



Whistleblowing Policy

Last Revised: June 2023

Policy Owner: Headmaster

Date of next review: _____ **September 2024** _____

Signed: _____ *Ed Currie* _____ Date: _____ **1.9.23** _____

Printed: _____ **Mr Ed Currie** _____

Chair of Governors

Signed: _____ *Andrew Rudkin* _____ Date:
_____ **1.9.23** _____

Printed: _____ **Mr Andrew Rudkin** _____

(Headmaster)

This document will be reviewed:

- Annually
- After incidents that relate to, or impact on, whistleblowing in school
- Any time there is an update or change to associated legislation or guidance.

This policy has been developed with reference to principles outlined in *Working Together to Safeguard Children (July 2018, updated February 2019)* and *KCSIE (September 2021)*.

Introduction

Lyndhurst School is committed to the highest possible standards of honesty, openness, probity, and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all its activities are openly and effectively managed, and that the integrity and principles of public interest disclosure are sustained.



In line with this commitment, we encourage staff, those working on behalf of Lyndhurst School and others that we deal with, who have serious concerns about any aspect of Lyndhurst School's work to come forward and voice those concerns as follows:

- a) with their senior managers. Where any member of staff decides to report a serious incident, whether anonymous or not, this will be treated as a 'protected, internal disclosure' i.e., there will be no adverse repercussions for the member of staff.
- b) staff are encouraged to use an external, independent and confidential service provided by Navex Global, who can be contacted on their freephone helpline number 0800 069 8180 and the website :

<https://secure.ethicspoint.eu/domain/media/en/gui/107090/index.html>

Definition

"Whistleblowing" is a disclosure in the public interest of certain information to an employer, other responsible person or body by an individual who knows, or suspects, that an organisation is responsible for/is about to/has taken part in specified

wrongdoing. A whistleblower is an employee who reports any such wrongdoing at work, the disclosure of which is in the public interest.

The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 created a right to redress in the event of a worker being dismissed or subjected to a detriment by their employer, or other responsible third party, because of "whistleblowing" – making a disclosure in the public interest. The Act offers a right to redress in the event of victimisation or dismissal if workers raise their concerns in the ways specified in the legislation.

Purpose of the policy

Staff are often the first to realise that there may be something seriously wrong within the school. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. Each person working for Lyndhurst School needs to realise that they not only have the right, but also a duty to report any improper actions or omissions.

Lyndhurst School also recognises and appreciates that staff who raise concerns regarding malpractice or wrongdoing are an asset to the school, and not a threat. This policy makes it clear that they can raise concerns without fear of victimisation, subsequent discrimination, or disadvantage. The Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within Lyndhurst School.

This policy aims to:

- encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice



- provide avenues to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

Who is covered by the policy?

The policy applies to all Lyndhurst School staff whether full-time or part time, permanent or temporary; members of the school staff and those carrying out work for Lyndhurst School on school premises, for example, agency workers, contractors, consultants. It also covers providers of works, services and supplies, including Lyndhurst School's external contractors and those providing services under a contract with the school in their own premises. However, to facilitate the reading of this policy, the terms 'staff' or 'members of staff' have been used, with the intention to cover all individuals mentioned above.

References to 'staff' throughout the policy relate to all the following groups:

- All members of staff including non-teaching, teaching and support staff
- Volunteers, including Governors
- Directors
- Peripatetic Teachers
- Temporary and supply staff either from agencies or engaged directly
- Student placements including those undertaking initial teacher training and apprentices

Lyndhurst School requires that all staff have read and agree to comply with this policy.

Scope of the policy

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. The Whistleblowing Policy is intended to cover serious concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other staff/staff
- Damage to the environment
- Information relating to the above issues that has been or is likely to be deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse of service users
- Harassment & bullying of staff and adults in school



- Breaches of staff code of conduct
- Actions that negatively affect the welfare of children

Therefore, any serious concerns that a member of staff has about any aspect of service provision or the conduct of school staff or members of Lyndhurst School's Governing Body, others acting on behalf of the School, service users or residents, can be reported under the Whistleblowing Policy where the member of staff has a reasonable belief in those concerns and they relate to one of the specified areas set out above.

Links with other policies

In investigating financial irregularities, this policy should be read in conjunction with the [Strategy against Fraud and Corruption](#) which sets out how the financial irregularities should be investigated.

This policy does not replace the corporate complaints procedures. The flowchart and other information available on [Surrey Education Service](#) shows the relationship between the Whistleblowing policy and separate School procedures such as Disciplinary & Grievance Policy.

