Whistleblowing Policy and Procedure

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1. Introduction

1.1. The Leys and St Faith's Schools Foundation (the "Foundation") is committed to conducting its business with honesty, integrity, and transparency. We expect all staff to uphold high standards of professional and ethical conduct, and we take seriously any concerns raised about potential illegal or improper conduct, misconduct, or wrongdoing by employees or other individuals working in or on behalf of the Schools.

1.2. This policy provides an internal mechanism for staff to report concerns about suspected wrongdoing or misconduct relating to any individual working in or on behalf of the Schools and sets out how those concerns will be considered and addressed. Staff Should feel able to raise concerns without fear of detriment and with confidence that disclosures will be handled appropriately.

2. Scope

2.1. This policy applies to all individuals who fall within the definition of *worker* under the Public Interest Disclosure Act 1998 (PIDA) and therefore covers employees, workers and agency staff. For the purposes of this policy, these individuals will be referred to as "staff".

2.2. Other individuals involved in the work of the Schools may, and are encouraged to, also raise concerns under this policy, where appropriate. This includes, but is not limited to, agency workers, volunteers, contractors, and any other individuals performing functions on behalf of the Schools.

2.3. The term "School" in this document refers to both The Leys and St Faith's schools.

2.4. The term "Local Governing Body" collectively refers to the Leys Local Governing Body and the St Faith's Local Governing Body, as applicable to the School to which the concern relates.

2.5. This policy should be read alongside the following related policies:

- Anti-Fraud Policy
- Anti-Bribery and Corruption Policy
- Grievance Policy and Procedure
- Disciplinary Policy and Procedure

3. Policy aims and principles

3.1. The aim of this policy is to provide a clear internal mechanism for reporting and investigating suspected wrongdoing or misconduct by staff working in or on behalf of the Schools. The Foundation is committed to fostering a culture of openness, accountability and integrity in which staff feel able to raise concerns without fear of detriment.

3.2. Individuals covered by this policy are expected, through the procedures set out herein and without fear of reprisal, to raise any concerns about suspected wrongdoing that fall within the scope of this policy (see section 4). Concerns should normally be raised with the Head, or with the Chair of the Local Governing Body if the concern relates to the Head.

3.3. Staff are encouraged to raise concerns internally in the first instance. In most cases it should not be necessary for concerns to be raised externally. The law recognises, however, that in some circumstances it may be appropriate to raise concerns with an external body, such as a prescribed regulator. Staff may seek confidential advice before doing so, including from Protect, the independent whistleblowing charity.

3.4. All records created under this policy will be handled confidentially and in accordance with the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and any other applicable and successor legislation.

4. 'Qualifying disclosures'

4.1. The law protects staff who raise concerns that they reasonably believe are in the public interest and tend to show wrongdoing or potential wrongdoing about specified matters. These are known as "qualifying disclosures". A qualifying disclosure is the disclosure of information which, in the reasonable belief of the individual, tends to show that one or more of the following has occurred, is occurring, or is likely to occur in relation to the activities of the Foundation:

- a criminal offence (for example fraud);
- a miscarriage of justice;
- the health and safety of any individual has been, or is likely to be, endangered;
- actual or potential damage to the environment;
- a breach of any legal obligation;
- sexual harassment, sexual misconduct, or other conduct of a sexual nature that may breach equality, employment, safeguarding or criminal law; or
- the deliberate concealment of information relating to any of the above.

4.2. Staff are not required to provide prove that wrongdoing has occurred but are required to have a reasonable belief that the wrongdoing has, or is likely to have, occurred. A reasonable belief that the information disclosed tends to show wrongdoing is sufficient. It is not the responsibility of, nor appropriate for, the individual to investigate the matter; the School will consider and, where appropriate, investigate any concerns raised.

4.3. The public interest test requires that the concern goes beyond matters relating solely to an individual's own employment and relates to broader risks, wrongdoing or harm.

4.4. Where a concern relates to **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 and Child Protection Policy*, available on the website and on the School's compliance system, Every, including making a referral in accordance with that policy.

4.5. Concerns that an adult working on behalf of the School may pose a **risk of harm to children**[1] if they continue to work in their present position, or in any capacity with children in a school or college, must be reported in accordance with the *Allegations of Abuse about Staff and Other Adults Policy and Procedures* (The Leys) or the *Safeguarding Policy* (St Faith's).

4.6. Staff who have a **low-level concern** that an individual may have behaved in manner which is inconsistent with the School's Code of Conduct for staff or may perceived as inappropriate, particularly towards or around children (but does not indicate that they pose an immediate risk of harm by continuing to work with children) should report these in accordance with the relevant school's main safeguarding policy.

4.7. Concerns relating to the misuse of automated systems or artificial intelligence, including automated decision-making that may breach legal obligations or endanger individuals, may also constitute qualifying disclosures where the public-interest test is met.

