KINGSLAND SCHOOL



Model Whistleblowing Policy for Schools

Model Whistleblowing Policy for Schools Version: 2.4
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Model Whistleblowing Policy for Schools

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1. Introduction

All schools face the risk of things going wrong or of unknowingly harbouring wrongdoers. The [ ] School believes it has the duty to identify such situations and take the appropriate measures to remedy them.

The Governing Body of [ ] School has approved this Policy as it continues to remain committed to the highest possible standards of conduct, as set out in the Schools Code of Conduct. Therefore employees who have concerns about suspected wrongdoing within the School are encouraged to come forward and report those concerns. This process is commonly referred to as "whistleblowing" and the aim of this Policy is to give detailed advice and reassurance to persons who wish to "blow the whistle" by reporting wrongdoing to those who can make a difference. By knowing about wrongdoing at an early stage, the School has the chance to take necessary steps to safeguard its interests. The message the School wishes to give its employees is that they must not hesitate to "blow the whistle" on wrongdoing and do so as early as possible.

This Policy acknowledges and incorporates the specific statutory rights and protection given to employees by the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, which applies to certain kinds of protected disclosure termed "qualifying disclosure" (see Section 5 below).

Provided that employees are acting in the public interest when making a disclosure and they have a reasonable belief that the information disclosed tends to show that wrongdoing has occurred, is occurring or is likely to occur in the future, it does not matter if an employee subsequently realises that they are mistaken. Employees do not have to specifically prove anything in order to have their concerns about wrongdoing investigated. Through this Policy the School wishes to stress to employees that "**if you are in doubt – raise it".**

The Governing Body and Headteacher (if appropriate) will consider the information received from a whistleblowing disclosure. However, the decision as to whether or not to investigate, and the extent of that investigation, will remain with the Governing Body. If any investigation does take place, employees will be expected to co-operate fully with that investigation.

2. Scope – Who the Policy Applies To

This Policy applies to all employees working for [ ] School under the direction of the Governing Body.

This Policy also applies to School Governors, volunteers and contractors working for [ ] School on the School premises e.g. self-employed and agency staff, supply teachers, building maintenance contractors etc. All references to employees shall, for the purposes of this Policy, be deemed to include such School Governors, volunteers and contractors, to enable them to raise any concerns about suspected wrongdoing within the School.

The provisions of this Policy are not directly available to members of the public. Members of the public who wish to raise a concern about any aspect of the School's work, including wrongdoing, must follow the School's Complaints Procedure.

3. Data Protection

The School/Council processes personal information/data collected in the application of this Whistleblowing Policy in accordance with its legal obligations set out in the Data Protection Act 2018 and the General Data Protection Regulations 2016, which are confirmed within the Council's Data Protection Policy.

Information/data specifically obtained to address issues raised under this Whistleblowing Policy is held securely and accessed by, and disclosed to, individuals only for the purposes of addressing these issues. Inappropriate access or disclosure of an employee's personal information/data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy immediately. It may also constitute a matter which will be considered in accordance with the School's Disciplinary Policy.

4. Aims of the Policy

The aim of this Policy is to provide;

- support to employees in the internal reporting of suspected wrongdoing in a safe and constructive manner;
- avenues for employees to raise concerns about suspected wrongdoing and to receive feedback on any action taken by the School in response to those concerns;
- opportunities for employees to take the matter further if they are dissatisfied with the School's response to their concerns by identifying ways to report concerns to the appropriate regulator or outside body.
- reassurance to employees that, provided they disclose their concerns appropriately and in accordance with this Policy, they will, provided their disclosure is a "qualifying disclosure", be protected from suffering a detriment in their employment (including dismissal).

5. Responsibilities

The Governing Body must;

- treat all disclosures in confidence
- seek advice from their HR provider with regard to the application of this Policy
- provide support to employees making whistleblowing disclosures where they consider the employee has a reasonable belief that the information disclosed is both accurate and in the public interest.
- consider fully whether to investigate any whistleblowing disclosures made and if it is decided that an investigation is required ensure that it is undertaken properly and objectively.
- inform the employee making the whistleblowing disclosures of the progress being made with any subsequent investigation (or provide a full explanation

as to why an investigation will not be taking place). It is not necessary to provide detailed information which may breach the confidentiality of the investigation but rather provide reasurance that the investigation will reach an appropriate outcome.