Monitoring and Review

The implementation and impact of the Policy will be monitored and reviewed annually by the Head teacher who will report to the (GOVERNING BODY). This may occur earlier should there be a change in legislation, statutory guidance or an event or incident in Lyndhurst School which makes this necessary. The recognised trade unions will be included in this process.

The GOVERNING BODY will monitor and review the implementation and impact of the policy annually.

Safeguarding against harassment or victimisation

The school is committed to good practice and high standards and wants to be supportive of the staff. It is recognised that the decision to report a concern can be a difficult one to make. If a member of staff has a reasonable belief that what they are saying is true, they have nothing to fear because they will be doing their duty to their employer and/or those for whom they are providing a service.

The school takes a zero-tolerance approach to any act of harassment or victimisation (including informal pressures). The school will take appropriate action to protect staff when they raise a concern, by supporting the member of staff and consider action under the appropriate procedure (for example Disciplinary) against the person or persons responsible for the reported acts, provided the member of staff:

- Discloses the information in good faith
- Believes the concern to be true
- Does not act maliciously or make false allegations



- Does not seek any personal gain, and
- Provided the allegations relate to one of the categories covered by the scope of the policy and referred to above.

There are national guidelines to help you as a whistle blower. You can find out more on the protection of whistle blowers from the [Information Commissioner's Office \(ICO\)](#).

Unsubstantiated 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, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

Confidentiality

All concerns will be treated in confidence but at the appropriate time, the whistle blower may be asked to come forward as a witness, and this will be discussed with them.

Anonymous allegations

This policy encourages staff to put their name to their allegation whenever possible. Where a concern is raised via the external confidential Navex Global Service, the whistle blower can choose to provide Navex Global with their name and contact details which will not be passed to Lyndhurst School without express permission from the individual. This enables Navex Global to ask for further information on the concern, if required.

The Lyndhurst School will take all concerns raised seriously. When carrying out an initial review of a concern, the school will consider the following factors:

- seriousness of the issues raised
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources.

What are Qualifying Disclosures?

A qualifying disclosure means that, without any fear of reprisal, 'in the reasonable belief of the employee/worker' making the disclosure will tend to show that one or more of the following has occurred, is occurring, or is likely to occur:

- a criminal offence (minor or serious);
- a failure by a person to comply with any legal obligation to which they are subject;
- a 'miscarriage of justice';
- danger to the health or safety of any individual;
- damage to the environment; and
- the deliberate concealment of information about any of the above.



This right is guaranteed by the (GOVERNING BODY), so long as the individual has acted in good faith. At all times the (GOVERNING BODY) guarantees the member of staff will be protected from any reprisals or victimisation.

Before responding to a disclosure it must be ascertained by the (GOVERNING BODY) whether the information counts as whistleblowing. A whistleblower must report information which it is in the public interest to disclose. A harassment, discrimination or bullying complaint for example, must be reported through grievance procedures and would not constitute a whistleblowing disclosure, unless it could be proved to be of public interest.

Staff must distinguish whistleblowing and general complainants and/or grievances; when an employee blows the whistle, they should believe they are making a qualifying disclosure about danger or illegality that affects others (e.g. pupils, members of the public, or their employer). Lyndhurst School acknowledges that it may often be the case that the whistleblower may often not be directly or personally affected by the danger or illegality.

How to raise concerns

Lyndhurst School procedures promote the airing of genuine concerns about suspected serious malpractice in a safe and supportive way.

There are three ways in which to raise a concern:

1. Staff may raise concerns with a member of the senior leadership team or, if it is believed that such leaders are involved, the Headmaster, The Chair of the Governing Body, or the School's Designated Safeguarding Lead (DSL) may be approached. (Contact details may be found on the school website).
2. Concerns may be raised verbally or in writing. Staff who wish to make a written report are asked to provide the background and history of the concern (including relevant dates) and the reason why they are particularly concerned about the situation.
3. The earlier the concern is expressed, the easier it is to act. To assist with the investigation, staff should provide as much detail and supporting evidence as possible. Staff are not expected to prove that an allegation is true, only to have sufficient grounds for concern.

The Chair of Governor's should be notified of disclosures made in all cases, either by the individual raising the disclosure or by the manager to whom the disclosure is reported.

If the suspected irregularity is in relation to the Head, a member of the Governor team or a member of the Board of Directors, the whistleblowing complaint will be referred to the Chair of the Directors as appropriate.

