



## **WHISTLEBLOWING POLICY**

Bryony School seeks to conduct its business honestly and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice. We believe we have a duty to take appropriate measures to identify such situations and attempt to remedy them. By encouraging a culture of openness and accountability within the school, we believe that we can help prevent such situations occurring.

We expect all staff to maintain high standards in accordance with our code of conduct and to report any wrongdoings that fall short of these fundamental principles. It is the responsibility of all employees to raise any concerns that they might have about malpractice within the school. The aim of this policy is to ensure that our employees are confident that they can raise any matters of genuine concern without fear of reprisals, in the knowledge that they will be taken seriously and that the matters will be investigated appropriately and regarded as confidential.

The following guidance sets out the procedure by which staff can report concerns about school practices.

### **1. Legislative Framework**

'Whistleblowing' is the disclosure of information by an employee or worker which relates to some danger, fraud or other illegal or unethical conduct in the workplace. The Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activities and is intended to protect employees who blow the whistle on bad practice from being subjected to any detriment or unfairly dismissed as a result.

### **2. Personnel Responsible for implementation of Policy**

The Head teacher has overall responsibility for School's policy on whistleblowing. This includes monitoring and reviewing the operation of the Policy and any recommendations for change within the school resulting from the investigations into complaints under the policy.

### **3. Who is covered by the policy?**

This policy applies to all individuals working for the school at every level (collectively known as employees in this policy).

### **4. What disclosures are covered?**

This policy is distinct from our Grievance Procedure. If you have a complaint relating to your personal circumstances in the school then you should use the Grievance

Procedure. You should use this policy if you have a genuine concern that there are reasonable grounds for believing that:

- a criminal offence has been committed, is being committed, or is likely to be committed; or
- a person has failed, is failing, or is likely to fail to comply with their legal obligation; or
- a miscarriage of justice has occurred, is occurring, or is likely to occur; or
- the health and safety of any individual has been, is likely to be damaged; or
- the environment has been, is likely to be, deliberately concealed.

In general, this policy covers actions or omissions you consider are illegal, contrary to policy or established procedure or outside the scope of an individual's authority, actions which could damage Bryony School's reputation and conflicts of interest. However, only disclosures concerning those actions falling strictly within the categories above will be eligible for the relevant statutory protection.

We will value any concerns reported in good faith under this procedure. If you are uncertain whether the matters concerning you are within the scope of this policy (for example, if you are suspicious but uncertain as to whether the law has been broken, or whether a person is acting outside the scope of their authority), we encourage you to report the concerns to the Head teacher in accordance with the procedure set out below in paragraph 6.

#### **5. To whom should a disclosure be made?**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any workplace wrongdoing. It is therefore hoped that it will not be necessary for employees to alert external organisations. You are asked therefore in the first instance, to raise concerns about any form of malpractice falling within the categories outlined in paragraph 4 with Mrs Gee, the Headteacher.

However, if you don't feel happy about speaking to the Head teacher you can speak to one of the Deputy DSLs, Mrs Notley or Mrs Atkins or the School Proprietor, Mr Edmunds. If you are not satisfied with the actions taken or in way involves the School Management, you should report the wrongdoing directly to Medway Council's Local Authority Designated Officer (LADO) and to Ofsted. Contact details are below.

A notice about Whiteblowing procedures and contact numbers is displayed around the school. Copy attached at Annex A.

#### **6. How should a disclosure be made?**

You can raise your concerns with the Head teacher orally or in writing. You must state that you are using the Whistleblowing Policy and specify whether you wish your identify to be kept confidential. The Head teacher will ask you to formalise your concerns in writing either before or after the first meeting. The Head teacher will

acknowledge receipt of your formal written disclosure and keep a record of further action taken.

You are entitled to be accompanied by a workplace colleague or union representative at any meeting with Head teacher (or, if the Head teacher is unavailable, an individual acting in the Head teacher's place) under this procedure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

We recognise that disclosures made under this policy may involve highly confidential and sensitive matters and that you prefer to make an anonymous disclosure. However, we regret that we cannot guarantee to investigate all anonymous allegations. Proper investigations may prove impossible if the investigator cannot obtain further information from you, give you feedback, or ascertain whether your disclosure was made in good faith. It is preferable for whistleblower's to reveal their identity to the Head teacher and measures can be taken to preserve confidentiality if appropriate (see paragraph 8 on confidentiality).