- where a whistleblowing disclosure is a “qualifying disclosure”, protect the employee making the disclosure from suffering any detriment in their employment (including dismissal) such as harassment or victimisation from any other manager or employee because the employee has made the disclosure.
- where a whistleblowing disclosure is a “qualifying disclosure”, take all possible steps to protect the employee making the disclosure from suffering any detriment in their employment by other parties outside the School with an interest in the concerns being raised because the employee has made the disclosure.

The Headteacher will;

- maintain a secure and confidential record of all whistleblowing disclosures and the outcomes reached from the investigations carried out in accordance with the School’s Retention of Records Policy.
- refer all whistleblowing disclosures received to the Chair of the Governing Body and support the Governing Body in meeting their responsibilities under this Policy.
- make employees (and contractors/agency workers) aware of the existance of this Policy.

Employees should;

- report all concerns about suspected wrongdoing within the School (excluding any related to their own contract of employment) which come to their attention during their employment, providing that they have a reasonable belief that their concerns are accurate and that it is in the public interest that those concerns should be subject to further scrutiny.
- put their name to any whistleblowing disclosures made.
- fully participate in any investigation following a whistleblowing disclosure made by them.

HR will;

- provide support and advice to the School in reviewing and implementing this Policy as required.
- consult with the recognised Trade Unions with regard to any future changes to this Policy.

6. Disclosures

The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, protects workers who make a “qualifying disclosure” from dismissal, selection for redundancy or from being subjected to any other detriment in employment as a result of making that “qualified disclosure”.

A “qualifying disclosure” is a concern which falls into one of six categories of wrongdoing set out in the legislation, provided that the specific requirements for that category of wrongdoing are met in that the concern is raised in the correct manner to the proper person or organisation. These six categories are:

- Criminal offences – e.g. theft, fraud, corruption, sexual or physical abuse of pupils;
- Failure to comply with legal obligations – e.g. a breach of a statutory duty, Standing Orders or Financial Regulations and other statutorily required policies;
- Miscarriage of justice;
- Risks to Health & Safety including those to pupils, employees and the public;
- Damage to the environment;
- Deliberately covering up any of the above.

The specific requirements for each of these categories of wrongdoing are different for each category. Further information about these requirements is set out in the Qualifying Disclosure Guide at Appendix 1.

Whilst the School would wish employees to raise any concerns they have about wrongdoing within the School, there are circumstances in which a concern can be raised outside the School. If, however, an employee’s disclosure does not meet the statutory requirements of a “qualifying disclosure”, whether raised internally or externally, they will not be able to rely upon the protection of the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013. For example, it is unlikely that raising a concern about wrongdoing to the media would maintain the legal protection referred to in this Policy.

The School will also investigate concerns under this Policy which relate to improper conduct falling below established standards and practices. Whilst concerns of this nature may not fall within the definition of a “qualifying disclosure” the School will provide the same level of support and protection to employees raising such concerns as it would to employees making a “qualifying disclosure”.

Where an employee raises concerns which relate to their own employment with the School, those concerns are not likely to meet the test of being in the public interest and therefore they should not be raised through this Policy but rather through the School’s Grievance Procedure. Similarly this Policy is intended to cover concerns that fall outside the scope of the Grievance Procedure and therefore you do not need to raise a grievance in order to disclose a concern about suspected wrongdoing

7. How to Raise a Concern

The School recognises that employees may wish to seek advice from their Trade Union representative, if applicable, or an advisory body such as Public Concern at Work, before raising a concern about suspected wrongdoing. Public Concern at Work is a charity which provides free support to both organisations and individuals with regard to whistleblowing issues. It also provides a safe haven where employees can confidentially discuss whether and how best to raise a whistleblowing concern.

Although concerns about wrongdoing can be raised orally or in writing, the School would encourage employees to put them in writing, setting out the background and history of the concern and giving names, dates, places and amounts where possible, providing as much information as possible.

