



St John's Priory School  
Banbury

**SAFEGUARDING CHILDREN  
WHISTLEBLOWING POLICY AND PROCEDURES**

This policy applies to the whole school, including the EYFS

### Applies to:

- Whole school
- We explicitly require staff to report to the Headmistress or Proprietors

### Legal Status:

The key piece of whistleblowing legislation is the Public Interest Disclosure Act 2013 (PIDA), which applies to almost all workers and employees who ordinarily work in Great Britain. The situations covered include criminal offences, risks to health and safety, failure to comply with a legal obligation, a miscarriage of justice and environmental damage. Employees and workers who make a 'protected disclosure' are protected from being treated badly or being dismissed. For a disclosure to be protected it must be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media.

### Related Documents:

- Safeguarding - Child Protection Policy
- Health, Safety and Welfare Policy
- Safeguarding – Safer Recruitment Policy and Procedures
- Anti-bullying Policy
- Behaviour, Discipline, and Sanctions Policy
- Low Level Safeguarding Concerns Policy
- Employment Policies
- Equality and Diversity Policy and Implications.
- Prevention of Radicalisation and Extremism Policy

### Available from:

- The School Office

### Monitoring

- The Headmistress will regularly monitor and review this policy annually or earlier if legislation so requires.



Michelle Jenkin, Headmistress  
September 2023



Giorgio Mystkowski, Chair of Proprietors  
September 2023

**Review date: September 2025**

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### INTRODUCTION

All Proprietors and employees have a responsibility to carry out their duties to the highest standards of openness, probity and accountability and to come forward when they have serious concerns about malpractice or wrongdoing in the work of the School. We encourage an open culture in all our dealings with School staff and all the people with whom we come into contact. Effective and honest communication is essential if malpractice is to be dealt with effectively. There are procedures in place which make provision for employees to lodge a concern relating to their own employment (e.g., grievance, harassment and bullying, This whistleblowing policy is intended to complement those procedures by covering concerns that appear to fall outside their scope. Employees with serious concerns about malpractice or wrongdoing should contact the Proprietors.

#### **This policy aims to:**

- Provide avenues for employees to raise concerns and receive feedback on any action taken.
- Allow employees to take the matter further if they are dissatisfied with the School's response.
- Reassure employees that they will be protected from reprisals of victimisation for whistleblowing in good faith.

#### **Concerns about malpractice or wrongdoing may include:**

- Any unlawful act, whether criminal or a breach of civil law, including corruption or fraud.
- Miscarriage of justice has occurred, is occurring or is likely to occur
- Breach of any statutory code of practice
- Breach of, or failure to implement or comply with the school's policies or procedures
- Failure to comply with appropriate professional standards
- Any form of improper conduct.
- Any concerns relating to safeguarding\*
- Actions likely to cause danger to the health or safety of any individual or to give rise to a risk of significant damage to property.
- Failure to take reasonable steps to report and rectify any situation which is likely to give rise to significant avoidable cost, or loss of income, to the school or would have otherwise seriously prejudice the school
- Other unethical conduct.
- Indecent or violent behaviour towards any person.
- Harassment or bullying of a pupil or member of staff.
- Serious neglect of duties (including unauthorised absence from work);
- Any act which might give rise to a serious complaint against the School by any pupil, parent, employee, supplier, contractor or visitor.
- Maladministration
- Inappropriate use of school assets or funds.
- Decision-making for personal gain.
- Abuse of position.
- Abuse of power or the use of the School's powers and authority for any unauthorised or ulterior purpose.

The above is not a comprehensive list but is intended to illustrate the range of issues, which might be raised under this policy.

The Proprietors provide guidance to employees on the standards expected from its employees through the policies agreed by the Proprietors, which include but are not limited to:

- Health and Safety Policies
- Harassment and Bullying Policies
- Security Guidelines
- Safeguarding Policies
- Equal Opportunities Policy
- No Smoking Policy
- Staff Code of conduct

and through the procedures for addressing poor standards which include the Disciplinary Procedure, Grievance Procedure and Capability Procedure.

### WHEN MIGHT THE WHISTLEBLOWING POLICY APPLY?

Individuals are encouraged to come forward in good faith with genuine concerns knowing they will be taken seriously. A whistle blower should ask a few questions before acting:

- Is it, or do you believe it to be, illegal?
- Is it, or do you believe it to be, against codes of practice issued by the school, regulatory authorities or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle blower witnessed the incident?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. All allegations should be capable of being dealt with through the Disciplinary Procedure and will be considered appropriately. Where the alleged activity or behaviour cannot be dealt with under the scope of other procedures then consideration should be given to using this whistleblowing policy.

### HOW TO RAISE A CONCERN

#### General principles

Employees are encouraged to set out in writing the background and history of the concern, giving names, dates and places where possible and the reason why they are particularly concerned about the situation. If employees do not feel able to put their concern in writing the matter can be raised by telephone or by way of a meeting with the appropriate person. In any event, employees should try to make an immediate note of relevant details, e.g., what was said in a telephone or other conversation.

Employees are encouraged to express their concerns at the earliest opportunity. The earlier a concern is raised, the easier it is normally to act. When raising concerns employees must declare any personal interest they have in the matter. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for a concern. However, they should not attempt to investigate a concern or accuse individuals directly. Employees may invite their trade union or professional association to raise the matter on their behalf.

#### Main steps

As a first step an employee should normally raise concerns with her/his immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if an employee believes that her/his immediate line manager is involved, the employee should approach the Headmistress; or the Proprietors.

