

# Whistleblowing

## 1. What is a whistleblower

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, eg the general public.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now or you believe will happen in the near future.

## Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, eg fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, eg doesn't have the right insurance
- you believe someone is covering up wrongdoing

## Complaints that don't count as whistleblowing

Personal grievances (eg bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.

## 2. Who to tell and what to expect

You can tell your Manager – A whistleblowing policy is in place so that you know what to expect if you report your concern to them.

There are other options if you don't want to report your concern to your employer, eg you can get legal advice from a lawyer, or tell a prescribed person or body.

If you tell a prescribed person or body, it must be one that deals with the issue you're raising, eg a disclosure about wrongdoing in a school (Education) can be made to OFSTED.

## **Making your claim anonymously or confidentially**

You can tell your Manager or a prescribed person anonymously but they may not be able to take the claim further if you haven't provided all the information they need.

You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

## **What your employer or a prescribed person will do**

Your Manager or the prescribed person will listen to your concern and decide if any action is needed. You may be asked for further information.

You must say straight away if you don't want anyone else to know it was you who raised the concern.

You won't have a say in how your concern is dealt with.

Your Manager or the prescribed person can keep you informed about the action they've taken, but they can't give you much detail if they have to keep the confidence of other people.

A prescribed person can't help you with your relationship with your employer.

## **If you're not satisfied with how your employer dealt with your concern**

Tell someone else (eg a more senior member of staff) or a prescribed person or body if you believe your concern wasn't taken seriously or the wrongdoing is still going on.

Contact the Advisory, Conciliation and Arbitration Service (Acas), the whistleblowing charity Public Concern at Work or your trade union for more guidance.

**“SPEAKING UP ABOUT WRONGDOING”**

**WHISTLEBLOWING  
POLICY  
AND**

**PROCEDURE:  
STAFF WORKING IN SCHOOLS**

# **See All, Hear All, Say Something**

## **Remember**

### **IF YOU HAVE SERIOUS CONCERNS IT IS YOUR DUTY TO TELL US AND OUR DUTY TO PROTECT AND SUPPORT YOU, IF YOU DO.**

Concerns in schools may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:

Deliberately ignoring the best interests of the child or young person;  
teasing, harassing or touching a child or young person inappropriately;  
threatening a child, young person or a parent or distressing them in some way;  
neglecting a child by not giving them the support they need, including medical attention or care;  
hitting or restraining a child inappropriately;  
using a child or young person's money or possessions in an inappropriate way.

Procedures for dealing with allegations or concerns about child abuse already exist and our school has a named member of staff to whom such issues can be referred.

There are also specific procedures for dealing with allegations of child abuse against school staff which are contained in the Human Resources Handbook for schools.

This policy supplements these arrangements.

For school based staff, there are existing procedures to enable you to lodge a grievance relating to your own employment.

### **Confidentiality**

The school will do their best to protect your identity when you raise a concern and do not want your name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

### **Anonymous Allegations**

As a rule we do encourage you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Manager in conjunction with the Governing Body for Schools (OFSTED )

In exercising this discretion, the factors to be taken into account would include:

The seriousness of the issues raised;

The validity of the concern;

The likelihood of confirming the allegation from other sources.

Allegations which do not appear to be motivated by personal animosity and which if true, would have serious implications for the school, are more likely to be considered, even though made anonymously.

It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

### Untrue Allegations

If you make allegations in good faith, but it is not confirmed by the investigation, no action will be taken against you. In such circumstances employees will be supported. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you, but the matter would be referred to an appropriate school governing body before any action is taken.

### Support to You

Throughout and after this difficult process you will be given full support from senior management, your concerns will be taken seriously and the school will do all it can to help you. If necessary, and if you are happy to do so, you may be transferred to another job to ensure you are fully protected.

LADO – Local Authority Designated Officer - 01708 431 653

Multi Agency Safeguarding Hub (MASH) – 01708 433 222 or 01708433 999 (Out of hours)

NSPCC – 0107 825 2505 – Helpline 0800 800 5000 (**adult concerned about a child**)

Whistleblowing Advice Line – 0800 -028 -0285

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**Georgie Porgy's Pre-school Ltd**