5. When this policy and procedure does not apply

5.1. The Whistleblowing Policy and Procedure is not normally used for raising concerns about matters relating solely to an individual's own employment – such as a breach of their employment contract, a personal grievance, or concerns about a colleague's performance or professional capability. Such issues should be raised through the relevant policy and procedure (e.g. *Grievance Policy, Capability Policy*, or with an appropriate manager). This policy also does not apply where a staff member simply disagrees with a management decision or the general way in which the School is run.

5.2. Where a disclosure is purely an expression of opinion and does not reasonably indicate that a legal obligation has been, is being, or is likely to be breached, it is unlikely to amount to a qualifying or protected disclosure under whistleblowing legislation.

5.3. Staff must have reasonable grounds for believing that the information they disclose is accurate and is not based on speculation, gossip or rumour.

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

5.4. If a staff member is unsure whether the conduct they are concerned about constitutes illegal or improper conduct, or is uncertain about how to proceed, they may seek advice from the HR department, an appropriate member of the Senior Management Team, their professional association or trade union, or Protect (the independent whistleblowing charity).

6. Principles

6.1. Staff must not suffer any detrimental treatment as a result of raising a genuine concern under this policy. A member of staff who makes a protected disclosure has the right not to be dismissed, selected for redundancy, victimised or subjected to any other detriment because they have raised a concern. Retaliation of any kind against a whistleblower is prohibited. If a staff member believes they have experienced any such treatment, they should inform the Head immediately (or the Chair of the Local Governing Body if the concern relates to the Head).

6.2. Protection from detriment also applies to former staff who make disclosures after their employment has ended.

6.3. Protection also extends to staff who are perceived to have supported, or are associated with, a whistleblower, and such individuals must not suffer any detriment as a result.

6.4. Maliciously making a false allegation is a disciplinary offence and will be dealt with under the School's *Disciplinary Policy and Procedure*.

6.5. An instruction to cover up wrongdoing is itself a disciplinary offence. Staff must not agree to remain silent if directed not to raise or pursue a concern, even by someone in a position of authority.

6.6. If concerns are raised maliciously, vexatiously, for personal gain, or without a reasonable belief that the disclosure is in the public interest, disciplinary action may follow. However, disciplinary action will not be taken against staff simply because a disclosure cannot be substantiated after investigation.

7. Procedure for making and responding to a disclosure

7.1. The School encourages staff to raise concerns as soon as is practicable. The sooner a concern is expressed, the easier it is for the School to take appropriate and effective action.

7.2. An overview of the procedure making a disclosure, and how the School will respond, is set out in Appendix 1 of this policy.

7.3. In most cases, concerns should be raised with the Head in the first instance. 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 Local Governing Body.

7.4. Where a concern relates to the Foundation rather than either School specifically, the disclosure should be raised with the Clerk to Governors in the first instance.

7.5. The appropriate method of making a disclosure will depend on the nature and seriousness of the concern, the sensitivity of the issues and the individual(s) involved.

7.6. A disclosure may be made verbally (for example, by telephone or in person) or in writing. Where a disclosure is made verbally, the individual may be asked to confirm the concern in writing. If they feel unable to do so, they may be asked to meet with an appropriate senior member of staff, who will record the details of the disclosure in writing. Disclosures may also be made via appropriate secure electronic communication in line with School IT and data-protection policies.

7.7. Staff are encouraged to identify themselves when raising a concern and to make it clear that they are raising the matter under this procedure. Where anonymity is requested, efforts will be made to meet the request where appropriate but this cannot be guaranteed. In determining whether to proceed with an anonymous concern, 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.

7.8. The Head - or the Chair of the Local Governing Body, where the concerns relate to the Head - will normally arrange for an investigation. This may be carried out personally, delegated to an appropriate member of staff who is independent of the issues, or referred to an external investigator. The investigation may involve staff and others providing written statements and / or attending interviews.

7.9. Individuals who are the subject of concerns raised under this policy will be treated fairly and informed of the allegations at an appropriate stage, subject to any restrictions, including those imposed by external agencies.

7.10. The School will seek to complete an initial assessment of the concern within 10 (ten) working days to determine whether further investigation is required. For the purposes of this policy, "working days" means 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. The School recognises that certain concerns – such as allegations involving senior staff of suspected criminal activity - may require attention in the School holidays. Where practicable, the School will take reasonable steps to limit any delay caused by, for example, the unavailability of relevant staff.

7.11. Where the concern involves suspected criminal activity or other matters requiring referral to an external authority, the Head or Chair of the Local Governing Body may report the matter to the appropriate agency before an internal investigation begins. In such circumstances, the internal investigation may be paused until external agencies confirm that it can proceed.

7.12. The School's investigation will be undertaken and concluded as promptly as reasonably practicable, taking into account the nature and complexity of the concern raised and any involvement of external agencies.

7.13. The School will keep the individual who made the disclosure informed about the progress of any investigation, as appropriate and in line with confidentiality and data-protection requirements.

7.14. The Head (or the Chair of the Local Governing Body, where applicable) will ensure that any required action is taken, including reporting the matter to any relevant departments or regulatory bodies. If disciplinary action is considered appropriate this will be managed by the Head or Bursar and/or Chair of the Local Governing Body, in consultation with the HR department. At the conclusion of any investigation, the whistleblower will be informed of the outcome of the investigation, insofar as it is appropriate and lawful to do so.