In some circumstances, confidential informal advice from the employee's trade union or professional association may help an employee who is unsure of how best to pursue a concern about malpractice.

### How the School will respond

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation on a sensitive and confidential basis. This will seek to establish the facts of the matter and assess whether the concern has foundation and can or should be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, the school's external auditors, legal or personnel advisors, the police or the regulatory bodies.

The action taken by the school will depend on the nature of the concern. The matters raised may:

- Be investigated internally.
- Be referred to the Police.
- Be referred to an external auditor.
- Form the subject of an independent enquiry.

In order to protect individuals and the school, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g., pupil protection or discrimination issues or financial irregularities), will normally be referred for consideration under those procedures. Some concerns may be resolved by action agreed between the employee raising the concern and the person to whom it is reported without the need for investigation. The person with whom the concern is raised will write personally to the employee who has raised the concern within 10 working days:

- Acknowledging that the concern has been received.
- Indicating how s/he proposes to deal with the matter.
- Giving an estimate of how long it will take to provide a response.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the Proprietors or nominee, will consider how best to report the findings and what corrective action needs to be considered. This may include some form of disciplinary action and/or third-party referral such as the police.

Employees raising a concern will be informed of the final outcome of any investigation. In some circumstances, however, it may not be possible to reveal the full details where this relates to personal issues involving a third party. If the whistle blower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns may be raised with the Chair of Proprietors.

### SELF-REPORTING

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with the Headmistress so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children. It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from the Headmistress.

## **HARASSMENT OR VICTIMISATION**

The Proprietors recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal by those responsible for the malpractice. The Proprietors will not tolerate harassment or victimisation and will take action to protect employees when they raise concerns in good faith. This does not mean that if an employee is already the subject of procedures such as discipline, capability or redundancy, that those procedures will be halted as a result of a concern being raised under the provisions of this policy.

If an employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee knowingly makes malicious and false allegations, disciplinary action may be taken against the employee. Disciplinary action will be taken against an employee if s/he tries to stop another employee from raising a concern or if an employee is responsible for any act of recrimination against an employee who raises a concern. Where an employee may have been party themselves to an act of possible gross misconduct on which they are now “blowing the whistle” this could be considered in mitigation. They are not, however, exempt from disciplinary action. Disciplinary action may be taken against employees if they contact the media (newspapers, TV, radio etc.) with concerns about conduct at work without first following the steps set out in this policy.

## **CONFIDENTIALITY**

The Proprietors will make every effort to protect an employee’s identity when they raises a concern and does not want her/his name to be disclosed and will as far as possible protect them from reprisals. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the employee may be required as part of the evidence. All employees have a duty not to disclose or make public any professional or trade secret or confidential information they come across in their work. This whistleblowing policy does not affect the contract of employment or any confidentiality agreement.

## **PROTECTION OF WHISTLEBLOWERS**

A member of staff who makes a disclosure in good faith pursuant to this policy will not be dismissed or subjected to any detriment as a result of such action. (Detriment includes unwarranted disciplinary action and victimisation.) If you believe that you are being subjected to a detriment as a result of making a disclosure under this policy, you should inform the Headmistress or the Clerk to Proprietors immediately. Members of staff who victimise or retaliate against those who have made a disclosure under this policy will be subject to disciplinary action.

## **GRIEVANCES**

A member of staff who feels they have been or are being unfairly treated by the school may bring a grievance under the school’s grievance procedure. If you do not have a copy of the grievance procedure you may obtain one from the School office.

### **ANONYMOUS ALLEGATIONS**

Employees are strongly encouraged to put their names to their allegations. Concerns expressed anonymously are much less powerful and are extremely difficult to investigate but they will be considered at the discretion of the Proprietors. In exercising the discretion, the factors to be considered will include:

- The seriousness of the issues raised.
- The credibility of the allegation.
- The likelihood of confirming the allegation from attributable sources.

A member of staff should also bear in mind that if they do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and to provide the member of staff with feedback.

### **UNTRUE ALLEGATIONS**

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, a member of staff makes an allegation, which the investigation indicates may have been made frivolously, maliciously or for personal gain, disciplinary action will be considered and may be taken against the member of staff.

### **MONITORING**

All concerns raised under this policy will be recorded in strictest confidence together with the outcome in a register held by the Proprietors. The purpose of this record is to ensure that a central record is kept which can be cross-referenced with other concerns raised in order to monitor any patterns and to assist in monitoring and reviewing the policy.

### **CONCLUSION**

Existing good practice within St John's Priory School in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the school operates, ensures that cases of suspected fraud or impropriety rarely occur. This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and, if necessary, outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned. Any actions arising from allegations/investigation must be in accordance with the school's disciplinary procedure, which should cover all the potential areas of concern.



### **Guidance on terminology used in this policy**

**Harassment:** A person is harassed when they are subjected to unwanted physical or verbal conduct which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them

**Bullying:** A person is bullied when they are subjected to offensive, intimidating, malicious or insulting behaviour which through the abuse or misuse of power makes them feel vulnerable, upset, humiliated or threatened.

### **Such behaviour may include:**

- A staff member shouting at, being sarcastic towards, ridiculing or demeaning a pupil or colleague.
- Making physical or psychological threats.
- Overbearing supervision.
- Making inappropriately derogatory remarks about a pupil or colleague.
- Persistent unfair assessment of a pupil or colleague's work.
- Unfairly excluding pupils from classes, projects or events.

**Bullying does not include reasonable and constructive criticism of a pupil or colleague's work or behaviour.**