1. While concerns will usually be raised internally, Lyndhurst School recognises that staff may feel unable to do this, and that they may wish to contact an independent external organisation, such as [Navex Global](#), in order to report something. Navex Global is an external and independent organisation which specialises in providing a confidential hotline service for whistle blowing and can be contacted any time, night or day, in complete confidence with any relevant concerns. The call will not be traced or monitored. Freephone 0800 069 8180.



2. A third option for staff who wish to raise concerns is to contact the '[Protect](#)' (formerly the Public Concern at Work) helpline 020 3117 2520. This helpline offers independent and confidential advice to workers who are unsure whether or how to raise a public interest concern.
3. A fourth option for staff would be to contact the [NSPCC Whistleblowing Advice line](#) on 0800 028 0285.

How the School will respond

The school will investigate and respond to all concerns raised by staff or service users through any channels including Navex Global and the Contact Centre.

While it is not essential that the concerns be provided in writing, the person receiving the concern will ensure that a written account of it is made. This will help with the subsequent investigation by facilitating clear record-keeping.

When a concern is raised directly with Lyndhurst School, they should undertake the following actions:

- Take the concern seriously
- Consider the concerns fully and objectively
- Recognise that raising a concern can be a difficult experience for staff
- Ensure confidentiality
- Refer to a manager of appropriate seniority, to agree the level at which the concern will be investigated and identify who will take responsibility for the co-ordinating the enquiry.

Staff members who are under investigation will not be involved in the investigation.

Initial enquiry

To protect the individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which Lyndhurst School will have in mind, is that of the public interest. If urgent action is required, this will be taken before any investigation is conducted.

The purpose of the initial inquiry is to ascertain if the conduct or behaviour involves a member of the staff, a senior manager or other member of staff, so that further enquiries and investigation can be progressed accordingly.

Preliminary enquiry

Preliminary enquiry establishes the need to carry out an investigation. Further to the results of the initial and preliminary enquiries, and at the discretion of senior management/Governing Body, the following steps will then need to be considered:

- Concerns or allegations, which fall within the scope of specific procedures, e.g. child protection or discrimination issues, will normally be referred for consideration under those procedures
- Where there is any financial impropriety, the concern should be referred to the Governing Body, before taking any other action
- Ensure that matters of a criminal nature are reported to the Police, after consultation with Internal Audit
- Whether the disciplinary or other relevant management policies, procedures and processes of Lyndhurst School need to be applied
- Appointment of an officer to carry out the investigation under these procedures



Assessing a disclosure

On the assumption that the information received is well-founded, the manager or investigator should assess:

- how serious and urgent the risk is.
- whether the concern can best be dealt with under the whistleblowing policy or some other procedure.
- whether the assistance of, or referral to, senior managers or an internal specialist.
- function e.g. Health and Safety or internal compliance and risk management will be necessary.

Where an individual raises a concern with a member of the senior leadership team, the responsible manager should establish as soon as possible:

- if the individual is anxious about reprisals.
- when the concern first arose and, where relevant, what is prompting the decision to speak up now.
- whether the information is first-hand, is supported by physical evidence or is hearsay.
- where the approach is to a higher level of manager, whether the individual has raised their concern with their line manager and (a) if not, why and (b) if so, with what effect.
- whether confidentiality is sought.
- whether and when the individual wants feedback.
- whether there is anything else relevant the individual should mention.

The person or persons against whom an allegation is made will be told of the allegation and the evidence supporting it (except where external advice, e.g. by the Police, is not to do so initially), and will be given the opportunity to offer refutation, explanation or mitigation before the investigation is concluded.

Investigation

Depending on the nature of concerns, investigation may be carried out under the Lyndhurst School's Ending Bullying & Harassment Policy, Capability Policy, Disciplinary & Grievance Policy.

Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry, the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the (GOVERNING BODY/TRUST) will consider taking disciplinary action against them.

Investigation Timescales

Within 14 days of a Navex Global report being received, the person who is dealing with the concern that has been raised will respond in writing:



- Acknowledging that the concern has been received
- Supplying information on staff support mechanisms, and
- Advising whether further investigations or action is required and, if not, why not.

A further update will also be provided 28 days after the report was received, advising of additional progress made and the estimated date a final response will be available.

If the whistle-blower has chosen to remain anonymous and non-contactable, they need to contact Navex Global or their original route to receive updates.

Investigation process

The impartial investigating leader appointed to undertake the investigation will establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

It is essential that written records of all interviews be kept throughout the investigation, together with written details of any action taken. The investigation will result in a written report and recommendations for corrective action which will be passed to the leader responsible for deciding whether formal action shall be taken.

