



## The Piggott School

'Go and do Likewise' Luke 10:25-37, The Parable of the Good Samaritan  
We live with love and compassion, seeking help in times of need

### Whistleblowing Procedures

Last review date: Autumn Term 2022  
Approved by: Chair of Governors  
Noted by: Full Governing Body: 7<sup>th</sup> December 2022  
Review Period: Triennially

#### 1.0 Introduction

1.1 The Piggott School is committed to delivering high quality education and expects high standards from its employees. In order to maintain these high standards a culture of openness and accountability is vitally important. The aims of this policy are:

- to encourage staff to raise concerns about malpractice within the school without fear of reprisal
- to reassure staff that concerns will be taken seriously
- to provide information about how to raise your concerns and explain how the school will respond
- Let all staff know the protection available to them if they raise a whistleblowing concern; and
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the
- policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

1.2 This policy applies to all employees, former employees, agency staff and contractors engaged by the school.

1.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

1.4 The requirement to have clear whistleblowing procedures is set out on the Academy Trust Handbook. This policy has been written in accordance with the above document, as well as government guidance on whistleblowing and, taking into account, the Public Interest Disclosure Act 1998.

1.5 This policy also complies with our funding agreement and articles of association.

#### 2.0 What is whistleblowing?

2.1 In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others. By "blowing the whistle" a person would not usually be directly affected by the danger or illegality. Consequently they would rarely have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. A complaint or grievance states that a member of staff was poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying, and staff are entitled to seek redress.

2.2 Examples of whistleblowing concerns are:

- fraud in, on or by the school;
- offering, taking or soliciting bribes;
- unauthorised use of public funds;
- financial maladministration;
- the physical, emotional or sexual abuse of pupils;
- failure to comply with legal or statutory obligations;
- endangering of an individual's health and safety;
- damage to the environment;
- a criminal offence;
- failure to follow financial and contract procedure rules;
- showing undue favour to a contractor or a job applicant;
- misreporting performance data
- neglect of people in care; or
- Attempting to cover up any of the above

2.3 This Policy does not replace the school's complaints or grievance procedures. When staff have a concern they should consider whether it would be better to follow our staff grievance or complaints policies and procedures. Protect (formerly Public Concern at Work) has further guidance on the difference between a whistleblowing concern and a grievance staff may find useful if unsure. Protect also have a free and confidential helpline. [Contact our Advice Line - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk)

### 3.0 Raising a concern

#### Who should a member of staff contact?

3.1 Having considered these procedures, an employee of the school, or any other person covered by the Public Interest Disclosure Act (PIDA) 1998, who has serious concerns about any aspect of the school's work, should in the first instance raise concerns using one of the following methods:

- Inform Line Manager or Executive Headteacher at the Wargrave site or the Headteacher at the Primary site  
In many cases, raising concerns with the immediate line manager/Headteacher is the most appropriate route for an employee. The Line Manager/Headteacher should inform the Executive Headteacher of the disclosure and an appropriate course of action will be agreed. If this is not a suitable option (for example because the issue may implicate the manager or if the concern has been raised but remains unaddressed) the concern should be raised directly with the Executive Headteacher.
- Chair of Governors  
If an employee's concern is about the Executive Headteacher, this should be raised with the Chair of Governors by writing to the Governance Professional ([MarrR@piggott.wokingham.sch.uk](mailto:MarrR@piggott.wokingham.sch.uk)).

#### How to raise a concern

3.2 Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

#### 3.3 How will the School respond?

When a concern is received the Line Manager, Headteacher, Executive Headteacher or Chair of Governors referred to from here as the Recipient will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representation or staff member.

- At the meeting as much information will be gathered. If it becomes apparent that the concern is not of a whistleblowing nature, the recipient will handle the concern in line with the appropriate policy or procedures.
- At the meeting the Recipient will reiterate that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is vexatious or malicious, disciplinary action may be taken.
- Establish if there is sufficient cause for concern to warrant further investigation.

The action taken by the school will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to the Department of Education;
- be referred to the external auditors
- be referred to another appropriate external agency; or
- form the subject of an independent inquiry.

Once the investigation, (whether this was just the initial investigation of the concern, or whether further investigation was needed) is complete, the investigation person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified, and whether or not a referral is required to an external organisation such as the Local Authority or the Police.

Feedback on the outcome of the concern will be given to the person raising the concern. This feedback may be limited due to legal obligations of confidentiality (i.e. if disciplinary action is taken against a School employee).

The person raising a concern will normally be told:

- how and by whom a concern will be handled;
- an estimate of how long an investigation will take;
- the outcome of the investigation (where appropriate);
- that if they believe they are suffering detriment as a result of raising the concern that they should report it;
- that he or she is entitled to independent advice.