In all circumstances, employees should make it clear that they are raising their concerns about suspected wrongdoing under this Policy.

The School does not expect employees to prove that the suspected wrongdoing has occurred, is occurring or is likely to occur in the future but they will need to show to the person they contact that they have sufficient grounds for their concern and that the information disclosed tends to show the suspected wrongdoing.

The School also encourages employees to put their names to any concerns they raise. If an employee expresses concerns about suspected wrongdoing anonymously, their disclosure is much less powerful.

Anonymous disclosures about suspected wrongdoing will still be considered by the School, although any action taken will be at the discretion of the person undertaking the initial investigation. In exercising this discretion, regard will be had to a number of factors, including:

- The seriousness of the concern raised;
- The credibility of the disclosure;
- The likelihood of confirming the concern from other sources.
- The ability to investigate if it is not possible to confirm facts or gather more information due to the anonymity of the whistleblower or other reasons.

The earlier an employee raises their concerns, the easier it may be for the School to take action.

Employees are encouraged to raise any concerns of suspected wrongdoing internally but it is recognised that in certain circumstances it may be appropriate to instead raise concerns externally, to the relevant external organisation or organisation for the relevant category of wrongdoing as set out in Appendix 2.

Once a concern about suspected wrongdoing has been raised either internally or externally, employees have a duty to fully participate in any subsequent whistleblowing investigation. Employees who have raised their concern may, therefore, feel it appropriate to seek advice from their Trade Union representative or another advisory body such as Public Concern at Work.

Internally – to Management

Employees are encouraged to raise any concerns of suspected wrongdoing with their Line Manager. However, the School appreciates that this depends on the seriousness and sensitivity of their concern and also whether the employee thinks their Line Manager may be involved in the suspected wrongdoing.

If an employee believes that their concern is too serious or sensitive to raise with their Line Manager or believes that their Line Manager is involved in the suspected wrongdoing, they should raise their concerns with the Headteacher.

If an employee believes that the issue is too serious or sensitive to raise with the Headteacher, or believes that they are involved in the suspected wrongdoing, they should raise their concerns with the Chair of the Governing Body.

Where Wakefield Council is the employer, the employee can raise their concern with the Corporate Director, Children and Young People.

Where Wakefield Council is the employer, Wakefield Council has designated Whistleblowing Officers who are also able to offer consistent advice to persons in the School that receive the disclosure to ensure that the disclosure is handled appropriately. The Whistleblowing Officers hold the following positions within the Council;

- The Chief Finance Officer
- Monitoring Officer
- Service Director, Communities

The Whistleblowing Officers can be contacted as follows:

- Using the dedicated 24 hour Whistleblowing hotline on **0808 156 7525**;
- Writing to the Whistleblowing Officers at **P.O. Box 558, Town Hall, WAKEFIELD, WF1 9ES** ensuring to mark your letter "confidential - only to be opened by addressee";
- E-mailing the Whistleblowing Officers at the following address: whistleblowing@wakefield.gov.uk

Where Wakefield Council is the employer, employees may also wish to contact one of the Whistleblowing Officers to raise an informal concern about suspected wrongdoing before raising a concern elsewhere internally, for example if they are unsure whether "blowing the whistle" is appropriate in particular circumstances or if they require assistance on the significance of the concern. Alternatively, where Wakefield Council is the employer, employees may wish to obtain guidance from the Whistleblowing Officers on raising their concern effectively, including whom to contact about the suspected wrongdoing.

Externally

If an employee feels unable to raise their concerns about suspected wrongdoing internally or feels dissatisfied with an internal investigation into their concerns, they may be justified in contacting a relevant external person or organisation for the relevant category of wrongdoing (see Appendix 2). This list has been prescribed by the Secretary of State, in the event that the more stringent conditions regarding external disclosure are met. The relevant person or organisation may be able to provide independent advice.

Employees may, in certain, limited situations, also be justified in raising a concern about suspected wrongdoing to a wider audience but should refer to the Qualifying Disclosure Guide at Appendix 1 before taking such action, so that they can determine whether this course of action is appropriate.

