

Whistleblowing Policy

(Raising Concerns in the Public
Interest)

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1 Introduction

- 1.1 The school is committed to conducting its business with honesty and integrity. We expect staff to maintain high standards and to act at all times in accordance with the Code of Conduct. However, in common with all organisations, the school must manage the risk of things going wrong from time to time, including unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring and to address them when they do occur. This Policy is key to ensuring that any concerns about wrongdoing are addressed promptly and properly and in a way which generates confidence. It may be used in situations not catered for by those policies which provide a mechanism for dealing with grievances logged by staff, including complaints which are more appropriately dealt with under the school's Grievance Procedure and/or Anti-Bullying, Harassment and Victimisation Policy.
- 1.2 The purpose of this policy is:
- (a) To encourage staff to report suspected wrongdoing as soon as possible, with full confidence that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - (b) To provide staff with guidance as to how to raise those concerns.
 - (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken, provided they do so in good faith
- 1.3 'Whistleblowing' is the term used when someone who works for an organisation raises a concern (whether internally or externally, with someone in authority) about wrongdoing, risk, malpractice or illegality which harms or creates a risk of harm of others. It is normally used to describe action taken by someone who works for the organisation and seeks to raise issues they have identified which affect people other than themselves, as opposed to actions targeting them

individually, which may be raised using the other processes referred to above. The sorts of wrongdoing in scope could include an employer breaking the law or engaging in financial wrongdoing or criminal activity, including where the public is put at risk. More information is provided below.

- 1.4 This Policy incorporates the provisions of [the Public Interest Disclosure Act 1998](#) (as amended by the Enterprise & Regulatory Reform Act 2013). These protect members of staff against detrimental treatment or dismissal for raising a concern which they believe to be genuine, disclosing information which would normally be confidential because they reasonably believe it is in the public interest to do so, and they are making a “qualifying disclosure”. Further information about this is available at the end of this Policy, while independent advice on a case by case basis as well as information may be sought from [Protect](#).

2 Who is responsible for this policy?

- 2.1 All staff are responsible for the success of this policy and should ensure they use it to disclose any suspected wrongdoing which affects staff or others to a degree not covered by the school’s other policies.

3 What is whistleblowing?

- 3.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or danger at work. This may include:

- (a) criminal activity;
- (b) failure to comply with any legal or professional obligation or regulatory requirements;
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) sexual harassment;
- (f) damage to the environment;

- (g) financial fraud or mismanagement;
- (h) breach of the school's internal policies and procedures;
- (i) other conduct likely to damage the school's reputation or financial wellbeing;
- (j) the unauthorised disclosure of confidential information, whether contrary to the school's data protection requirements or otherwise;
- (k) negligence;
- (l) the deliberate concealment of any of the above matters.

3.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) you should report it under this policy.

3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should consider the Grievance Procedure or Anti-Bullying, Harassment and Victimisation Policy.

3.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at paragraph 3.1 above (for example, a breach of our internal policies), and/or you are uncertain whether something is within the scope of this policy, then you may discuss with your line manager (or the headteacher) which route is the most appropriate.

3.5 While all concerns will be reviewed in a detailed way, any which are not considered to raise a whistleblowing concern and/or which are best considered according to another process will be directed appropriately, through signposting.

4 Raising a whistleblowing concern

4.1 Who may report a whistleblowing concern?

(a) **School staff** may raise a concern under this policy. This includes:

- employees
- casual, agency workers and apprentices working for the school
- contractors and employees of contractors working for the school
- self-employed consultants working for the school

Members of the Public: Members of the public are expected to direct any concerns they may have via the appropriate process.

Note 1: In a situation where a member of the public has become aware of a concern that could potentially amount to serious wrongdoing, they are free to raise it under this policy. They should however be aware that the protection afforded to whistleblowers by the law applies normally only to 'workers'. See the Appendix to this policy for further information.

Note 2: Where it is considered that a complaint is not a whistleblowing concern and is best dealt with according to another process, whether external or not, then the person making contact shall be signposted appropriately.

4.2 Who should such a concern be directed to?

We hope that in most cases you will be able to raise concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the headteacher.

Where you feel that your line manager is not best placed to consider your concern then you should normally contact the headteacher.

As an alternative, you may refer to the list of council contacts in Appendix 1 or contact the council at whistleblowing@brighton-hove.co.uk

- 4.3 You may bring a colleague or union representative to any meetings under this policy provided that they first agree to respect the confidentiality of your disclosure and any subsequent investigation.
- 4.4 We will acknowledge your written concerns within ten days of receipt and will give you an indication of how we propose to deal with the matter as soon as possible, keeping you informed of progress throughout.
- 4.5 If the matter has been signposted to be addressed via an alternative mechanism, you will be informed of this, and progress will be shared with you under that mechanism not under the Whistleblowing Policy.

