



**Policy Document**

<b>Policy Area:</b>	Whistle Blowing		
<b>Date:</b>	September 2016	<b>Policy code:</b>	W1
<b>Last reviewed:</b>	September 2022	<b>Reviewed by:</b>	Abigail Eynon
<b>Next review:</b>	September 2023	<i>(For all review dates see end of document)</i>	

Whilst we expect all our colleagues, both internal and external, to be professional at all times and hold the welfare and safety of every child as their paramount objective, there may be occasions where this may not be happening.

It is vital that all team members talk through any concerns they may have with the Head of school or their deputy, at the earliest opportunity to enable any problems to be resolved as soon as they arise.

**Legal Framework**

The Public Interest Disclosure Act 1998 commonly referred to as the ‘Whistleblowing Act’, amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called ‘qualifying disclosures’. On 25 June 2013 there were some legal changes to what constitutes a ‘qualifying disclosure’.

A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation or
- concealment of any of the above
- any other unethical conduct is being, has been, or is likely to be, committed.

Qualifying disclosures made before 25 June 2013 may have been made ‘in good faith’; they do not have to have been made ‘in the public interest.’ (Disclosures made after 25 June 2013 do not have to be made ‘in good faith’; however, if they are made ‘in bad faith’ this may affect the value of any compensation award by up to 25%).



The Public Interest Disclosure Act has the following rules for making a protected disclosure:

- you must believe it to be substantially true
- you must not act maliciously or make false allegations
- you must not seek any personal gain
- from 25 June 2013, the disclosure must be made in the public interest.

It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

### **Disclosure of information**

If, in the course of your employment, you become aware of information which you reasonably believe indicates that a child is/may be or likely to be in risk of danger and/or one or more of the following may be happening, you **MUST** use the school's disclosure procedure set out below:

- That a criminal offence has been committed or 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 they are subject
- That a miscarriage of justice has occurred, is occurring, or is likely to occur
- That the health or 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 of the above, has been, is being, or is likely to be, deliberately concealed.

### **Disclosure procedure**

- If this information relates to child protection then the school's Safeguarding and child protection policy should be followed
- Where you reasonably believe one or more of the circumstances listed above has occurred you should promptly disclose this to the head of school **Esma Izzidien** or deputy head of school **Abigail Eynon** so that any appropriate action can be taken. If it is inappropriate to make such a disclosure to this person (i.e. because it relates to them) you should speak to the CMS director (Esma Izzidien) or legal manager (Sally Bashir)
- Employees will suffer no detriment of any sort for making such a disclosure in accordance with this procedure. For further guidance in the use of the disclosure procedure, employees should speak in confidence to a member of the SLT team
- Any disclosure or concerns raised will be treated seriously and will be dealt with in a consistent and confidential manner and will be followed through in a detailed and thorough manner
- Any employee who is involved in victimising employees who make a disclosure, takes any action to deter employees from disclosing information or makes malicious allegations or disclosures in bad faith will be subject to potential disciplinary action which may result in dismissal
- Failure to report serious matters can also be investigated and potentially lead to disciplinary action which may result in dismissal
- Any management employee who inappropriately deals with a whistleblowing issue (e.g. failing to react appropriately by not taking action in a timely manner or disclosing confidential information) may be deemed to have engaged in gross misconduct which could lead to dismissal



- We give all of our staff the telephone numbers of the Local Authority Designated Officer (LADO), Local Safeguarding Children Board (LSCB) and CIW so all staff may contact them if they cannot talk to anyone internally about the issues/concerns observed.

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**Review of policy dates:**

<b>Date of review</b>	<b>Reviewed by</b>	<b>Notes</b>
August 2017	Esma Izzidien	
August 2018	Esma Izzidien	
August 2019	Esma Izzidien	
September 2020	Esma Izzidien	
September 2021	Esma Izzidien	
September 2022	Abigail Eynon	