If an employee chooses to disclose their concern outside the School, they must take care to ensure that they do not disclose confidential or privileged information. Examples of information that is given to the School in confidence (either explicitly or where it is

clear from the circumstances that there is an expectation that the information will not be passed on) are:

- information that would enable a child or other vulnerable client to be identified
- commercially sensitive information
- third party personal financial information
- information that is held as part of court proceedings where the information has not been made public
- information that could affect national security
- legal advice given to the service

Where confidential or privileged information is inappropriately disclosed, an employee may be subject to disciplinary action in accordance with the School's Disciplinary Procedure.

Concerns about Children and Vulnerable Persons

If an employee's concern relates to any suspected wrongdoing to the welfare of children and/or vulnerable adults, the procedure set out in Appendix 3 should be followed because of the specific obligations placed upon persons reporting concerns regarding the wellbeing of children and/or vulnerable adults.

Failing to report a concern relating to the wellbeing of children and/or vulnerable adults could be seen as a failing in professional duty for some employees and be in breach of legislation. Such failures may result in disciplinary action being considered in accordance with the School's Disciplinary Procedure.

8. How the School Will Respond

The action taken by the School will depend upon the nature of the concern that is raised.

In most instances, it is expected that in order to protect individuals and the School, initial enquiries will be made to decide whether a whistleblowing investigation is required and, if so, what form this investigation will take. Some concerns about suspected wrongdoing may be resolved by agreed or alternative action without the need for a whistleblowing investigation.

If the disclosure has been made internally, the person dealing with the initial whistleblowing disclosure must, in consultation with the Headteacher (if appropriate), inform the Chair of the Governing Body who will determine if a whistleblowing investigation will take place and if so, determine the terms of reference for that investigation, and then take the decision to:

- Complete the investigation internally using an independent and impartial member of the School's management team. They will also determine the terms of reference for the investigation; or
- Refer the matter to an external body for them to investigate; or
- Refer the matter directly to the Police; or
- Organise an independent inquiry; or
- Refer the matter for consideration under any other existing School procedure as may be appropriate in the circumstances; or

- Take no further action

Where Wakefield Council is the employer, the Chair of the Governing Body may seek advice from the Corporate Director, Children and Young People or one of the Council's Whistleblowing Officers in reaching this decision.

The School will respond in writing to the employee's contact address, within 10 working days of receiving the disclosure, providing the following information:

- An acknowledgement that their concern has been received, with due care regarding confidentiality;
- What actions have been taken up to that point;
- An indication of what happens next;
- The name of a "contact officer" who they will be able to liaise with if concerns or issues arise as a consequence of them making the disclosure;
- If applicable, the name of the person assigned to investigate the disclosure;
- An estimate of how long it will take to provide a final response and why it will take this long;
- If applicable, an explanation as to why it may not be appropriate to carry out a whistleblowing investigation.

If it is not possible to provide all this information within 10 working days the written response will explain the reasons for this and give an indication as to when it will be available to be shared with the employee.

The amount of contact between the person making the disclosure and the person investigating it will depend on the nature of the concern raised about the suspected wrongdoing, the potential difficulties involved and the clarity of the information provided. If it is necessary to seek further information, a meeting will be arranged with the employee, at which they will have the right to be accompanied by their Trade Union representative or a work colleague who is not involved in the area of work to which the concern relates. At the employee's request, any meeting may be held away from their workplace and/or outside working hours if appropriate.

Every attempt will be made to resolve the matter within 20 working days of a concern being raised, or if this is not possible as soon as is reasonably practicable. If the matter cannot be resolved within this time scale, the employee will be kept regularly informed of how the concern is being dealt with.

Subject to legal constraints, the employee will be notified of the outcome of any whistleblowing investigation into a concern they have raised.

The outcomes of all formal whistleblowing investigations will be reported to the School's Governing Body. The Headteacher will ensure that all documents relating to an investigation into a disclosure will be kept on confidential file in accordance with the School's Retention of Records Policy.

9. Safeguards

Confidentiality

The School should strive for a culture where employees who have a whistleblowing concern feel it is safe and acceptable to raise their concerns openly given that such openness makes it easier for the School to assess the issues and work out how best to investigate them. However, it is recognised that some employees may have anxieties about identifying themselves and if this is the case it will be agreed that any concerns about suspected wrongdoing made under this Policy will be treated confidentially and, unless the employee agrees otherwise, the School will do its best not to disclose their identity.