7.15. The Head - or the Chair of the Local Governing Body, where applicable - will report outcomes of whistleblowing investigations to Governors as appropriate. Reports may be anonymised. If the whistleblower believes that the Head is involved in the wrongdoing, or has failed to conduct an appropriate investigation, or has failed to report appropriately, they should raise this with the Chair of the Local Governing Body.

7.16. Where an investigation identifies systemic or recurring risks, the School will consider those risks under the Foundation's risk management processes for oversight and mitigation.

8. Prescribed persons and bodies

8.1. Where staff feel unable to raise concerns internally or believe that internal disclosure is inappropriate for any reason, they may contact Protect (the independent whistleblowing charity) for confidential advice. In some circumstances, it may be appropriate for a concern to be raised directly with an external body, such as a prescribed regulator.

8.2. A full list of prescribed persons and bodies and the matters they cover is set out in the UK Government guidance: Whistleblowing: list of prescribed people and bodies. The table below details key contacts relevant to education and welfare in England.

8.3. If a concern is raised outside the School, the whistleblower must take all reasonable steps to ensure that confidential or privileged information is not unlawfully disclosed. Confidential information must not be shared with third parties unless permitted by law.

8.4. As the Foundation is a charitable organisation, concerns may, in some circumstances, be escalated to the Charity Commission.

Authority/agency	Matters which they can be contacted about	Contact Details
His Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted)	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

Authority/agency	Matters which they can be contacted about	Contact Details
Charity Commission	Issues that could seriously harm: • The people a charity helps; • The charity's staff or volunteers; • Services the charity provides; • The Charity's assets; • The charity's reputation.	Email: whistleblowing@charitycommission.gov.uk
Secretary of State for Education	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	Concerns relating to standards for independent schools, including: education, pupil welfare, health and safety, premises, staff suitability, information for parents, and pupils' spiritual, moral, social or cultural development.	Independent Schools Inspectorate CAP House 9-12 Long Lane London EC1A 9HA
Office of Qualifications and Examinations Regulation (Ofqual)	Concerns within Ofqual's regulatory remit 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
ICO (Information Commission's Office)	Data protection concerns, including suspected breaches of the Data Protection Act 2018/UK GDPR once the organisation's internal complaints process has been followed	ICO Wycliffe House Water Lane Wilmslow, SK9 5AF Tel: 0303 123 1113 www.ico.org.uk

9. Allegations of suspected or actual fraud

9.1. Where a concern relates to suspected or actual fraud, the Head will inform the Bursar, who will arrange for an investigation in accordance with the Foundation's *Fraud Response Plan* and the *Anti-Fraud Policy*. If the Bursar is implicated in the concern, the Head will inform the Chair of the Local Governing Body.

10. Protection for whistleblowers

10.1. Internal procedures

10.1.1. The decision to report suspected wrongdoing can be difficult, and staff may fear victimisation or other repercussions. The School will support staff who raise a concern under this policy where they reasonably believe the disclosure to be true and in the public interest, even if that concern is subsequently discovered to be unfounded after investigation.

10.1.2. Whistleblowers are protected from dismissal, selection for redundancy, or any form of detriment because they have made, or are believed to have made, a protected disclosure. This protection applies to employees, workers, agency staff, volunteers and former staff.

10.1.3. Where an individual is already subject to an existing School procedure (for example, disciplinary, capability or grievance processes), that procedure will not normally be suspended due to a whistleblowing disclosure unless the School considers it appropriate in the circumstances.

10.2. Other protections

10.2.1. Harassing, bullying, victimising, or subjecting any individual to detriment because they have made a whistle-blowing disclosure, or assisted in an investigation (for example, as a witness), is a disciplinary offence and may constitute unlawful retaliation.

10.2.2. Where a whistleblower does not wish to be identified, their request for confidentiality will be respected as far as reasonably practicable. However, anonymity cannot be guaranteed and may not always be possible. The process of investigation may reveal the identity of whistleblowers and, in serious cases, whistleblowers may be required to give evidence to the School, external agencies, or the police. Individuals who are subject to disciplinary action or prosecution will have access to all relevant evidence.

10.2.3. The School will take all reasonable steps to minimise any difficulties staff may experience as a result of raising a concern. This may include offering access to counselling, occupational health, or other appropriate support.

10.2.4. No agreement, including settlement agreements or non-disclosure agreements (NDAs), may prevent a worker from making a protected disclosure under Public Interest Disclosure Act 1998 (PIDA). Any clause that seeks to restrict protected disclosures is unenforceable and must not be used.

10.2.5. The Foundation is committed to a culture where raising concerns is encouraged and valued. Staff should feel confident that they will not suffer any disadvantage as a result of doing the right thing.

11. Policy review

11.1. This policy is reviewed at least annually and approved by The Leys and St Faith's Schools Foundation Governing Body. This version is published pending approval from the Governing Body.

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