#### **4.0 Legal Protection**

4.1 The Public Interest Disclosure Act (PIDA) 1998 amended the Employment Rights Act 1996 to protect employees and workers from being dismissed or subjected to a detriment because they have made a 'protected disclosure'. The law protects workers who act in the public interest and who reasonably believe that the wrongdoing or malpractice falls within one of the categories in paragraph 4.2 below. This will amount to a 'protected disclosure'.

4.2 It applies to making a 'protected' disclosure in respect of specific types of malpractice, which are:

- (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 or 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; or
- (f) 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.

The Enterprise and Regulatory Reform Act 2013 also made it a requirement that in order for the disclosure to be protected, the worker must also have held a belief that the disclosure was in the public interest.

4.3 The above covers disclosures made internally to the school and to external organisations if the concern is raised to an appropriate regulatory body designed for the purpose for example a health and safety concern is raised with the Health and Safety Executive.

- 4.4 Anyone who has made a protected disclosure will not suffer any detriment as a result of raising their concern unless it is later proved that they knew they were providing false information. In addition, whistleblowers are protected from suffering a detriment, bullying or harassment from another worker. Examples that could amount to a detriment include (but are not limited to):
- a) failure to promote, if linked to the disclosure;
  - b) denial of training;
  - c) closer monitoring;
  - d) ostracism;
  - e) blocking access to resources;
  - f) unrequested re-assignment or re-location;
  - g) demotion;
  - h) suspension;
  - i) disciplinary sanction;
  - j) bullying or harassment;
  - k) victimisation;
  - l) dismissal;
  - m) failure to provide an appropriate reference; or failing to investigate a subsequent concern

## 5.0 Raising Concerns outside the school

- 5.1 The school encourages staff to raise their concerns internally in line with this policy, but recognises that staff may feel the need to report concerns to an external body. This should only be done where someone is raising a genuine concern in good faith, and where they believe the information is true, i.e. more than just suspicion and it is raised with the appropriate regulatory body. Concerns should be discussed with a legal advisor, trade union or the charity Protect before reporting them outside the school.
- 5.2 If the matter is taken outside of the School, the whistleblower needs to ensure that confidential information is not disclosed and that the whistleblower is 'protected' in accordance with the PIDA 1998 (refer to section 4 of this Policy). If you wish to raise a concern outside of the school, you may raise it with an external body from the list of prescribed persons and bodies detailed in the 'Department for Business Innovation & Skills 'Blowing the Whistle to a Prescribed Person' document: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>. You should seek your own advice if you are unsure about whether to raise the matter outside of the school.

Examples of prescribed regulators are set out below:

- The Audit Commission
- The Standards Board for England
- Information Commissioner
- Environment Agency
- Health and Safety Executive
- Commissioner of the Inland Revenue
- Ofsted
- General Social Care Council
- Care Quality Commission
- The Commission for Social Care Inspection
- National Care Standards Commission
- Wokingham Borough Council
- HMRC

- The Comptroller and Auditor General
- Serious Fraud Office
- Financial Conduct Authority
- Charity Commission for England and Wales
- Children's Commissioner for England
- NSPCC
- Ofqual
- Secretary of State for Education
- Pensions Regulator

5.3 As a last resort a member of staff may choose to raise a concern outside the school to someone other than a prescribed regulator, e.g. to the police or an MP. This should only be done if, in addition to the conditions above, one of three preconditions are met. Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that the member of staff:

- reasonably believed that they would be victimised if they raised the matter internally within the school; or
- reasonably believed that the matter would be 'covered up' and there is no prescribed regulator; or
- have already raised the matter internally or with a prescribed regulator

5.4 It should be noted that wider disclosures (i.e. to the media) can only be protected where there is a justifiable cause for going wider and where the particular disclosure is reasonable. The school therefore encourages concerns to be raised initially using one of the methods described in section 3 of this Policy.

## 6.0 Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern. If, however, an allegation is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the person making the allegation.

## 7.0 Data Protection

The school processes any personal data collected during the whistleblowing process in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the whistleblowing procedure.

## 8.0 Links to other policies

There are separate whistleblowing procedures for exams which you will find on our website.

This policy also links to our following policies:

- Safeguarding
- Complaints procedures
- Staff grievance policy and procedures

## 9.0 Further information and advice

9.1 Independent advice on 'whistleblowing' can also be obtained from the charity, Protect and from the Audit Commission. Contact details for these organisations are:

- Protect  
The Green House, 244 – 254 Cambridge Heath Road, London, E2 9DA  
Helpline: 020 3117 2520 Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)

- National Audit Office  
157-197 Buckingham Palace Road, Victoria, London, SW1W 9SP  
Helpline: 02077987264 Email: enquiries@nao.org.uk
- Professional Body or Trade Union  
A professional body or trade union should be able to advise on Whistleblowing.