Employees must, however, appreciate that a whistleblowing investigation may reveal who raised the concern and as part of this investigation, they may be required to provide a statement to the School or to an external body, for example the Police or another appropriate enforcement agency. Similarly if the matter proceeds to an internal disciplinary hearing for another employee, they may be required to attend as a witness to provide evidence.

Harassment or Victimisation

The School recognises that the decision to raise a concern about suspected wrongdoing can be a difficult one to make. The School has a statutory duty to protect employees from suffering a detriment in their employment (including dismissal) as a result of making a “qualifying disclosure” and as such it will not tolerate an employee being subjected to a detriment in their employment, such as harassment or victimisation by managers or other employees, as a result of them having raised their concern. The School will take action to protect employees when they have raised a “qualified disclosure”. Similarly the School will take all possible steps to protect employees who raise “qualifying disclosures” from being subjected to a detriment in their employment by third party organisations where such organisations are implicated in the concerns raised.

If an employee feels that they have suffered detriment, either directly or indirectly, as a result of raising a concern under this Policy, they should refer to the School’s Grievance Policy (and the associated statement regarding Harassment and Bullying at Work).

Any allegations of harassment or victimisation will be fully investigated and where a case to answer is identified it will be addressed through the application of the School’s Disciplinary Policy.

Untrue Allegations of Wrongdoing

This Policy has been designed to encourage employees to raise legitimate concerns about suspected wrongdoing. Consequently, if an employee raises a concern which is in the public interest, and they have a reasonable belief that the information disclosed tends to show the wrongdoing has occurred, is occurring or is likely to occur in the future but the wrongdoing is not confirmed by the whistleblowing investigation, disciplinary action will not be taken against the employee. Where, however, a whistleblowing investigation concludes that the information provided, was maliciously inaccurate and/or the disclosure was, on balance, not considered reasonable, then disciplinary action may be taken against an employee in accordance with the School’s Disciplinary Policy.

An employee who is the subject of a disclosure found not to be true will receive a full explanation of any whistleblowing investigation findings in writing.

Subjects of Whistleblowing Disclosure

If an employee finds themselves the subject of a whistleblowing disclosure and a subsequent investigation they will have the right to be represented by a Trade Union representative or a work colleague who is not involved in the area of work to which the concern relates during any interviews which take place as part of the investigation.

Counter Grievances

Whilst every possible precaution will be taken to maintain the confidentiality of any "whistleblower" it is recognised that on occasions a person who is the subject of the concerns raised may become aware of who has raised the concern, which could prompt a grievance being submitted related to the detrimental treatment at work if the subject of the disclosure believes that the disclosure is inaccurate and/or malicious and/ or has been unreasonably made.

The submission of such a counter grievance by a person who is the subject of a disclosure will not prevent, or interfere with, any whistleblowing investigation into the original disclosure occurring or continuing. Any whistleblowing investigation will fully explore the issues raised in a counter grievance both at the interview with the subject of the disclosure and also with any other person(s) named as witnesses by either party. The outcome of the investigation will therefore address both the original disclosure and any counter grievance submitted. The investigation will in effect replace Stage 1 of the School's Grievance Procedure. Therefore if the counter grievance is not resolved through the outcome of the investigation the matter may be referred to Stage 2 of the Grievance Procedure .

If the whistleblowing investigation into the original disclosure concludes that the counter grievance is justified (and therefore that the allegations were either maliciously inaccurate and/or were unreasonably made) this will be confirmed in writing prior to any disciplinary action being considered, in accordance with the School's Disciplinary Policy, against the employee who made the original disclosure.

10. Relevant Legislation

Employment Rights Act 1996
Public Interest Disclosure Act 1998
Enterprise and Regulatory Reform Act 2013
Local Authority Social Services Act 1970
Childrens Homes Regulations 2001

11. Definitions

Whistleblower – a person who works in or for an organisation who raises an honest and reasonble concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public, or the success and reputation of the organisation.