Where any meeting is arranged involving an individual member of staff, which can be off-site, a recognised Trade Union representative or a work colleague may also attend. Lyndhurst School will take steps to minimise any difficulties which may be experienced because of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, Lyndhurst School will arrange for them to receive appropriate procedural and/or legal advice.

A member of staff raising a concern will be, subject to legal constraints, advised in writing of the outcome of the investigation and, where appropriate, what action is being taken.



Feedback and follow-up procedure

The 'responsible leader' will, as soon as possible, confirm to the individual who has raised the concern, the following:

- summarise the key issue(s).
- note whether it was raised openly or confidentially.
- indicate how Lyndhurst School proposes to deal with the matter, to the extent that the whistle blower needs to know.
- give an estimate of how long it will take to provide a final response.
- indicate whether any initial enquiries have been made.
- supply information on support available from within the organisation.
- ask whether they would like an update (but it may not be possible to accede to this request).
- request the reporting of any further evidence that wrongdoing is continuing.
- assess if the individual is anxious about perceived or actual reprisal.
- say whether further investigations will take place and if not, why not.

It should however be made clear that, whilst the organisation will give as much feedback as it can, due to the legal obligations of confidentiality it owes to other staff, it may not be able to provide feedback on the outcome of any disciplinary action taken against another staff.

The amount of contact between the 'responsible leader' considering the issues and the individual who has raised the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided, and this should be explained to the individual raising the issue.

External disclosure

If, having exhausted this policy internally, an individual is not satisfied with Lyndhurst School's response and reasonably believes that the information disclosed, and any allegations contained in it, are substantially true, they can take the matter further by raising it with a "prescribed person". A prescribed person is so prescribed by the Secretary of State and is a body or office to which disclosures can be made. There are several such bodies, those most likely to be relevant to the school are:

- Environment Agency - for matters relating to acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment.
- Health and Safety Executive - for matters which may affect the health or safety of any individual at work; or matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work.
- Information Commissioner - for matters relating to compliance with the requirements of legislation relating to data protection and to freedom of information.

Prescribed persons make appropriate arrangements for receiving disclosures and investigate as and how they see fit. However, it is up to an employment tribunal to decide after the event whether or not a disclosure was protected under the Act and therefore whether a dismissal was automatically unfair or whether a detriment was unlawful. Prescribed persons do not determine whether a disclosure is protected, intervene in employment relations, or provide legal advice.



Appendix 1

Safeguarding & Whistleblowing

Working Together to Safeguard Children (2018 updated February 2019) Chapter 2, paragraph 3 says that organisations should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including: 'clear whistleblowing procedures, which reflect the principles in Sir Robert Francis's Freedom to Speak Up review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed'.

Freedom to Speak Up Report – Sir Robert Francis

In February 2015, the Freedom to Speak Up Report was published. This report written by Sir Robert Francis QC looked at how incidents of poor care practice in the National Health Service could be prevented. Sir Robert found that NHS staff found it difficult to report their concerns and could be penalised for doing so.

Whilst the Freedom to Speak Up report is written primarily about the NHS, Sir Robert's findings have been applied in other fields, including those organisations covered by Working Together to Safeguard Children (2018 updated February 2019).

Since Working Together (2018 updated February 2019) applies to all schools, this means all schools must have a Whistleblowing Policy. The principles of the Francis' Report are outlined in the next section.

Principles of Whistleblowing in the Freedom to Speak Up Report

The principles in the report are grouped into four themes which are set out below.

Working Together to Safeguard Children is expecting these principles to be particularly evident in the safeguarding systems in schools and colleges.

Theme 1 – the need for culture change

- will fit appropriately into the ethos and values section of a school's policies, not only safeguarding.
- culture of safety and learning
- raising concerns
- culture free from bullying
- culture of visible leadership
- value staff who raise concerns
- culture of reflective practice



Theme 2 – the need for improved handling of cases

describes how concerns will be dealt with, particularly the need for prompt investigation.

- informal and formal raising and resolution of concerns,
- prompt, swift, proportionate, and blame free investigation
- mediation and dispute resolution

Theme 3 – the need for measures to support good practice

emphasise training and communication so that staff understand what the whistleblowing policy is there for and what concerns are covered.

