

# Whistleblowing Policy and Procedures

## Introduction

The School is committed to ensuring a safe and secure environment where all staff feel valued and a culture of reflective practice is promoted. The School has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally and confidentially in regard to fraud, malpractice, health and safety, including failures in the School's safeguarding procedures, criminal offences, miscarriages of justice, and failure to comply with legal obligations or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the School organisation.

## Aims of the Policy

In accordance with Lord Nolan's Second Report of the Committee on Standards in Public Life, the School's policy on whistleblowing is intended to demonstrate that the School:

- Does not tolerate malpractice;
- Respects the confidentiality of staff raising concerns and of staff against whom an allegation is made and provides procedures to maintain confidentiality for both parties so far as is consistent with progressing the issues effectively;
- Provides the opportunity to raise concerns outside of the normal line management structure;
- Invokes the School's disciplinary policy and procedure in the case of false, malicious, vexatious or frivolous allegations;
- Provides a clear and simple procedure for raising concerns, which is accessible to all members of staff.

This procedure is separate from the School's adopted procedures regarding grievances. Employees should not use the whistleblowing procedure to raise grievances about their personal employment situation. This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the School.

Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the staff code of conduct, criminal activities, or failing to comply with a legal obligation, a miscarriage of justice, or creating or ignoring a serious risk to health and safety and the safeguarding of children.

## **Confidentiality**

Employees who wish to raise a concern are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. Additionally, the confidentiality of any individual against whom an allegation is made will be maintained as far as possible. It may be appropriate in order to preserve confidentiality that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity, then the police will in all cases be informed.

## **Raising a Concern**

All whistleblowing concerns that are not safeguarding related should be made directly to the Head and / or the Chair of Governors (Reverend Dr Stephen Cherry – [chair@kcs.cambs.sch.uk](mailto:chair@kcs.cambs.sch.uk)). Where staff feel unable to raise a concern with the Head or Chair of Governors, they can register the concern with an external agency; further details are below.

Procedures for the reporting of all safeguarding-related concerns are detailed below in **Safeguarding and Low-level Concerns**.

All concerns should be put in writing wherever possible, clearly stating:

- the issue is being raised in accordance with the *Whistleblowing Policy*;
- the background and history of the concern(s);
- names, dates and places where possible; and
- reasons why the situation is particularly concerning.

Staff are encouraged to include their name; concerns given anonymously are not likely to be effective and will be considered at the discretion of the School.

A meeting or telephone call may be arranged if the staff member is not comfortable putting their concerns in writing.

Staff are not expected to be able to prove the truth of any allegation, however, they must be able to demonstrate that there are sufficient grounds for the concern.

## **Raising Safeguarding and Low-level Concerns**

As part of its whole-school approach to safeguarding, the School will promote an open and transparent culture in which all concerns about adults working in or on behalf of the School are dealt with promptly and appropriately.

In accordance with Part 4 of *Keeping Children Safe in Education (September 2021)*, safeguarding concerns and allegations may be split into two categories: allegations that meet the harm threshold and concerns that do not meet the harm threshold, which are referred to as 'low-level

concerns.' Safeguarding allegations that meet the harm threshold are those where it is alleged that the adult working with children has:

- behaved in a way that has harmed a child or may have harmed a child;
- possibly committed a criminal offence against or related to a child;
- behaved in a way that indicates they may pose a risk of harm to children; or
- behaved in a way that indicates they may not be suitable to work with children.

Staff should report safeguarding concerns that meet the harm threshold via MyConcern or directly to the DSL in accordance with the procedures in the School's *Safeguarding and Child Protection Policy*.

A low-level concern is any concern that an adult working in or on behalf of the School may have acted in a way that:

- is inconsistent with the *Staff Code of Conduct*, including inappropriate conduct outside of work; and / or
- does not meet the harm threshold or is otherwise not serious enough to consider a referral to the local authority.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children;
- having clear favourites;
- taking photographs of children on their mobile phone in a manner which is not in accordance with School procedures;
- engaging with a child on a one-to-one basis or in a secluded area or behind a closed door without a window, or
- humiliating pupils.

Staff should use the Low-level Concern Form on the School Portal / in the Staff Room to report any low-level concerns to either the DSL or the Head.

The School monitors all reports of low-level concerns; should a pattern of behaviour be identified that subsequently meets the harms threshold as determined by the Head and DSL, the case will be dealt with according to the School's safeguarding procedures.

The School's values and expectations for behaviour are detailed in the *Staff Code of Conduct* and should be demonstrated and reinforced by all staff at all times. Should staff find themselves in a situation that could be misinterpreted, might appear compromising to others and / or, on reflection, in which they believe they have behaved in a way that may have fallen below the expected professional standards, they should proactively speak with the DSL directly.

## **What happens next?**

Once a concern has been raised, the School will:

- provide the whistleblower updates on the nature and progress of any enquiries;
- take action to protect the whistleblower from harassment or victimisation;
- provide mediation or dispute resolution, if appropriate;
- protect the whistleblower's identity if requested, however, this may not always be possible, e.g. if a signed statement is required for a disciplinary proceeding; and
- take no action against the whistleblower if the concern was raised in good faith and later confirmed to be unfounded.

The School will make initial enquiries to decide whether an investigation is required and what form it should take. Possible outcomes are:

- the matter may be resolved simply with no further investigation required;
- be investigated internally by an appropriate manager;
- be referred to the Local Authority Designated Officer for advice;
- be referred to the police;
- form the subject of an independent inquiry.

Concerns or allegations that raise issues covered by other School policies or procedures will normally be addressed under those procedures e.g. disciplinary, safeguarding procedures.

## **Response**

Staff will receive a response within 10 working days. The response will:

- acknowledge a concern has been raised;
- indicate a proposal on how to deal with the matter;
- give an estimate of how long it will take to provide a final response; and / or
- indicate whether any initial enquiries have been made and whether any further investigations will take place; or
- explain the reasons for not investigating further; or
- if the situation is not yet resolved, indicated when the whistleblower is likely to receive further details.

If the concern is deemed to be unfounded, the School will consider the matter concluded and will not expect the concern to be raised again unless new evidence becomes available.

A member of staff who is not satisfied that their concern is being properly dealt with has a right to raise it in confidence with an external agency (see below).

**External Advice**

Should a member of staff not feel comfortable raising a concern internally, they may contact an external agency directly. As per the Public Disclosure Act 1988, there are certain circumstances where this may be preferable. These may include where the employee reasonably believes:

- that exceptionally serious circumstances justify it;
- that the School would conceal or destroy the relevant evidence;
- where they believe they would be victimised by the School;
- where the Secretary of State has ordered it.

A member of staff may raise a concern directly with Public Concern at Work – a confidential whistleblowing advice line (<https://protect-advice.org.uk>).

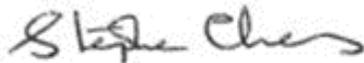
**Malicious Accusations**

False, malicious, vexatious or frivolous accusations will be dealt with under the School’s disciplinary procedures as detailed in the *Staff Code of Conduct*.

**Protection from Reprisal or Victimisation**

No member of the staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and following the whistleblowing procedures.

Signed:



The Reverend Dr Stephen Cherry  
Dean, King’s College, Cambridge  
Chair of Governors, King’s College School

4<sup>th</sup> July 2022

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