Qualifying Disclosure – a disclosure which meets certain legal definitions and which carries protection against unfair treatment including dismissal.

12. Associated Documents

School's Disciplinary Policy and Procedure
School's Grievance Policy and Procedure.
School's Bullying and Harassment at Work Statement
School's Complaints Procedure

Appendix 1

Qualifying Disclosure Guide

Whether a whistleblowing disclosure made by an employee is a “qualifying disclosure” under the Employment Rights Act 1996 (as amended by the Protection from Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013) depends upon the following:

1. Whether that whistleblowing disclosure is made in the public interest;

2. Whether the employee has a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future;

3. Whether the information disclosed falls into one of the six categories of wrongdoing set out in the Act;

4. Whether the employee has complied with the specific requirements for that category of wrongdoing (see A below);

5. The person or organisation the employee contacts to raise their concern (see B below).

A. The Six Categories of Wrongdoing and their Specific Requirements for Raising a Concern

- **Crime** The employee must have a reasonable belief that their concern tends to show that a criminal offence has been committed, is being committed or is likely to be committed.
- **Failure to Comply with Legal Obligations** The employee must have a reasonable belief that their concern tends to show that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject. The legal obligation must actually exist - it is not enough that the employee merely thinks the legal obligation exists.
- **Miscarriage of Justice** The employee must have a reasonable belief that their concern tends to show that a miscarriage of justice has occurred, is occurring or is likely to occur.
- **Risks to Health & Safety** The employee must have a reasonable belief that their concern tends to show that the health and safety of any individual has been, is being or is likely to be endangered.
- **Damage to the Environment** The employee must have a reasonable belief that their concern tends to show that the environment has been, is being or is likely to be damaged.
- **Deliberately covering up any of the above** The employee must have a reasonable belief that their concern tends to show that information tending to show any of the above has been, is being or is likely to be deliberately concealed.

Notes
If, by raising their concern, an employee commits an offence, their whistleblowing disclosure is not a “qualifying disclosure”.

B. The Person or Organisation an Employee Contacts to Raise Their Concern

 Their Employer The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future.

The employee must meet the requirements noted above for the relevant category of wrongdoing.

 Other Responsible Person
The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future. The employee must meet the requirements noted above for the relevant category of wrongdoing.

The employee must reasonably believe that their concern relates solely or mainly to either the conduct of the Other Responsible Person as opposed to their employer or to any other matter for which the Other Responsible Person as opposed to their employer has legal responsibility.

 Legal Advisor
The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future.
The employee must meet the requirements noted above for the relevant category of wrongdoing.

The employee must raise their concern in the course of obtaining legal advice.

 A Minister of the Crown
The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future.
The employee must meet the requirements noted above for the relevant category of wrongdoing.
The employee's employer must be an individual appointed under any enactment by a Minister of the Crown or a body whose members are so appointed.

 A Prescribed Person
The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future.
The employee must meet the requirements noted above for the relevant category of wrongdoing.

The employee must raise their concern to a person/organisation on the List of Prescribed Persons (see Appendix 2).

The employee must have a reasonable belief that their concern falls within any description of matters in respect of which the person/organisation has been prescribed (see Appendix 2).

The employee must have a reasonable belief that their concern is substantially true.

Disclosure in Other Cases

The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future.

The employee must meet the requirements noted above for the relevant category of wrongdoing.
The employee must have a reasonable belief that their concern is substantially true.
The employee must not raise their concern for personal gain.
The employee must fulfil one of the following conditions:

- At the time they raise their concern, the employee must reasonably believe that they will be subjected to a detriment by their employer if they raise their concern to their employer or to a Prescribed Person; **OR**
- In a case where there is not a Prescribed Person in relation to the description of matters of concern, the employee must reasonably believe that it is likely that evidence relating to their concern will be concealed or destroyed if they raise their concern to their employer; **OR**
- The employee has previously raised substantially the same concern to their employer or to a Prescribed Person.

