

WHISTLEBLOWING POLICY AND PROCEDURES



Our Mission Statement – the reason our College exists

“Learning & Growing in the Light of the Gospel”

With Christ at the centre of our learning, we:

- *Help young people to achieve their greatest potential*
- *Guide their intellectual growth, nurture their God-given talents, and inspire them to live in service to others*
- *Aim to develop honest, confident, responsible and compassionate members of society, based on the educational values of Blessed Antonio Rosmini*

‘Begin Here, Go Anywhere’

Ratcliffe’s unique educational offering based on our College motto, “Legis Plenitudo Charitas”, Love is the fulfilment of the Law, provides a perfect context within which young people may acquire the emotional knowledge and interpersonal skills necessary to live happy and purposeful lives. The College’s inclusive Catholic ethos is complemented by the outstanding quality of our College community through which our Mission, “Learning and Growing in the Light of the Gospel”, serves to nurture resilience and develop maturity. Young people leave Ratcliffe with a strong sense of who they are and their purpose in the world, equipped socially, emotionally, morally and spiritually to go forth and make a difference to the communities in which they live and work.

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1. INTRODUCTION

All schools face the risk of things going wrong or of unknowingly harbouring wrongdoers. Ratcliffe College believes it has a duty to identify such situations and take the appropriate measures to remedy them. The Governing Body of Ratcliffe College has approved this Policy as it continues to remain committed to the highest possible standards of conduct.

Employees who have concerns about suspected wrongdoing within the school are encouraged to come forward and report those concerns. This process is commonly referred to as “whistleblowing” and the aim of this Policy is to give detailed advice and reassurance to persons who wish to “blow the whistle” by reporting wrongdoing to those who can make a difference. By knowing about wrongdoing at an early stage, the school has the chance to take necessary steps to safeguard its interests. The message the school wishes to give its employees is that they must not hesitate to “blow the whistle” on wrongdoing and do so as early as possible.

This Policy acknowledges and incorporates the specific statutory rights and protection given to employees by the [Employment Rights Act 1996](#) as amended by the [Public Interest Disclosure Act 1998](#) and the [Enterprise and Regulatory Reform Act 2013](#), which applies to certain kinds of protected disclosure termed “qualifying disclosure” (see Section 5 below). Provided that employees are acting in the public interest when making a disclosure and they have a reasonable belief that the information disclosed tends to show that wrongdoing has occurred, is occurring or is likely to occur in the future, it does not matter if an employee subsequently realises that they are mistaken. Employees do not have to specifically prove anything in order to have their concerns about wrongdoing investigated.

Through this Policy the School wishes to stress to employees that **“if you are in doubt – raise it”**. The Headteacher and Governing Body will consider the information received from a whistleblowing disclosure. However, the decision as to whether to investigate, and the extent of that investigation, will remain with the Headteacher. If any investigation does take place, employees will be expected to co-operate fully with that investigation.

2. SCOPE

The whistle blowing procedures and this policy may be used by anyone employed by Ratcliffe College in a paid or voluntary capacity including governors, work experience placements, contractors, agency staff and supply teachers who believe they have reason to suspect that the conduct of an employee towards a student or colleague is inappropriate or that the safeguarding policy or other guidelines including the Staff Code of Conduct are not being followed.

3. DATA PROTECTION

Information or data specifically obtained to address issues raised under this Whistleblowing Policy is held securely and accessed by, and disclosed to, individuals only for the purposes of addressing these issues. Inappropriate access or disclosure of an employee's personal information/data constitutes a data breach and should be reported immediately. It may also constitute a matter which will be considered in accordance with the School's Disciplinary Policy.