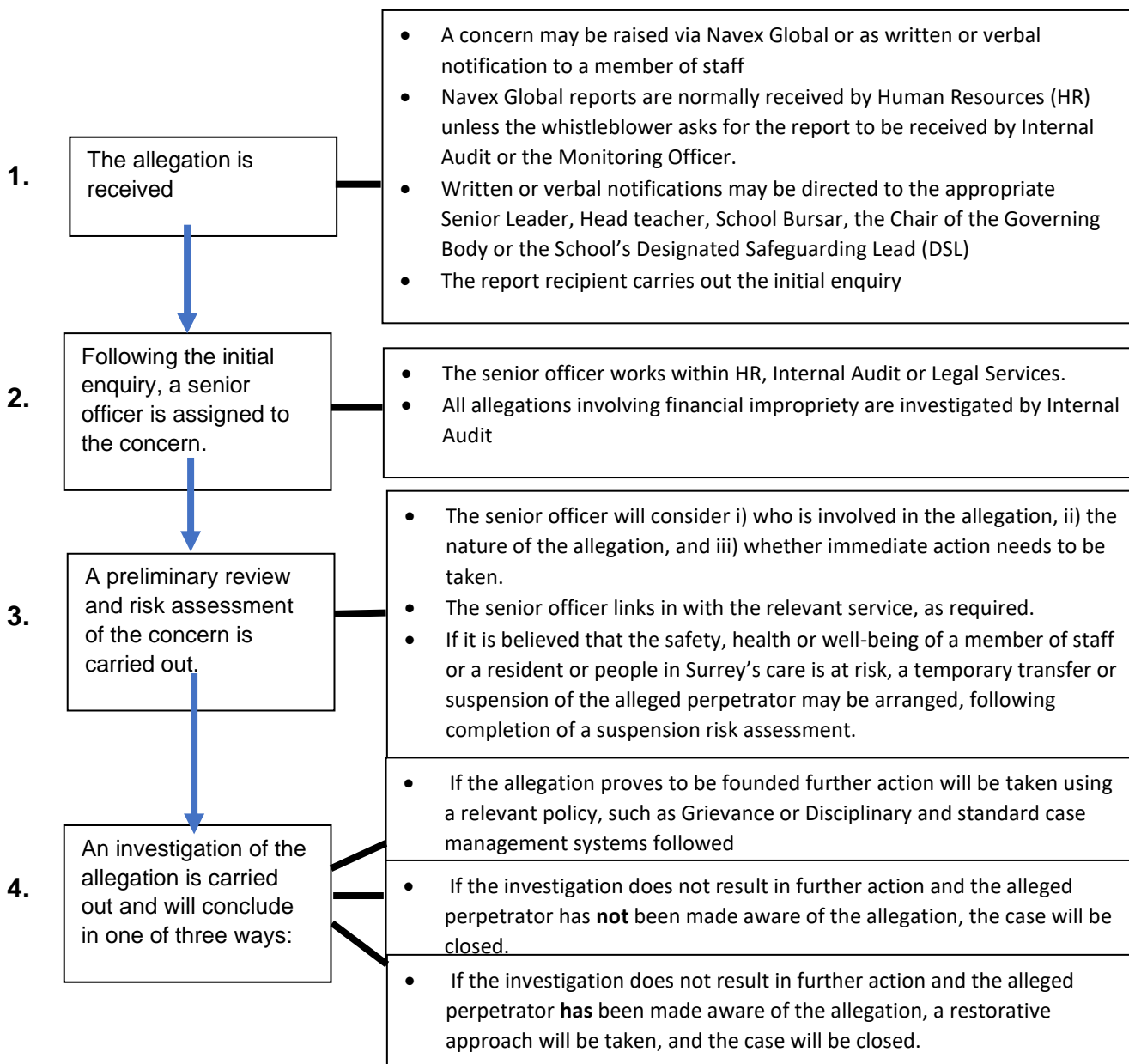
Theme 4 – the need for particular measures for vulnerable groups

develops the idea of ensuring that no-one feels unable to raise concerns, but recognises that some staff may feel they will not be listened to. Schools should also recognise that temporary staff, part-time staff, volunteers and students may find it harder to raise their concerns.



Appendix 2

LYNDHURST SCHOOL WHISTLEBLOWING PROCESS



If the whistleblower submitted a report via Navex Global, an update is made available to them within 14 and 28 days and at the end of the investigation. If the whistleblower has chosen to remain anonymous, they will need to contact their original reporting route (either the senior officer who they originally approached or Navex Global) to receive their update.

Whistleblowing concerns are tracked throughout their “life cycle”. After the end of the calendar year a summary of all whistleblowing activity that has taken place within HR, Internal Audit and Legal Services is reviewed by the Governance Panel and presented for noting to the corporate leadership team. Audit and Governance Committee members are also appraised of annual activity.



Appendix 3
Flowchart of Main Procedural Steps