It must, in all the circumstances of the case, be reasonable for the employee to raise their concern. In determining whether or not it is reasonable to raise the concern, regard shall be had in particular to the following factors:

- The identity of the person to whom the employee raises their concern;
- The seriousness of their concern;
- Whether their concern is continuing or is likely to occur in the future;
- Whether their concern is raised in breach of a duty of confidentiality owed by their employer to a third party, for example a service user;
- Where the employee has previously raised substantially the same concern to their employer or to a Prescribed Person, any action which the employer or the Prescribed Person has taken or might reasonably be expected to have taken as a result of their concern having been raised; and
- Where the employee has previously raised substantially the same concern to their employer, whether in making the disclosure to their employer they complied with any relevant procedure of their employer, for example this Policy.

- **Disclosure of Exceptionally Serious Failure**
  The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future.
  The employee must meet the requirements noted above for the relevant category of wrongdoing.
  The employee must have a reasonable belief that their concern is substantially true.
  The employee must not raise their concern for personal gain.
  The employee's concern must be of an exceptionally serious nature.

It must, in all the circumstances of the case, be reasonable for the employee to raise their concern. In determining whether or not it is reasonable to raise the concern, regard

shall be had, in particular, to the identity of the person to whom the employee raises their concern.

Appendix 2

List of Prescribed Persons

The following is an extract from the full list of prescribed persons, as set down in The Public Interest Disclosure (Prescribed Persons) (Amendment) (No 2) Order 2015, which contains the external persons and organisations relevant to raising concerns into wrongdoing within the School.

The Comptroller and Auditor General

Following the Audit Commission's closure on 31 March 2015, disclosures relating to local authorities can be made to the external auditor of the relevant authority or the Comptroller and Auditor General.

Matters in respect of which they are prescribed:

- The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services

Contact

External Auditor
KPMG LLP
Tel: 0113 231 3396

The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
Victoria
London
SW1W 9SP
Tel: 020 7798 7999 www.nao.org.uk/contact-us/whistleblowing-disclosures

The Charity Commission for England and Wales

Matters in respect of which they are prescribed:

- The proper administration of charities and of funds given or held for charitable purposes

Contact Charity Commission
Tel: 0300 066 9197
E-mail whistleblowing@charitycommission.gsi.gov.uk
www.gov.uk/charity-commission

Children's Commissioner

Matters in respect of which they are prescribed:

- To take account of and protect the views and interests of children.

Contact
The Office of the Children's Commissioner
Sanctuary Building
20 Great Smith Street
London
SW1P 3BT
Tel: 020 7783 8330
Email: info.request@childrenscommissioner.gsi.gov.uk
www.childrenscommissioner.gov.uk

Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector")

Matters in respect of which they are prescribed

- To inspect and regulate care for children and young people, and inspect education and training for learners of all ages.

Contact
Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD
Tel: 0300 123 3155
E mail: whistleblowing@ofsted.gov.uk
Website: www.ofsted.gov.uk

Secretary of State for Education

Matters relating to the following educational institutions in England

- Maintained schools; Maintained nursery schools; Independent schools (including academies and free schools); Non-maintained special schools; Pupil referral units; Alternative provision academies; 16-19 Academies (and free schools); Sixth form colleges; Special post-16 institutions.

Contact
Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD
Tel: 0370 000 2288
Online contact form: www.education.gov.uk/contactus

The Environment Agency

Matters in respect of which they are prescribed:

- Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout

Contact
National Customer Contact Centre
P O Box 544
Rotherham
S60 1BY
Tel: 03708 506 506
www.gov.uk/environment-agency

Health and Safety Executive

Matters in respect of which they are prescribed:

- Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Contact
Health and Safety Executive
Tel: 0300 0031647
www.hse.gov.uk
Online form: www.hse.gov.uk/contact/raising-your-concern.htm

Local Authorities

(The local authority which under section 18 of the Health and Safety at Work etc Act 1974 is responsible for the enforcement of the relevant statutory provisions)

Matters in respect of which the person is prescribed:

- Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Contact
The appropriate local authority

The Information Commissioner

Matters in respect of which they are prescribed:

- Compliance with the requirements of legislation relating to data protection and to freedom of information*

(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)
(*Freedom of information legislation provides for the disclosure by public authorities of the information that they hold)

Contact The Information Commissioner's
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 12301113
Email: casework@ico.org.uk www.ico.org.uk

ADVICE AND INFORMATION

Advisory, Conciliation and Arbitration Service (Acas)

Acas operates a nationwide network of helplines which deal with queries about employment matters, including the rights and obligations arising out of employment law. The service is available to any individual or organisation free of charge. Any worker who contacts Acas will wish to bear in mind the distinction between seeking information about the provisions of the Public Interest Disclosure Act 1998, and the requirements attached to making a protected disclosure, as explained in section Circumstances in which disclosures are protected (a "qualifying disclosure") of this guide.