## **7. Investigation of Disclosure**

Bryony School is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following your submission of a formal written disclosure, the Head teacher (or another individual acting in her place) will acknowledge receipt within five working days and make appropriate arrangements for investigation.

The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, the Head teacher will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information. In any event a report will be produced and copies will be provided to the Head teacher and, where appropriate, you will also receive a copy. If you are dissatisfied with the investigation or its conclusion then you should refer to paragraph 5.

If a longer investigation is considered necessary, we will usually appoint an investigator or investigation team including personnel with experience of operating workplace procedures or specialist knowledge of the subject matter of the disclosure. For example, if the disclosure concerns financial malpractice, the Head teacher may be asked to investigate. Separate personnel will be asked to make a judgement on the report submitted by the investigator (or investigative team). Recommendations for change will also be invited from the investigative team to enable us to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Head teacher will then be responsible for reviewing and implementing these recommendations.

So far as the Head teacher considers it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent us giving you specific details of the investigation or actions taken. It is not normally appropriate to set a specific time frame for completion of investigation in advance, as the diverse nature of disclosures contemplated makes this unworkable.

We will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.

We recognise that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without knowledge or consent if we consider it appropriate.

### **8. Confidentiality**

Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that your role as the whistleblower could still become apparent to third parties during the course of an investigation.

### **9. Protection and support for Whistleblowers**

No member of staff who raises genuinely-held concerns in good faith under this procedure as a result of such action. Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment within the workplace as a result of raising concerns under this procedure, you should inform the Head teacher immediately. Employees who victimise or retaliate against those who have raised concerns under this policy will be subject to disciplinary action.

If an investigation under this procedure concludes that a disclosure has been made maliciously, vexatious, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action. Those choosing to make disclosures without following this procedure or anonymously may not receive the protection outlined in the paragraph above.

### **10. Corrective action and compliance**

As part of the investigation into disclosure made under this policy, recommendations for change will be invited from the investigative team to enable Bryony School to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Head teacher will be responsible for reviewing and implementing these recommendations in the future.

## **Contacts**

### **Medway's First Response service**

Medway Council

Gun Wharf

Chatham

Kent

ME4 4TR

Tel: 01634 334 466 / 24 hour emergency number 03000 419191

Medway have referral and contact form for members of the public and professional where you can report any safeguarding concerns about a child or young person:

[https://www.medway.gov.uk/info/200170/children\\_and\\_families/600/worried\\_about\\_a\\_child/1](https://www.medway.gov.uk/info/200170/children_and_families/600/worried_about_a_child/1)

### **Alternative telephone numbers where you have concerns about a child.**

- NSPCC 08088005000
- Child Line 08001111
- Medway Police 01622690690

### **Useful contact details**

- Non emergency number 101
- Emergency number 999

### **Medway Council, Local Authority Designated Officer:**

Local Authority Designated Officer – (01634) 331065, 331307, 336204, 331695

[https://www.proceduresonline.com/kentandmedway/chapters/pr\\_contacts\\_medway.html](https://www.proceduresonline.com/kentandmedway/chapters/pr_contacts_medway.html)

### **Ofsted**

By phone: 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).

By email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

### **Whistleblowing Helpline**

<https://speakup.direct/> 0800 028 0285 (can be contacted for advice anonymously)

<b>Policy last reviewed and adopted</b>	<b>September 2023</b>
<b>Date of next review</b>	<b>September 2025</b>

# WHISTLE BLOWING

**Our children are our No.1 priority.**

**Are you concerned about the safety of the children at this setting?**

**Do you feel concerned that a child from this setting is being harmed or neglected at home?**

**Do you feel uncomfortable about how a staff member acts or speaks with the children?**

**If so, you must follow the Safeguarding Policy and Procedure of this setting. Please tell Mrs Gee the Designated Safeguarding Lead (DSL) or Mrs Atkins the Deputy DSL**

**If you don't feel happy about speaking to the DSL or Deputy DSLs then please speak to another senior staff member. If you are not satisfied with the actions taken you must contact Medway Council and Ofsted:**

**Medway Council, Local Authority Designated Officer (LADO):**

By phone: 01634 331065 (Monday to Friday from 9.00am to 5.00pm).

and

**Ofsted**

By phone: 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).  
By email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)