



The Downland Federation Whistleblowing Policy

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Version: 3

Monitoring and Evaluation: Has it been used and raised a concern. Have the concerns been raised according to the policy?

The Downland Federation is committed to the safeguarding and welfare of its students and young people

Status: Statutory

The information contained within this policy and the appendix are of equal importance. For relevant information please ensure you review the policy in its entirety.

1. Purpose

- 1.1 The purpose of the policy is to ensure that any fraud, misconduct, illegal acts or wrongdoing by employees, workers, governors, volunteers or any individual performing functions in relation to a school or the federation is reported and properly dealt with.
- 1.2 The Public Interest Disclosure Act enables individuals to raise concerns where they have a reasonable belief that:
 - A criminal offence (this may include for example types of financial impropriety such as fraud);
 - A miscarriage of justice;
 - An act creating a risk to health and safety;
 - A breach or failure to comply with of other legal obligations;
 - Damage to the environment;
 - Concealment of any of the above.

is being, has been or is likely to be committed, and it is in the public interest to disclose it, without fear of dismissal, victimisation or detriment. This policy and procedure sets out how such concerns should be raised and handled within the Federation.

2. Applicability

- 2.1 This policy applies to all workers which includes employees and governors of the school as well as individuals performing functions in relation to the school, such as volunteers, agency workers and contractors.
- 2.2 The school will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others related to the school, **which are in the public interest**. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- 2.3 The school expects the highest standards of conduct from all workers and will treat seriously any concern raised about illegal or improper conduct.
- 2.4 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 of School, (or the Director of Primaries if the concerns relate to the Head of School in a primary school (the chair of governors if the concerns relate to the Executive Headteacher) any serious impropriety or breach of procedure.
- 2.5 If the nature of the concerns relates to an employee being concerned that his/her own contract has been, or is likely to be, broken he/she should use the school's grievance procedure rather than the whistleblowing procedure.
- 2.6 Concern about a colleague's professional capability should **not** be dealt with using this procedure.

- 2.7 This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Nor should this policy apply where the employee simply disagrees with the way the school or federation is run.

3. Responsibilities

- 3.1 The overall responsibility and operation of this policy and procedure rests with the Executive Headteacher
- 3.2 The Chair of Governors will keep a record of concerns raised and outcomes (in a form that does not endanger confidentiality).
- 3.3 Heads of School receiving concerns are responsible for reporting the concern and their outcome to the Executive Headteacher or Director of Primaries so that it can be recorded. The Executive Headteacher in TDS is responsible for reporting concerns to the Chair of Governors.
- 3.4 Heads of School / Executive Headteacher are directly responsible for making their staff aware of this policy and procedure and for the adherence of their staff.
- 3.5 Workers have an individual responsibility to adhere to this policy and procedure.

4. Guidance

- 4.1 It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient.
- 4.2 In the public interests** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:
- The number of people in the group whose interests the disclosure served
 - The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
 - The nature of the wrongdoing disclosed
 - The identity of the alleged wrongdoer
- 4.3 The employee has no responsibility for investigating the matter; it is the federation's responsibility to ensure that an investigation takes place.
- 4.4 Where the concerns are about **safeguarding children or young people**, the federation's Designated Safeguarding Lead should be notified.
- 4.5 An instruction to cover up wrongdoing is in itself a disciplinary offence. If a worker is told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent and should disclose this instruction.
- 4.5 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 will not amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.

- 4.6 An employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed may contact their Professional Association/Trade Union. Employees can also seek professional and confidential advice from Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed here (www.protect-advice.org.uk), or they can be contacted on 020 31172520.
- 4.7 Financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to Internal Audit for possible investigation. Normally an employee must first report any suspicion of such an irregularity to a Head of School, Director of Primaries, the Executive Headteacher or Chair of Governors who will in turn report it to West Berkshire Internal Audit.
- 4.8 Where allegations are raised anonymously they will be considered at the discretion of the Executive Heateacher, in consultation with the Chair of Governors.
- 4.9 Where anonymity is requested, efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.

5. Principles

- 5.1 Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially as possible. Details of the outcome and any corrective action(s) planned will be fed back to the individual who raised the issue, subject to legal or other constraints.
- 5.2 No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern regardless of the outcome.
- 5.3 An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns. Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.
- 5.4 If misconduct is discovered as a result of any investigation under this procedure the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.
- 5.5 Maliciously making a false allegation is a disciplinary offence.
- 5.6 Where an investigation confirms the allegations, employees/workers may be required to attend hearings in the capacity of witnesses, where applicable.
- 5.7 If initial consideration of a concern identifies the need for urgent action, this will be undertaken before a full investigation is conducted.

6. Raising Concerns

- 6.1 Anyone raising a concern under the whistleblowing policy are encouraged to raise concerns early to enable appropriate remedial action to be carried out.