4. AIMS OF THE POLICY

The aim of this policy is to provide;

- Support to employees in the internal reporting of suspected wrongdoing in a safe and constructive manner
- Avenues for employees to raise concerns about suspected wrongdoing and to receive feedback on any action taken by the school in response to those concerns
- Opportunities for employees to take the matter further if they are dissatisfied with the school's response to their concerns by identifying ways to report concerns to the appropriate regulator or outside body
- Reassurance to employees that, provided they disclose their concerns appropriately and in accordance with this Policy, they will, provided their disclosure is a "qualifying disclosure", be protected from suffering a detriment in their employment (including dismissal)

5. RESPONSIBILITIES

5.1 The Headteacher and Governing Body

The Headteacher and Governing Body must;

- Treat all disclosures in confidence
- Provide support to employees making whistleblowing disclosures where they consider the employee has a reasonable belief that the information disclosed is both accurate and in the public interest
- Consider fully whether to investigate any whistleblowing disclosures made and if it is decided that an investigation is required ensure that it is undertaken properly and objectively
- Inform the employee making the whistleblowing disclosures of the progress being made with any subsequent investigation (or provide a full explanation as to why an investigation will not be taking place). It is not necessary to provide

detailed information which may breach the confidentiality of the investigation but rather provide reassurance that the investigation will reach an appropriate outcome

- Where a whistleblowing disclosure is a “qualifying disclosure”, protect the employee making the disclosure from suffering any detriment in their employment (including dismissal) such as harassment or victimisation from any other manager or employee because the employee has made the disclosure
- Where a whistleblowing disclosure is a “qualifying disclosure”, take all possible steps to protect the employee making the disclosure from suffering any detriment in their employment by other parties outside the school with an interest in the concerns being raised because the employee has made the disclosure

5.2 The Headteacher

The Headteacher will:

- Maintain a secure and confidential record of all whistleblowing disclosures and the outcomes reached from the investigations carried out in accordance with the [School's Record Management Policy](#)
- Refer all whistleblowing disclosures received to the Chair of the Governing Body and support the Governing Body in meeting their responsibilities under this Policy
- Make employees (and contractors/agency workers etc) aware of the existence of this Policy

5.3 Employees

Employees should;

- Report all concerns about suspected wrongdoing within the school (excluding any related to their own contract of employment) which come to their attention during their employment, providing that they have a reasonable belief that their concerns are accurate and that it is in the public interest that those concerns should be subject to further scrutiny
- Put their name to any whistleblowing disclosures made
- Fully participate in any investigation following a whistleblowing disclosure made by them

6. DISCLOSURES

The Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, protects workers who make a

“qualifying disclosure” from dismissal, selection for redundancy or from being subjected to any other detriment in employment as a result of making that “qualified disclosure”.

A “qualifying disclosure” is a concern which falls into one of six categories of wrongdoing set out in the legislation, provided that the specific requirements for that category of wrongdoing are met in that the concern is raised in the correct manner to the proper person or organisation.

These six categories are:

- Criminal offences – e.g. theft, fraud, corruption, sexual or physical abuse of pupils
- Failure to comply with legal obligations – e.g. a breach of a statutory duty, Standing Orders or Financial Regulations and other statutorily required policies
- Miscarriage of justice
- Risks to Health & Safety including those to pupils, employees, and the public
- Damage to the environment
- Deliberately covering up any of the above

The specific requirements for each of these categories of wrongdoing are different for each category. Further information about these requirements is set out in the Qualifying Disclosure Guide at Appendix 1.

Whilst the School would wish employees to raise any concerns they have about wrongdoing within the school, there are circumstances in which a concern can be raised outside the school. If, however, an employee’s disclosure does not meet the statutory requirements of a “qualifying disclosure”, whether raised internally or externally, they will not be able to rely upon the protection of the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013. For example, it is unlikely that raising a concern about wrongdoing to the media would maintain the legal protection referred to in this Policy.

The school will also investigate concerns under this Policy which relate to improper conduct falling below established standards and practices. Whilst concerns of this nature may not fall within the definition of a “qualifying disclosure” the school will provide the same level of support and protection to employees raising such concerns as it would to employees making a “qualifying disclosure”. Where an employee raises concerns which relate to their own employment with the school, those concerns are not likely to meet the test of being in the public interest and therefore they should not be raised through this Policy but rather through the School’s Grievance Procedure. Similarly this Policy is

intended to cover concerns that fall outside the scope of the [Grievance Procedure](#) and therefore you do not need to raise a grievance in order to disclose a concern about suspected wrongdoing.

