



ORCHARD HOUSE  
SCHOOL

**WHISTLEBLOWING  
POLICY  
(PUBLIC INTEREST  
DISCLOSURES)**

**September 2024**

## **WHISTLEBLOWING POLICY – (PUBLIC INTEREST DISCLOSURES)**

### **1. Rationale**

1.1 The school aims to be a good employer and is committed to high standards of probity and good practice in relations with its staff. While the school will make every effort to conduct itself in accordance with its statutory obligations and good educational practice, there may sometimes be an instance where a member of staff considers that the school has failed to adhere to its obligations in some way. In that situation, the concern should certainly be reported, following the procedure set out below.

1.2 The Employment Rights Act 1996 (the “Act”) protects school staff, like all other employees, from being victimised by the school if they reveal any wrongdoing in the school. All members of the school’s staff are covered, including the administrative and domestic staff, part-time and temporary staff, supply teachers, peripatetic teachers and some visitors to the school, such as health workers.

1.3 Everyone working in the school is in a position to identify unsafe or inappropriate practice, to spot where things could be improved and identify any mistakes made. The leadership team and governing body cannot take action if they are not made aware of things that may be going wrong, inappropriate behaviour or even an honestly held belief that something does not feel right.

1.4 This policy is intended to encourage and enable staff to raise concerns within the school in order for the head / governing body to respond, rather than ignoring a concern or raising concerns externally. It sets out what staff should do if they have a concern relating to the school which they wish to report and how the school will respond. Its purpose is to ensure that members of staff can follow simple procedures, and to reassure everyone in the school that their concerns will be taken seriously.

### **2. Responsibilities**

The head has overall responsibility for the procedures and for ensuring that

- appropriate procedures in line with this policy are in place
- they are implemented
- any concerns and any action taken are reported to the governors as soon as possible
- all staff are aware of their rights and duties under the Act.
- there is provision for mediation and dispute resolution where necessary
- staff are made aware of this policy during induction training
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### **3. Rights**

Any member of staff is entitled, without any fear of reprisal, to disclose any action which he/she reasonably considers

- potentially or actually unlawful, or
- involves a miscarriage of justice, or
- compromises an individual's health and safety, or
- might cause environmental damage, or
- contravenes any school or relevant local authority policy, or
- might be considered improper, or
- falls below the normal standards of conduct in the school
- involves potential fraud, corruption or financial irregularity
- involves actual or potential abuse of children

or any deliberate concealment of such actions

#### **4. Duties**

The member of staff making the disclosure (a 'whistleblower') must

- reasonable believe himself or herself to be acting in the public interest when making the disclosure
- not commit a criminal offence in so doing
- other than in the exceptional circumstances listed in paragraph 6.4 below, not disclose such confidential information to any person outside the school
- not expect any personal gain from making the revelation.

#### **5. Grievance procedure**

An intending whistleblower should consider whether the school's grievance procedure should be followed in the first instance.

#### **6. Confidential reporting**

6.1 In any case where the grievance procedure is considered inappropriate, any member of staff who has a reasonable concern about the probity of any action taken in the school can choose to follow the following procedure for making a confidential disclosure.

6.2 In the first instance, the whistleblower should take the matter up in confidence with the head, or, if the concern is about any action taken by the head, with the chairman of the governors. The head/chairman (as appropriate) may ask the whistleblower to put his/her concerns in writing.

6.3 The head, or the chairman of the governing body, must attempt to resolve the matter with the whistleblower within a reasonable time, and in any case must report progress to the whistleblower within ten staff days (a staff day being a day in term time when members of staff are required to be in school) of the making of the disclosure.

6.4 If the whistleblower is not satisfied with the head's or chairman's response to the matter, or the time being taken to resolve it, the whistleblower should put his/her concerns in writing (if he/she has not already done so) and ask the head or the chairman, as appropriate, about the action being taken in the light of the disclosure. If within two further staff days there is no satisfactory response to this enquiry, or in extreme circumstances as described in paragraph 7 below, it may be appropriate for the whistleblower to notify a relevant and appropriate body outside the school, for example one of the following bodies:

- Health and Safety Executive
- Environment Agency
- Information Commissioner
- Secretary of State for Business, Energy and Industrial Strategy
- Secretary of State for Education
- Teaching Regulation Agency
- Police
- Local Children's Services Department
- Local Authority Designated Person (LADO)
- National Society for the Prevention of Cruelty to Children (NSPCC)

6.5 The NSPCC has a Whistleblowing Advice Line. This has been developed to provide support to employees wishing to raise concerns over how child protection issues are being handled in their own or other organisations. The advice line is not intended to replace any current practices or responsibilities of organisations working with children. The helpline advisors would encourage professionals to raise any concerns about a child to their own employer in the first instance. However, the advice line offers an alternative route if whistleblowing internally is difficult or professionals have concerns around how matters are being handled. The NSPCC Whistleblowing Advice Line can be reached on 0800 028 0285 or by email at [help@nspcc.org.uk](mailto:help@nspcc.org.uk).

## **7. Wider disclosure**

The law recognises that in some exceptional circumstances it may be appropriate for the whistleblower to report his/her concerns to other outside bodies. It will rarely, if ever, be appropriate to alert the media. Anybody considering wider disclosure is strongly recommended to take advice before doing so.

## **8. Victimisation**

A whistleblower will not be subject to any victimisation or detriment as a result of making a disclosure in good faith and the school is likely to take disciplinary action (up to and including dismissal) against any member of staff who victimises a whistleblower.

## **9. Malicious or vexatious allegations**

Although the whistleblower will be protected from any reprisals or victimisation, in taking such a course he or she must not make malicious or vexatious false allegations. In such circumstances the whistleblower's conduct could lead to disciplinary action against him/her, up to and including summary dismissal.

## **10. Monitoring and review**

The head/chairman will report all disclosures to the governing body, usually without revealing the name of the whistleblower or any unnecessary details. The whistleblower's express consent will be obtained before his/her identity is revealed if this is appropriate. The head/chairman may consider, at her/his discretion, that it is not possible to resolve the issue satisfactorily without revealing the whistleblower's identity. The head/chairman will report on the nature of any disclosure and the action taken, and the resolution of it. The governing body will review the working of the procedures from time to time.

## **11. Sources**

This policy has regard to:

11.1 The DfE's publication Working Together to Safeguard Children (December 2023) (<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>)

11.2 The DfE's publication Keeping Children Safe in Education (KCSIE September 2024) (<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>)

11.3 The statute mentioned in paragraph 1.2

11.4 The HSG Safeguarding Policy

11.5 The HSG Anti-bullying Policy