



Fairlight Glen Independent Special School

Whistleblowing Policy

Policy, Procedure and Guidance

This is a core policy that forms part of the induction for all Staff. It is a requirement that all members of Staff have access to this policy and sign to say they have read and understood its contents.

Date written: July 2025

Date of next review: August 2026

Signed: _____
Proprietor

Signed _____
On behalf of the Governing Body

This policy will be reviewed at least annually and/or following any updates to national and local guidance and procedure.

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1. GENERAL PRINCIPLES

Whistleblowing is disclosure of information which relates to suspected wrongdoing or dangers at work, as defined by the Public Interest Disclosure Act 1998 (the "Act").

The Employment Rights Act 1996 protects employees who raise legitimate concerns about specified matters and are then dismissed or are subject to detrimental treatment or victimised by either the School or work colleagues as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected. This policy is therefore intended to comply with the Act by encouraging staff to make disclosures about suspected fraud, misconduct, bribery or other wrongdoing, without fear of reprisals, so that problems can be identified, dealt with and resolved quickly.

Fairlight Glen Independent Special School is committed to promoting and maintaining the highest level of ethical standards and act with honesty and integrity at all times. However, there is always a risk that things may occasionally go wrong and so the purpose of this policy is to encourage staff to report suspected wrongdoing as soon as possible, knowing that their disclosure will be taken seriously and investigated as appropriate.

- 1.1 The School and Governing Body are committed to the highest possible standards of openness, probity and accountability. In line with that commitment employees and others with serious concerns about any aspect of the school's work should be able to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 1.2 This Policy document makes it clear that staff can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable staff to raise serious concerns within the school rather than over-looking a problem or raising the matter outside.
- 1.3 The Policy applies to all employees however PIDA also covers those contractors working for the school on school premises, for example, voluntary helpers, agency staff, builders, etc.
It also covers suppliers and those providing services under a contract with the school in their own premises.
- 1.4 This Policy is in addition to the school's complaints procedures and other statutory reporting procedures. The school is responsible for making staff aware of the existence of this Policy.
- 1.5 The contents of this policy are non-contractual and may be amended at any time.

2. AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
 - provide avenues for employees to raise concerns and receive feedback on any action taken
 - help the school to act within the law and in particular within the Public Interest Disclosure Act 1998
 - ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
 - reassure employees that they will be protected from reprisals or victimization
- 2.2 There are existing Policies in place to enable employees to lodge a grievance, relating to their own employment or a harassment complaint. This Whistleblowing Policy is intended to cover serious concerns that may fall outside the scope of other procedures.
- 2.3 Any concerns that employees have about any aspect of the education service provision or the conduct of staff or members of the Governing Body or others acting on behalf of the School can be reported under the Whistleblowing Policy. This may be about something that:
- makes the employee feel uncomfortable in terms of known standards, their experience or the standards they believe the school subscribes to: or
 - is against the school's policies; or
 - falls below established standards of practice; or
 - amounts to improper conduct
- 2.4 This Policy does **not** replace the school's Complaints Policy (which is primarily so that people, other than employees or Trustees, can raise concerns about their treatment by the school) but should help where any employee needs to raise serious matters of general concern.

3. **SAFEGUARDS - Harassment or Victimisation**

- 3.1 The Governing Body is committed to good practice and high standards and wants to be supportive of employees.
- 3.2 The Governing Body recognises that the employees' decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice.
- 3.3 The School will not tolerate harassment or victimisation (including informal pressures) and will take action to protect staff when they raise a concern in good faith.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

4. **CONFIDENTIALITY**

- 4.1 The Headteacher/Governing Body will do its best to protect the employees' identity when they raise a concern and do not want their name to be disclosed initially. It must be appreciated that any formal investigation process will reveal the source of the information, and a statement by the employee will be required as part of the evidence.
Any formal investigation process will reveal the source of the information, but not who.

