



CASTLE COURT
SCHOOL

WHISTLE BLOWING POLICY

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Purpose of the Policy

At Castle Court, we are committed to the highest possible standards of provision and we value all members of the community. In accordance with this commitment, staff are encouraged to come forward and voice any concerns they may have about any aspect of the school's work.

It is often a member of staff who is the first to realise that there may be something wrong within the school. They may feel it is difficult to express their concerns because they are concerned that speaking up will be disloyal to colleagues. It is possible staff may fear harassment, victimisation or some other form of reprisal if they speak up. As a result, they may ignore the concern rather than report what may be just a suspicion of malpractice. However, the school believes that whistleblowers can assist in uncovering wrongdoing. This can help prevent accidents, financial scandals, criminal offences and regulatory breaches. It also ensures that we hold ourselves as a community to the highest standards.

This policy makes it clear that employees can share concerns without fear of reprisals. It applies to all staff, volunteers and those contractors working for the school on school premises and includes, for example, agency staff, builders, and drivers. It also covers those providing services under a contract with the school.

The Protected Disclosures Act 2014

This Act protects workers who 'blow the whistle' about wrongdoing. It states the types of disclosures which may be protected; the circumstances in which the disclosures are protected; and the persons who may be protected. The provisions introduced by the Act protect most workers from being subjected to a 'detriment' by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities, which the employer would otherwise have offered.

Employees may make a claim for unfair dismissal if they are dismissed for making a protected disclosure.

Aims

This policy aims to:

- Demonstrate that the school will not tolerate malpractice
- Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, as appropriate
- Respect the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively
- Provide clear and simple procedures for raising concerns which are accessible to all members of staff
- Inform staff about the protections available to them if they raise a whistleblowing concern

- Reassure 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. However vexatious or malicious allegations may be considered a disciplinary issue.

This policy does not replace the school's complaints procedure. There are also procedures in place relating to Discipline, Grievance, Capability etc. This policy covers concerns that fall outside these procedures, such as malpractice or wrongdoing.

Any concern that a person has regarding a suspicion of malpractice or wrongdoing in any aspect of the school life, or relating to the conduct of staff within school, or others acting on behalf of the school, can and should be reported. Members of staff are expected to report malpractice and wrongdoing and may be liable to disciplinary action if they knowingly and deliberately do not disclose information relating to such.

What is Malpractice or Wrongdoing?

Malpractice and wrongdoing may be about something which is:

- unlawful
- against the school's policies
- not in accordance with established or expected standards of practice
- improper conduct

The overriding consideration is that it would be in everyone's interest for such malpractice to be corrected and, if appropriate, sanctions to be applied.

The following are examples of issues which could constitute malpractice:

- An unlawful act or omission, whether criminal or a breach of civil law
- A breach of statutory requirements, particularly with regard to safeguarding
- A breach of, or failure to implement or comply with, school policy
- Failure to comply with appropriate professional standards
- Corruption or fraud of any type
- Any action that could result in physical danger to any person, or give rise to risk of significant damage to property
- Failure to take reasonable steps to report and rectify any situation which may give rise to loss of income to the school
- Using the school's powers and authority for any unauthorised or ulterior purpose
- Unfair discrimination in employment procedures
- Procedures that risk health and safety
- Damage to the environment
- Unethical conduct

What is a Whistleblower?

A whistleblower is a person who raises a genuine concern relating to any of the above. The wrongdoing disclosed must be in the public interest. This means it must affect others. A whistleblower is protected by law – they should not be treated unfairly or lose their job because they ‘blow the whistle’.

Not all concerns count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or related to an individual employment contract, this is likely to be grievance and should be raised in accordance with the school’s [Disciplinary, Capability and Grievance Procedures](#)

Safeguards

The school recognises that the decision to report a concern can be difficult, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole.

The school will not tolerate any such harassment or victimisation and will take appropriate action in order to protect staff who raise a concern in good faith.

In addition, staff are protected in law by the Protected Disclosures Act 2014, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied.

A staff member’s disclosure is protected by the legislation when it relates to a “relevant wrongdoing”. “Relevant wrongdoing” includes criminal offences; failure to comply with legal obligations (this does not include disclosures of breaches relating to the worker’s own terms of employment); miscarriages of justice; health and safety matters; environmental damage; unlawful or improper use of public money; an act or omission by a public body that is oppressive, discriminatory, grossly negligent or constitutes gross mismanagement; and if information in relation to any of the above is concealed or destroyed.

This does not necessarily mean that if staff are already the subject of disciplinary procedures that those procedures will be halted as a result of a concern being raised under this policy.

