in writing, unless there are special circumstances indicating that this is inappropriate. If the whistleblower feels unable to commit their concerns to writing they will normally be asked to meet with an appropriate senior member of staff, who will compile a written note of the disclosure.

6.6. The whistleblower should normally identify themselves and should make it clear that they are making a disclosure within the terms of this procedure. Where anonymity is requested, efforts will be made to meet the request where appropriate but that might not always be possible. In determining whether to proceed with concerns expressed anonymously, the School will take into account the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegation from attributable sources.

6.7. The Head (or the Chair of the School Committee of Governors, where the concerns relate to the Head) will normally arrange an investigation into the matter. The Head (or the Chair of the School Committee of Governors) may personally investigate the matter; or nominate an appropriate person in the School who is independent to the issue under investigation and in an appropriate position at the School to act as an Independent Investigating Officer (IO) on their behalf; or one or more external investigator(s) may be appointed to investigate the matter on their behalf). The investigation may involve, amongst other things, the employee and others involved giving written statements.



- 6.8. The School will endeavour to carry out an initial assessment of the concern(s) raised and determine whether an investigation is required within 10 (ten) working days. For the purposes of this policy, when we refer to working days, we mean Monday to Friday when the School is open during term time, excluding bank holidays. The School's term dates are published on the School's website. However, the School recognises that some concerns within the scope of this policy may require attention in the School holidays. For example, allegations against senior members of staff and/or those of a criminal nature. Where practicable, in regard to all concerns will take reasonable steps to limit any such delay, caused by, inter alia, the non-availability of relevant staff.
- 6.9. The Head, or the Chair of the School Committee of Governors, may consider it necessary to report the concern to an external agency in advance of any internal investigation. This may apply to, for example, any suspected criminal activity. Where this applies, the School's internal investigation or an investigation otherwise arranged by the School, may be suspended until the relevant agency has advised otherwise.
- 6.10. The School's investigation will be undertaken and concluded as soon as practicable. The timeframe may be subject to, amongst other things, the nature and complexity of the concern(s), or any external investigations.
- 6.11. The School will keep the individual who made the disclosure informed about the progress of any investigation into their disclosure as appropriate.
- 6.12. The Head (or the Chair of the School Committee of Governors, where applicable) will then be responsible for ensuring that any necessary action is taken, including reporting the matter to any appropriate department or regulatory agency. If disciplinary action is considered appropriate this will be taken forward by the Head or Bursar and/or Chair of the School Committee of Governors as appropriate, in consultation with the HR department. On conclusion of any investigation the employee who reported the concern may be told the outcome of the investigation insofar as this is possible.
- 6.13. The Head (or the Chair of the School Committee of Governors), where applicable) will report to the Governors, as appropriate, the outcome of whistleblowing investigations and any actions of the School arising from the investigation or related matters. The report may be anonymised. If the employee who made the initial report is concerned that the Head is involved in the wrongdoing, has failed to make a proper investigation, or has failed to report the outcome of the investigation as appropriate, they should inform the Chair of the School Committee of Governors.
- 7. Prescribed persons and bodies**
- 7.1. Employees who feel unable to follow this route, for whatever reason, have the option of contacting Protect or in some cases, a report may be made to an external body, such as a regulator.
- 7.2. A full list of prescribed persons and bodies and matters to be reported to each one is detailed in the UK Government guidance: 'Whistleblowing: list of prescribed people and bodies'. The table



below provides the key contacts for various matters related to education and welfare in England.

7.3. If the matter is taken outside the School, the whistleblower must take all reasonable steps to ensure that confidential or privileged information is not disclosed (i.e. confidential information, in whatever format, must not be handed over to a third party).

Authority/agency	Matters which they can be contacted about	Contact Details
His Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')	Contact them about matters relating to the welfare of children provided with accommodation by boarding schools, colleges and residential special schools.	The Chief Inspector Ofsted Piccadilly Gate Store Street Manchester M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk
Secretary of State for Education	Contact them about matters relating to educational institutions in England (including Independent Schools)	Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD Tel: 0370 000 2288 Website: www.gov.uk/contact-dfe
Independent Schools Inspectorate (ISI) – the Regulator for Independent Schools in England	Contact them about concerns relating to the standards set for independent schools in the following areas: education, pupil welfare and health and safety, school premises, staff suitability, the information available to parents and spiritual, moral, social or cultural development of students.	Independent Schools Inspectorate CAP House 9-12 Long Lane London EC1A 9HA
Office of Qualifications and Examinations Regulation (Ofqual)	Contact them about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.	Whistleblowing and malpractice Complaints investigation manager Ofqual Earlsdon Park 53-55 Butts Road Coventry CV1 3BH Tel: 0300 303 3344 Email: whistleblowing@ofqual.gov.uk Online form: complaints.ofqual.gov.uk/new-concern



Allegations of suspected or actual fraud

- 7.4. If it is an allegation of suspected, or actual, fraud, the Head will inform the Bursar who will arrange an investigation in accordance with the Foundation's Fraud Response Plan and the Anti-Fraud Policy. If the Bursar is involved, the Head will inform the Chair of the School Committee of Governors.

8. Protection for whistleblowers

8.1. Internal procedures

- 8.1.1. The decision to report malpractice can be a difficult one for staff, who may possibly fear subsequent victimisation or harassment. The School will seek to support employees who raise a concern in the proper way, in good faith, and which they reasonably believe to be true and in the public interest, even if that concern is subsequently discovered to be unfounded after investigation.
- 8.1.2. However, whistleblowers who are already the subject of investigation or action under a formal procedure (e.g. discipline, capability or harassment) should not expect the procedure to be discontinued as a result of the disclosure, unless the School considers it appropriate to do so.

8.2. Other protections

- 8.2.1. To harass, bully, or otherwise subject a person to detriment because they have made a whistleblowing disclosure, or assisted in the investigation of one (for example as a witness), will be considered a disciplinary offence.
- 8.2.2. Where whistleblowers do not wish to be identified to others in the course of an investigation that wish will be respected in so far as it is reasonably practicable. However, anonymity cannot be guaranteed and may not always be possible. The process of investigation may reveal the identity of whistleblowers and, especially in serious cases, whistleblowers may be required to give evidence, either by the School or the police. Any person subject to disciplinary action or prosecution has access to all the evidence.
- 8.2.3. The School will take all reasonable steps to minimise any difficulties whistleblowers may experience as a result of raising a concern. The School will consider sympathetically requests from whistleblowers for counselling or other support.



Appendix 1: Overview of the procedures for making and respond to a disclosure