5 Confidentiality

- 5.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy, given the seriousness with which we approach confidentiality. Your concerns will be dealt with in accordance with the school's data privacy arrangements and in accordance with data minimisation principles. Those principles mean that only those individuals who need to see the information will do so, in expectation that they in turn treat it confidentially.
- 5.2 If you tell us at the outset that you want to raise your concern confidentially, we will make every effort to keep your identity secret. However, while we make every effort to investigate anonymous disclosures, we do not encourage staff to make disclosures anonymously. This is because proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.
- 5.3 Whistleblowers who are concerned about possible reprisals if their identity is revealed should indicate this clearly at an early stage in the process so that appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

6 Process, including assessment and investigation

- 6.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. You may be required to provide further information to assist us with this. We will inform you of the outcome of our assessment unless you tell us you do not wish us to.
- 6.2 In some cases, we may appoint an investigator which could be a staff member with relevant experience of investigations or specialist knowledge of the subject matter. The investigator (or investigators) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 6.3 We will aim to keep you informed of the progress of the investigation and its likely timescale and will normally notify you of the outcome of your complaint. However, there will be situations where the need for confidentiality prevents us from giving you specific details of the investigation or its outcome, including any disciplinary action taken as a result. We will always endeavour to be clear about what we can and can't tell you. You should in any event treat any information about the investigation as confidential.

7 If you are not satisfied

- 7.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.
- 7.2 If you are not happy with the way in which your concern has been handled, you may escalate matters internally in accordance with para 8 below.
- 7.3 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace, which should mean you do not consider it necessary to alert anyone externally.
- 7.4 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely -

if ever - be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external.

- 7.5 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer or client, supplier or service provider. In some circumstances, the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first, in line with this policy, and to seek guidance and advice if in doubt.
- 7.6 Where a disclosure is made in good faith, then – even if it is not borne out by subsequent investigation – it will not lead to any action being taken against the person raising the concern. However, where an individual makes a disclosure which is found to be malicious and/or vexatious, and/or where the information used is found to have been obtained unlawfully (for instance through unauthorised access to records or without following data protection safeguards), then that individual may be subject to disciplinary or other appropriate action.
- 7.7 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 7.8 Whistleblowers must not suffer any detrimental treatment because of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.
- 7.9 No staff member may threaten or retaliate against whistleblowers in any way. Any staff member involved in such conduct may be subject to disciplinary action. In some cases, the whistleblower could have a right to file a legal claim against an individual personally in an employment tribunal and seek compensation from them.

8 Procedure

Who do I send my whistleblowing complaint to?

- 8.1 **Employees** should normally raise concerns with their line manager. Similarly, workers who aren't employees (such as agency workers, contractors, consultants) should raise a concern in the first instance with their contact within the school, usually the person to whom they directly report.

Where a member of staff wants to raise the matter with someone other than their immediate manager, they are normally expected to contact the headteacher or Chair of Governors.

However, if they believe it is right to take the matter outside the school, they may refer to the list of council contacts in Appendix 1.

8.2 **Members of the Public**

If you are a member of the public you can raise concerns with:

Matt Hillier (Headteacher) or

Sarah Bakhtiari (Chair of Governors)

What happens after I make a complaint?

- 8.3 Whistleblowing complaints are acknowledged within five working days. The headteacher maintains a register of all complaints which have been received and (subject to normal expectations regarding data minimisation) the outcome of all such complaints dealt with under this process.
- 8.4 We deal with all whistleblowing complaints promptly and conclude them as soon as we can. Our aim is to achieve an outcome within three calendar months where possible. However, where an investigation is considered necessary then we may need to take longer to achieve an outcome – in which case you will be kept informed of progress.
- 8.5 The headteacher reviews all whistleblowing complaints. Where it is considered they are better dealt with according to a different process, then appropriate steps will be taken to redirect the complaint, and the

whistleblower shall be notified accordingly. This will normally happen at an early stage where, for example, a complaint may be more appropriately dealt with by way of a management investigation into the matters raised or an investigation under the school's disciplinary processes.

- 8.6 Once the matter has been redirected and the person raising the concern notified of the mechanism for dealing with their concerns, then no further action will be taken under the Whistleblowing Policy. Responsibility for updating the complainant and informing them of the outcome will instead be passed to the relevant person under the process identified for taking the complaint forward.
- 8.7 Where an investigation is considered appropriate, an investigator will be appointed by the headteacher.
- 8.8 In any situation where the whistleblowing complaint is considered to give rise to concerns which are serious, then commensurate actions will be taken, including referrals to regulatory bodies considered appropriate.
- 8.9 The whistleblower will be kept updated as to the progress of their complaint and shall normally be informed of the outcome of it.

What if I don't hear back, or am dissatisfied with the response I receive?