Contact
Tel: 0300 123 1100

Public Concern at Work
This is an independent organisation which can provide guidance and training to employers on whistleblowing and can also offer free advice to employees unsure whether or how to raise a concern about workplace wrongdoing.

Contact
Public Concern at Work
CAN Mezzanine
7 – 14 Great Dover Street
London
SE1 4YR
Tel: 020 7404 6609
Email: whistle@pcaw.org.uk

Appendix 3

Raising a Concern about Wrongdoing to Children.

This Appendix sets out a number of factors, additional to the provisions of the Whistleblowing Policy, which are relevant if the concern an employee wishes to raise, concerns suspected wrongdoing to the welfare of children.

Raising a Concern to Your Employer

When an employee raises a concern about suspected wrongdoing to the welfare of children the School will refer the concern for investigation by a person with sufficient and appropriate independence, experience and expertise in such matters to be able to properly advise on the best approach to an investigation of the concern raised. This person is likely to be the Designated Officer (formerly known as the LADO) for Wakefield Council. However, if the concern raised is complex, support and advice may be sought from appropriate external organisations.

The Designated Officer will liaise with the Headteacher to determine whether an independent investigator can be identified within the School or whether it will be necessary to identify an investigator outside of the School.

The School will endeavour to ensure that the terms of reference for any investigation into the concern or concerns raised will be sufficiently open and flexible so as to allow the independent investigator to determine what evidence they need to consider. Specific provision will also be made so that the independent investigator is able to recommend the extension of their original terms of reference should they consider this to be in the children's best interests and pursue, or report to, the appropriate protection authority, any child safeguarding concern they identify, either current or past.

Recommendations to extend the original terms of reference may in particular relate to other areas the independent investigator considers relevant to their original terms of reference or may more widely relate to the safety, rights or welfare of children.

The School will endeavour to ensure that the independent investigator receives appropriate support during any investigation and that they will be given access to all relevant information during their investigation.

The School will endeavour to ensure that every effort is made by all concerned in the investigation to preserve confidentiality for identifiable children, whilst also ensuring that confidentiality does not prevent the proper referral or identification of the concern or concerns raised.

Where multiple concerns are raised, either initially or sequentially, the independent investigator will list these concerns separately and respond at the end of the investigative process on each separate concern. When investigating multiple concerns, other persons (including children, employees, parents/guardians and witnesses) will, where this is necessary and/or appropriate, be questioned by the independent investigator in order to elicit information on each separate concern in respect of which they are likely to be in a position to comment or give evidence upon.

When investigating a concern alleging or implying risk of past, present or likely future significant harm to children, or significant harm to children's rights or welfare, the independent investigator will give first priority to the assessment of any current or likely imminent risk of significant harm or significant breaches of welfare of any child. The resolution of these concerns will centre solely on the interests of the child(ren). Past concerns or evidence will be included in the investigation if the independent investigator considers them relevant to present or future safeguarding of the safety, rights or welfare of children.

Secondary priority will then be given to any and all other concerns raised.

Employees who raise a concern about suspected wrongdoing to the welfare of children shall be required to co-operate fully in any child protection enquiries or enquiries related to children's safety, rights or welfare, and to provide the independent investigator with any and all relevant evidence they have, even if they have a separate complaint or grievance about the process against the Council or any independent investigator. Such a complaint or grievance shall be dealt with separately to the Whistleblowing Policy.

The findings and recommendations of the independent investigator shall be notified to the Headteacher, Chair of the Governing Body and the Designated Officer.

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Approved by: Helen Grantham, Assistant Chief Executive, Organisational Development

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