Whistleblowing with Regards to Safeguarding

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school’s safeguarding regime and that such concerns will be taken seriously by the senior leadership team.

Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, should be in place for such concerns to be raised with the school's senior leadership team. The DSL for the school will be a key point of contact in this domain.

It is hoped that all members of staff and volunteers would feel able to raise any concerns regarding safeguarding with the school first. However, where a staff member genuinely feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance can be found at- <https://www.gov.uk/whistleblowing>
- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and Email: help@nspcc.org.uk
- ISI can be contacted <http://www.isi.net/>

Please refer to the section in this policy 'Escalating concerns beyond the school' for further guidance.

Confidentiality

It is the school's hope that members of staff feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. However, for those who want to raise a concern confidentially, the school will make every effort to keep the person's identity confidential and only reveal it where necessary to those involved in investigating your concern.

Anonymous Allegations

Concerns expressed anonymously are much less powerful. They will be considered at the discretion of the school and treated with caution. In exercising this discretion, the school will consider the following:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of obtaining the necessary information and confirmation of the allegation.

Deliberately False or Malicious Allegations

The school considers false or malicious allegations seriously. It will regard the making of such allegations by any member of staff as a serious disciplinary offence which could result in

dismissal. If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the complainant.

The school will try to ensure that the negative impact of any malicious or unfounded allegation about any employee is minimised. A failure to follow this procedure outlined in this policy may however make the disclosure unreasonable and the protection given to you by this procedure may be lost.

How is a Concern Raised?

If wrongdoing in the workplace is suspected:

- Individuals should not be approached or accused directly
- Individuals should not attempt to investigate the matter themselves
- Individuals should not convey suspicions to anyone other than the Head or, if the suspicion relates to the Head, the Chair of the Governors
- As a first step, report the concern to the Head
- If the Head is involved in the matter of concern, report to the Chair of the Governors.

Concerns may be raised orally; however, it is advised that they are reported in writing. The report should:

- set out the background and history of the concern
- give relevant names, dates and places where possible
- state the reason why the situation is of concern

The earlier a concern is expressed, the easier it is to take appropriate action and resolve matters.

Complainants are not expected to prove the truth of allegations; however, they are required to demonstrate that there are sufficient grounds for concern.

How the School will Respond

When a concern is received by the Head they will:

- Meet with the person raising the concern within 7 working days of receiving their concern. The person raising the concern may be accompanied by a trade union or professional association representative.
- Gain as much information as possible about the concern at the meeting and record the information. If it becomes apparent the concern is not of a whistleblowing nature, the Head will then handle the concern in line with the appropriate policy or procedure.
- Reiterate at the meeting, that the person raising the concern is protected from unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken.

- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The Head will arrange a further investigation, involving the Head, Governor, or member of the Senior Leadership Team, if appropriate. In some cases, there may be the need to bring in an external, independent body to investigate. In other cases, there may be a need to report to the police.
 - The person who raised the concern should be informed of how the matter will be investigated and given an estimated timeframe.

The school will take appropriate steps to minimise any difficulties the complainant may experience as a result of raising a concern. For example, if the complainant is required to give evidence in criminal or disciplinary proceedings the school will advise about the procedures and support the complainant.

If you do not receive a response from the school within 7 working days of raising your concern you shall be entitled to notify a relevant and appropriate body outside the School which may include:

- LADO
- The Health and Safety Executive
- The Environment Agency
- The Information Commissioner
- DfE
- The Police
- ISI
- whistle@protect-advice.org.uk

Outcome of the Investigation

Once the investigation is complete, the investigating 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.

The school will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, where necessary the Head and Governors will review the relevant policies and procedures to prevent future occurrences.

Escalating Concerns Beyond the School

The school encourages all staff to raise their concerns internally, but recognises that in extreme circumstances, staff may feel the need to report their concerns directly with a

relevant and appropriate outside body without first having followed the stages above. This may however cause damage to the school and its reputation as well as constitute a breach of your own duty of confidentiality towards the school and this action should only be taken in extreme circumstances and after careful thought.

The Media

Even where extreme circumstances are thought to exist, you should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and/or where your concern is disclosed for personal gain, the school will consider this to be gross misconduct and immediate disciplinary action will be taken against you.

Responsibility for the Policy

The responsibility for the effectiveness and efficiency of this policy rests with the governing body and Head. The Head and Senior leadership Team review procedures annually to ensure they remain effective.

The Head will maintain confidentially records of concerns, how they are dealt with and the outcomes reached. These records are available to the Governing Body for scrutiny.

Related Policies

- Staff code of conduct
- Safeguarding and Child Protection Policy
- Disciplinary, Capability and Grievance Procedure
- Complaints Policy