- 8.10 In the unlikely event that you do not receive an acknowledgement within ten working days or are not kept informed of the progress of your complaint, then you may raise your concerns with the headteacher.

What if I am not satisfied with the outcome?

- 8.11 This Policy is intended to provide workers with a means of raising concerns with the school which ensures those concerns are properly and promptly considered. The objective is to ensure that the individual is satisfied with the way their concerns are treated and any investigations that may be carried out.
- 8.12 Where you are not satisfied with the process followed or with the outcome of your complaint then you may raise your concerns with the headteacher. If the above channels have been pursued but you wish to escalate your concerns further then exceptionally you may wish to contact the Council's Chief Executive, whose contact details are provided (alongside other officer contacts) at the end of this policy, at Appendix 1.

- 8.13 In a situation where you remain dissatisfied and consider it appropriate to take the matter outside the school, a list of possible contact points is provided at Appendix 2 below.
- 8.14 Members of staff may choose to seek advice regarding their options from their union.
- 8.15 The law recognises that in some circumstances it may be appropriate for a whistleblower to report their concerns to an external body, although it will very rarely - if ever - be appropriate to alert the media.
- 8.16 If the individual would like independent advice at any stage, they can contact the independent charity Protect [Contact our Advice Line - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk). They should be able to give the individual free and confidential advice about how to raise a concern about serious malpractice at work.

9 Recording and monitoring of whistleblowing complaints

- 9.1 The headteacher has overall responsibility for the maintenance and operation of this Policy. They record all incoming complaints, and maintain a register of their progress, as well as their outcomes.

10 Confidentiality and data privacy

- 10.1 The register will be maintained in accordance with data minimisation principles by the headteacher. Information on it is made available strictly on a 'need to know' basis.
- 10.2 The information provided by individuals pursuant to this process – including that regarding other people - will be retained securely in accordance with data protection principles.

11 Complaints

- 11.1 Where an individual is unhappy with the school's response, they may make complaint to the council's Chief Executive in accordance with para 8 of this policy.
- 11.2 While there are no guarantees that concerns will be addressed in the way desired, efforts will be made to handle all matters fairly and properly – including any complaints that this policy has not been followed.

Appendix 1

List of BHCC contacts	
Alan Steeden, Interim Corporate Director, People & Innovation	Alan.Steeden@brighton-hove.gov.uk
Carolyn Sheehan, Audit Manager - Internal Audit and Counter Fraud	Carolyn.Sheehan@brighton-hove.gov.uk
Director – Property & Finance and Chief Finance Officer	Elizabeth.Griffiths@brighton-hove.gov.uk
Elizabeth Culbert, Director Governance & Law and Monitoring Officer	Elizabeth.Culbert@brighton-hove.gov.uk
Jess Gibbons, Chief Executive	Jessica.Gibbons@brighton-hove.gov.uk

Appendix 2: External Organisations

Health & Safety and Environment Risks

Contact	Details
Environmental Agency	Address: Solent and South Downs Area Office, Guildbourne House, Chatsworth Road, Worthing, Sussex, BN11 1LD (South East regional office)
Health & Safety Executive	Address: Priestley House, Priestley Road, Basingstoke, Hampshire RG24 9NW (regional office) Tel: 0845 345 0055 Web: www.hse.gov.uk
Food Standards Agency	Address: Foss House, Kings Pool 1-2 Peasholme Green York YO1 7PR Tel: 0330 332 7149 Web: www.food.gov.uk

Consumer Rights

Contact	Details
The Serious Fraud Office	Address: 2-4 Cockspur Street, London SW1Y 5BS Tel: 020 7239 7272

Data Protection and Freedom of Information

Contact	Details
Information Commissioner's Office	Address: Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF Tel: 0303 123 1113

Healthcare and Social Services

Contact	Details
Care Quality Commission	Address: 2nd Floor, Ridgewort House, Worthing, West Sussex BN11 1RY Tel: 03000 616161 Web: www.cqc.org.uk

Health and Care Professions Council	Address: 184 Kennington Park Road, London SE11 4BU Tel: 020 7840 9815 Web: www.hpc-uk.org
The National Society for the Prevention of Cruelty to Children (NSPCC)	Address: Weston House, 42 Curtain Road, London EC2A 3NH Tel: 0800 028 0285 Web: www.nspcc.org.uk
Children's Commissioner	Address: Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT Tel: 020 7783 8330 Web: www.childrenscommissioner.gov.uk
Health and Care Professions Council	Address: Park House, 184-186 Kennington Park Road, London, SE11 4BU Tel: 08453006184
Nursing and Midwifery Council (NMC)	Address: 23 Portland Place, London W1B 1PZ Tel: 020 7637 7181 Web: www.nmc-uk.org
General Medical Council (GMC)	Address: Fitness to Practise Directorate, 3 Hardman Street, Manchester, M3 3AW Tel: 0161 923 6602 Web: www.gmc-uk.org
Regulator of Social Housing	Tel: 0300 1245225 Web: Regulator of Social Housing - GOV.UK www.gov.uk