5. **ANONYMOUS ALLEGATIONS**

- 5.1 This policy encourages staff to put their name to any allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful, but they will be considered.
- 5.3 In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources

6. **UNTRUE ALLEGATIONS**

- 6.1 If an employee has made an allegation in good faith, but it is not confirmed by the investigation, then no action will be taken against that employee. If, however, they make malicious or vexatious allegations, disciplinary action may be taken against them.

Whistleblowing Procedure

1 DEALING WITH A CONCERN

- 1.1 As a first step, the employee should normally raise concerns with their line manager or the Headteacher. 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 it is believed that the Headteacher or others in management are involved, staff should approach the Chair of Governors - see paragraph 4.1 for details of external organisations.
- 1.2 Concerns are better raised in writing. The employee should be invited to set out 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 they do not feel able to put their concern in writing, they can telephone or meet the appropriate manager, Headteacher or Chair of Governors - also see paragraph 4.1
- 1.3 Although the employee is not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 1.4 The employee may invite their trade union or professional association, to advice and/or raise a matter, on their behalf.
- 1.5 In order that issues can be addressed at the most appropriate point within the Governing Body, the education officers may be consulted, alternatively staff may wish to talk to their trade union.
- 1.6 The employee may wish to discuss their concern with an independent party first. **Protect** has many years' experience in providing independent confidential advice to individuals needing to raise matters of concern, within and sometimes outside of their organisation in which they are employed. They can give you advice on how to raise serious concerns constructively.

Their Helpline number is: 020 3117 2520

Website: <https://protect-advice.org.uk/>

2. HOW THE SCHOOL WILL RESPOND

- 2.1 The action taken by the school will depend on the nature of the concern. The matters raised may:
 - be investigated internally
 - be raised with the authority
 - be referred to the Police
 - be referred to an External Auditor
 - form the subject of an independent inquiry
- 2.2 In order to protect individuals' 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 other specific policies (for example, child

protection or discrimination issues) will normally be referred for consideration under those policies.

- 2.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is constructed
e.g. where there is a health and safety issue.
- 2.4 Where the matter has been raised the school will acknowledge receipt, where possible, within two working days, and then within ten working days of receipt the Governing Body or Headteacher will write to the employee indicating how it proposes to deal with the matter:
 - giving an estimate of how long it will take to provide a final response
 - telling the employee whether any initial enquiries have been made; and
 - telling the employee whether further investigations will take place and, if not, why not*the need for confidentiality means that it may not be possible to provide the employee, who raised the original concern, the specific details of any investigation/disciplinary action taken.
- 2.5 The amount of contact between the Headteacher or Chair of Governors considering the issues and the member of staff will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the employee.
- 2.6 When any meeting is arranged staff have the right if they so wish, to be accompanied by a TU representative - or a workplace colleague who is not involved in the area of work to which the concern relates.
- 2.7 Steps will be taken to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if staff are required to give evidence in any proceedings, advice will be available to the employee from the HR Manager.
- 2.8 The school accepts that staff need to be assured that the matter has been properly addressed.
- 2.9 The school will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

3. **RESPONSIBILITY**

- 3.1 The Governing Body has overall responsibility for the maintenance and operation of this policy. A record of concerns will be reported at the Governing Body Committee meeting without endangering staff confidentiality.

4. **HOW THE MATTER CAN BE TAKEN FURTHER**

4.1 This Policy is intended to provide staff with an avenue to raise concerns within the school. If staff are not satisfied, and if they feel it is right to take the matter outside the school, the following are possible contact points:

- Director of Education and/or their representative
- A Kent County Council member
- The DfE
- Relevant professional bodies or regulatory organisations
- A solicitor
- The Police

4.2 If staff do take the matter outside the school, they need to ensure that they do not knowingly disclose confidential information or that disclosure would be 'privileged' (and staff may need to seek legal advice on this first).

Such matters raised outside of school may still ultimately have to be addressed by the Governing Body within its normal procedures.