



# Hawkesdown House School

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## WHISTLEBLOWING POLICY

### **This is a whole school policy including EYFS.**

Whistleblowing is the disclosure of information by an employee relating to a criminal offence e.g. fraud, danger, a miscarriage of justice or other illegal or unethical conduct usually seen in the workplace, though not always. The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998, governs the making of disclosures concerning workplace activities and is intended to protect employees who 'blow the whistle' on bad practice from being subjected to any detriment or unfairly dismissed as a result.

NB: Any issues related to safeguarding (or safeguarding practices) must be raised in accordance with the Safeguarding & Child Protection policy (incorporating allegations of abuse made against staff or volunteers).

Hawkesdown House School seeks to conduct its business responsibly, honestly and with integrity, and is committed to the highest standards of probity and accountability.

All employees are under an obligation implied in their contract of employment to give honest and faithful service to their employer.

The purpose of this policy is to provide a means by which staff are enabled to raise concerns if they have reasonable grounds for believing there is serious malpractice within the School. This policy will not apply to personal grievance concerning an individual's terms and conditions of employment, or other aspects of the employment relationship, complaints of bullying or harassment, capability or disciplinary matters. If your complaint relates to your personal circumstances in the workplace then you should use the Grievance Procedure.

This policy is written with regard to Working Together to Safeguard Children (July 2018) and the school Bribery Policy and the Bribery Act of 2010

This policy is for guidance only and does not form part of your contract of employment.

### **Procedure**

#### Subject Matters of Disclosure

1. This policy will apply in cases where a member of staff genuinely has reasonable grounds for believing that one of the following sets of circumstances is occurring, has occurred or may occur within the School:
  - The school is not acting appropriately to concerns over the safeguarding or welfare of a child.
  - The School's Safeguarding & Child Protection policy and/or its procedures are not being followed.
  - That a criminal offence has been committed, is being committed, or is likely to be committed.
  - That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject.
  - That a miscarriage of justice has occurred, is occurring or is likely to occur.
  - That the health and safety of any individual has been, is being, or is likely to be endangered.
  - That the environment has been, is being, or is likely to be damaged.

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

While it is not necessary that you prove the malpractice or misconduct that you are alleging and may simply have a reasonable suspicion, we value any concerns reported in good faith under this procedure. However, only disclosures concerning those actions falling strictly in the categories raised above will be eligible for the relevant statutory protection.

Complaints that do not count as whistleblowing:

- Personal grievance (for example bullying, harassment, discrimination) are not covered by the whistleblowing law, unless a particular case is in the public interest.
2. If you wish to raise or discuss any issues which might fall into the above category you should contact the Head who will treat the matter in confidence.

However, should the concern be a safeguarding issue then anyone can make a referral direct to the local authority. For pupils in the Royal Borough of Kensington and Chelsea, concerns about a child should be referred to:

**Kensington and Chelsea Duty Line** – Tel: 020 7361 3013 (Out of hours – 020 7361 3013)

Allegations about a teacher or other adult should be made to:

**For concerns made in connection to allegations made against staff:**

<p><b>LADO</b></p> <p>Call: 020 7361 3013      Email: <a href="mailto:KCLADO.Enquiries@rbkc.gov.uk">KCLADO.Enquiries@rbkc.gov.uk</a></p>
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If you decide that you wish to formally raise an issue in-house under this policy, you should do so in writing to the Head. In such cases it is likely that further investigation will be necessary and an investigator will be appointed. Generally, this will be the Head or some other appropriate person who will report their findings. You may be required to attend a disciplinary or investigative hearing as a witness, or to meetings as part of the investigation. You may be accompanied by a work colleague to any meeting if you wish. Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. The individual is also expected to keep the fact that they have raised a concern and the identity of those concerned confidential. However, there may be circumstances where it will be necessary to disclose your identity, in such circumstances every effort will be made to inform you in advance. Appropriate steps will be taken to ensure that your working environment and/or working relationship is/are not prejudiced by the fact of your disclosure. Should you feel that you are suffering a detriment as a result of making the disclosure you should inform the Head, School Governance or other person whose judgment you trust.

At the conclusion of any investigation procedure the investigator will inform you of the outcome whilst respecting any confidentiality with regard to any disciplinary action.

If you are dissatisfied with the outcome or the way in which the investigation was handled you should raise your concerns with the Head.

In some circumstances and always for concerns about a child or allegations of abuse by a teacher or other adult, it may be necessary to involve external authorities.

Further details of the investigation procedure under this policy together and confidentiality issues are attached as Annex A.

**For concerns about the Head, you should contact Mrs. Stephanie Piper, the School's Director of Education on 020 7435 1916 or 07734 328 369.**

3. The policy is aimed at providing a mechanism for reporting alleged malpractice within the School and it is hoped that it will be unnecessary for staff to alert external organisations. However, in

serious circumstances, or if despite the best efforts of the School, you believe that disclosure within the School is inappropriate or has been unsuccessful, reports can be made to external organisations such as the local authority, the Health and Safety Executive, ISI or the Information Commissioner.

4. You should be aware that the policy will apply where a disclosure is made in good faith and where you reasonably believe that the information disclosed and any allegation contained in it are substantially true.

If, following investigation, the employee's concerns are found to be made in bad faith (for instance in order to cause disruption within the School), or concerns information which an employee does not substantially believe is true, or indeed if the disclosure is made for personal gain, the whistleblower will be subject to disciplinary action.

## **Annex A**

### **Investigation Procedure under Whistleblowing Policy**

#### **1. INVESTIGATION OF DISCLOSURE**

- 1.1. The School is committed to investigating disclosures fully, fairly, quickly and confidentially where circumstances permit. Following the submission of a formal written disclosure, the Head (or another individual acting in their place) will acknowledge receipt within five working days and make appropriate arrangements for investigation.
- 1.2. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, the Head will carry out an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information. In any event a report will be produced and copies will be provided to the Proprietors and, where appropriate, you will also receive a copy.
- 1.3. If you are dissatisfied with the investigation or its conclusion then you should refer to the School Governance. When the School Governance has investigated your complaint, you will be informed of the result of the investigation and what, if any action has been taken.
- 1.4. So far as the Head considers it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent us giving you specific details of the investigation or actions taken. The School will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.
- 1.5. We recognise that there may be matters that cannot be dealt with internally and in respect of which external authorities will need to be notified and become involved either during or after our investigation. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.

#### **2. CONFIDENTIALITY**

- 2.1. Every effort will be made to keep the identity of an individual who makes a disclosure under this policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential. There may, however, be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings or for other reasons.
- 2.2. If in our view such circumstances exist, or if appropriate legally, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that

your role as the whistleblower could still become apparent to third parties during the course of an investigation.

## **FURTHER INFORMATION**

**Whistleblowing for Employees:** <https://www.gov.uk/whistleblowing>

## **USEFUL CONTACTS**

Chartered Institute of Personnel and Development  
CIPD House, Camp Road, London SW19 4UX  
Telephone: 020 8971 9000  
Website: [www.cipd.co.uk](http://www.cipd.co.uk)  
DiscLaw Publishing Ltd  
Website: [www.emplaw.co.uk](http://www.emplaw.co.uk)

Public Concern at Work  
Suite 306, 16 Baldwin Gardens, London EC1N 7RJ  
Telephone: 020 7404 6609  
Email: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)  
Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

### **Related policies:**

- Safeguarding (Child Protection) Policy
- Grievance Procedure
- Disciplinary and Capability Policy