Other Organisations

Contact	Details
The Local Government Ombudsman	Address: PO Box 4771, Coventry CV4 0EH Tel: 0300 061 0614 Web: www.lgo.org.uk
Commissioners for Her Majesty's Revenue & Customs (HMRC)	Address: HM Revenue and Customs, Freepost NAT22785, Cardiff, CF14 5GX Tel: 0800 788 887 Web: www.hmrc.gov.uk
Ofsted	Address: Piccadilly Gate, Store Street, Manchester M1 2WD Tel: 0300 123 1231 Web: www.ofsted.gov.uk
Pensions Regulator	Address: Customer Support, The Pensions Regulator, Telecom House, 125-135 Preston Road, Brighton BN1 6AF Tel: 0845 600 0760 Web: www.thepensionsregulator.gov.uk
Police	Tel: 101 Emergency: 999
Your Local Councillors	Web: https://present.brighton-hove.gov.uk/mgFindMember .

Appendix 3

Whistleblowing reporting form

Please email the following information to the headteacher or Chair of Governors

Note: If you have not already done so, please read the school's Whistleblowing Policy before raising your concern under this process.

1. Please describe your concern, including:

- What your concern is, and why you have it
- What service area is involved, including any names of individuals or teams, and what you think they are doing that is wrong
- What harm or risk of harm is being caused.

2. What evidence do you have of it?

- Please describe the evidence you have, ensuring you attach any relevant information to your email

3. How is it in the public interest to investigate your complaint?

- Please give any additional info you have about why the complaint should be investigated. You may wish to outline your motivation for making this complaint in good faith, believing it to be true

4. What do you think should happen next?

- What do you think should happen if your concerns are found to be justified?

5. Please provide your name and contact details.

- If not, please say why, having first read para 5 of the policy, which explains why they will help us investigate your concerns.

Your contact details will be kept strictly confidential and will only be made available to people who need to know them, for instance the investigator of your complaint, and the people who are deciding what to do about it.	
Name	
Contact Telephone Number:	
Email:	

Appendix 4

Protected disclosures for workers: The Public Interest Disclosure Act 1998

Appendix: The Public Interest Disclosure Act 1998

Recent changes

The Enterprise and Regulatory Reform Act (ERRA) 2013 included major changes to employment law, which will affect aspects of whistleblower protection. For further information, see the legal updates on the Protect website. You may also wish to take your own legal advice.

The Public Interest Disclosure Act 1998 (PIDA) offers protection to workers from any detriment from their employer that arises from the worker making a 'protected disclosure'.

To qualify as a 'protected disclosure' the disclosure must satisfy a number of requirements under PIDA:

1. The worker must have made a 'qualifying disclosure'. This is a disclosure of information which, in the reasonable belief of the worker, tends to show one or more of the following:

- a) That a criminal offence has been committed, is being committed, or is likely to be committed.
- b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject.
- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- d) That the health and safety of any individual has been, is being, or is likely to be

endangered.

- e) That the environment has been, is being, or is likely to be damaged.
- f) That information tending to show any matter falling within any of the preceding paragraphs has been, or is likely to be deliberately concealed.

A disclosure of information is not a qualifying disclosure if the person making it commits a criminal offence in doing so.

2. The qualifying disclosure must be made in good faith.

3. The worker must make the qualifying disclosure to one of a number of 'specified persons' set out in PIDA, which include:

a) The worker's employer or, if they reasonably believe that the failure relates solely or mainly to (i) the conduct of a person other than their employer or (ii) any other matter for which a person other than their employer has legal responsibility, that other person.

b) A 'prescribed person', which includes CQC. However, the worker must reasonably believe that the information disclosed and any allegation contained in it is substantially true. The worker must also reasonably believe that the relevant failure being disclosed falls within any description of matters for which CQC is a prescribed person.

Where the above requirements are satisfied, a worker who has made a protected

disclosure is protected under PIDA from dismissal or any other detriment arising from making that disclosure. Detriment can include detriment suffered from a previous employer where, for example, the employer refuses to give a reference because the worker has made a protected disclosure. A worker who suffers dismissal or detriment may bring a claim for compensation (which is unlimited)

in the Employment Tribunal. The term 'worker' includes employees, contractors or self-employed people.

[Whistleblowing Guidance for providers who are registered with the Care Quality Commission v5 \(cqc.org.uk\)](https://www.cqc.org.uk/resources/guidance/whistleblowing_guidance_for_providers_who_are_registered_with_the_care_quality_commission_v5)