- 6.2 Individuals should report concerns to their line manager, or where they are concerned that their manager is involved in the wrongdoing, to the Head of School, Director of Primaries or Executive Headteacher. where the Executive Headteacher is deemed to be involved in the wrongdoing concerns can be raised to the chair of governors.
- 6.3 If a member of staff is approached by a colleague/individual on a matter of concern as defined in this document, they are advised to take the matter to the relevant Head of School, Director Primaries, Executive Headteacher or the Chair of Governors.
- 6.4 Concerns should be raised in writing. It is helpful to the investigation if the individual provides the background and history of the concern(s) (giving relevant names and dates) and the reason they are particularly concerned about the situation. The chair of governors contact details are contained below:

Telephone	Via the Head's PA on 01635 270083
Email	atow@thedownsschool.org
Post	Mr A Tow Chair of Governors C/O The Downs School Manor Crescent Newbury RG20 6AD

7. Procedure

- 7.1 The relevant person will hold an initial meeting with the worker as soon as possible to acknowledge the concern has been raised and clarify the details.
- 7.2 Where the matter can be resolved simply, for example where there has been a misunderstanding or misinterpretation of an event, the relevant person will explain this to the employee, check that the worker is satisfied that the matter is resolved and keep a record of the decision.
- 7.3 Where the relevant person decides the matter should be taken further an investigation into the matter will be undertaken (either by investigating the matter themselves or passing the issue to someone appropriate to investigate).
- 7.4 If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative or a work colleague not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.
- 7.5 Once the investigation is complete the investigating officer will report to the person considering the disclosure who will take the necessary action, including reporting the matter to any appropriate department or regulatory agency. If disciplinary action is required, this will be taken forward by the Headteacher/Chair of Governors/Governing Board in consultation with the School's HR Advisory Team.
- 7.6 If the worker is concerned that the Head of School/Director of Primaries/Executive Headteacher is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, he/she should inform the, Chair of Governors. The Chair of Governors will identify an appropriate person (this

could be, for example, a governor or an independent investigator) to review the investigation carried out, make any necessary enquiries and present their own report to the Governing Board. If for any reason the worker does not want to approach the Chair of Governors, the worker may wish to approach the Head of Education at the Local Authority. If after the procedure has been exhausted the worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Education Funding Agency
- The Department for Education
- The Teaching Regulation Agency

8 Safeguarding Children and Young People

8.1 All employees have a duty to report concerns about the safety and welfare of students.

8.2 Whistleblowing concerns about any of the following should be reported to the Head of School, Director of Primaries or Executive Headteacher.

- physical abuse of a pupil/student
- sexual abuse of a pupil/student
- emotional abuse of a pupil/student
- neglect of a pupil/student
- an intimate or improper relationship between an adult and a pupil/student

Please refer to the school's safeguarding policy.

8.3 The reason for the concern may be the actions of a colleague (including a more senior colleague), a Governor, another student or someone outside the school. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be, in itself, a disciplinary matter.

9 What the school asks of whistleblowers

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LA..
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

Appendix 1 - Guidance for workers

A) What type of concerns are covered by this policy and procedure?

- i) As a worker you may be the first to realise that there may be something seriously wrong within the school or federation. It may be tempting to do nothing as you may feel that voicing your concerns would appear disloyal to colleagues or the school/federation. You may also be afraid that it may lead to repercussions against yourself. However, it is important that you raise your concerns promptly so that the school can take action to rectify them.
- ii) The federation is committed to ensuring that any wrongdoing is rectified as soon as possible and that workers are supported in raising any serious concerns. This whistleblowing policy and procedure explains how you should raise your concerns, and the protection you are entitled to.
- iii) You should report any serious concerns that you have about any aspect of the school or federation, provision of education and extra-curricular activities or the conduct of employees, governors, volunteers or others acting on behalf of the school or federation.
- iv) Concerns covered by the Public Interest Disclosure Act are listed in 1.2 above and may be something that makes you feel uncomfortable in terms of something that:
 - Is against the law
 - Puts someone at risk
 - Breaches the school's standards, policies or procedures
 - Is against the school's instruments and articles of government, Financial Regulations or policies and procedures
 - Falls below established standards of practice
 - Amounts to improper conduct

B) How are you protected when raising a concern?

- i) Staff are protected in law by the Public Interests Disclosure Act, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.
- ii) You are not expected to investigate the concern yourself, just to be able to explain the reasons for your concern.
- iii) Any investigation into concerns of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affects you.

C) What to do if you have a concern

- i) You should raise your concern as specified in the procedure. If you are not sure if you should raise something it may help to talk things through with your line manager, or to seek advice from your trade union or the Citizens Advice Bureau.

Whistleblowing Disclosure Form

This form is intended for use by any individual working for the school (including governors, contractors, agency workers and volunteers) who wishes to raise an issue about serious wrongdoing. You must have a reasonable belief in any allegations that you make, and they must be made in the public interest.

This form should be used to report wrongdoing within the school (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance. (If you want to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached, separate procedures exist for these types of concerns.)

If you are unsure about whether your complaint is best dealt with under the school's whistleblowing policy or the grievance procedure, please read the whistleblowing policy, which provides examples of the issues that should be reported using this form. If, having read the whistleblowing policy, you remain unsure about which procedure to use, please consult your Head of School, Director of Primaries Executive Headteacher or the Chair of Governors (or Head of Education Services where the Executive Headteacher and Chair of Governors are the subjects of your allegations) for further advice.

Once you have submitted this form, the school's whistleblowing procedure will be invoked. This will result in an investigation. In certain circumstances, you can request that your complaint be kept anonymous. Where possible, the school will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to your line manager/Headteacher or the Chair of Governors (see sections 4 and 5 of the whistleblowing procedure) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal public interest disclosure (whistleblowing)

Worker's name	
Worker's job title	
School	
Date	
Does your public interest disclosure relate to your line manager?	Yes/No
Summary of disclosure	
Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.	

Individuals involved		
Please provide the names and contact details of any people involved in your complaint, including witnesses.		
Outcome requested		
Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.		
Declaration		
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the school taking disciplinary action against me.		
Form completed by		
Signature		
For completion by the school		
Date form received by the school		
Name of recipient and job role		
Signature		