Inappropriate conduct includes, but is not confined to;

- speaking inappropriately towards a child
- bullying, humiliation, or aggressive behaviour towards a student/colleague
- showing favouritism towards a specific group of children or child/colleague
- contravening health and safety guidelines
- serious breaches of the school's code of ethical practice
- professional practice that falls short of normally accepted standards
- compromising students' welfare but in a way that does not meet the threshold for child protection intervention
- developing inappropriate relationships with a child's parents to gain access to a child

7. RAISING A CONCERN

Although concerns about wrongdoing can be raised orally or in writing, the school would encourage employees to put them in writing, setting out the background and history of the concern and giving names, dates, and places where possible, providing as much information as possible.

In all circumstances, employees should make it clear that they are raising their concerns about suspected wrongdoing under this Policy. The school does not expect employees to prove that the suspected wrongdoing has occurred, is occurring or is likely to occur in the future but they will need to show to the person they contact that they have sufficient grounds for their concern and that the information disclosed tends to show the suspected wrongdoing.

The school also encourages employees to put their names to any concerns they raise. If an employee expresses concerns about suspected wrongdoing anonymously, their disclosure is much less powerful. Anonymous disclosures about suspected wrongdoing will still be considered by the school, although any action taken will be at the discretion of the person undertaking the initial investigation. In exercising this discretion, regard will be had to a number of factors, including;

- The seriousness of the concern raised

- The credibility of the disclosure
- The likelihood of confirming the concern from other sources
- The ability to investigate if it is not possible to confirm facts or gather more information due to the anonymity of the “whistleblower” or other reasons

The earlier an employee raises their concerns, the easier it may be for the school to take action. Employees are encouraged to raise any concerns of suspected wrongdoing internally, but it is recognised that in certain circumstances it may be appropriate to instead raise concerns externally, to the relevant external organisation or organisation for the relevant category of wrongdoing as set out in the List of Prescribed Persons available at gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies.

Once a concern about suspected wrongdoing has been raised either internally or externally, employees have a duty to fully participate in any subsequent whistleblowing investigation. Employees who have raised their concern may, therefore, feel it appropriate to seek advice from their Trade Union representative or another advisory body such as Protect available at [Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk)

7.1 Internally

Employees are encouraged to raise any concerns of suspected wrongdoing with their Line Manager. However, the School appreciates that this depends on the seriousness and sensitivity of their concern and whether the employee thinks their Line Manager may be involved in the suspected wrongdoing.

If an employee believes that their concern is too serious or sensitive to raise with their Line Manager or believes that their Line Manager is involved in the suspected wrongdoing, they should raise their concerns with the Headteacher. If an employee believes that the issue is too serious or sensitive to raise with the Headteacher or believes that they are involved in the suspected wrongdoing, they should raise their concerns with the Chair of the Governing Body.

The person making the disclosure and the person the disclosure is about have the right to be accompanied and/or represented by their trade union representative or a work colleague at all stages of the procedure.

The organisation will implement training, mentoring, advice, and other support systems to ensure employees can easily approach a range of people within the organisation.

7.2 Externally

If an employee feels unable to raise their concerns about suspected wrongdoing internally or feels dissatisfied with an internal investigation into their concerns, they may be justified in contacting a relevant external person or organisation for the relevant category of wrongdoing as set out in the [List of Prescribed Persons](#). This list has been prescribed by the Secretary of State, in the event that the more stringent conditions regarding external disclosure are met. The relevant person or organisation may be able to provide independent advice.

Employees may, in certain, limited situations, also be justified in raising a concern about suspected wrongdoing to a wider audience but should refer to the Qualifying Disclosure Guide at Appendix 1 before taking such action, so that they can determine whether this course of action is appropriate. If an employee chooses to disclose their concern outside the school, they must take care to ensure that they do not disclose confidential or privileged information. Examples of information that is given to the school in confidence (either explicitly or where it is clear from the circumstances that there is an expectation that the information will not be passed on) are;

- Information that would enable a child or other vulnerable client to be identified
- Commercially sensitive information
- Third party personal financial information
- Information that is held as part of court proceedings where the information has not been made public
- Information that could affect national security
- Legal advice given to the service where confidential or privileged information is inappropriately disclosed, an employee may be subject to disciplinary action in accordance with the School's Disciplinary Procedure

7.3 Concerns about Children and Vulnerable Persons

If an employee's concern relates to any suspected wrongdoing to the welfare of children, the procedure set out in Appendix 2 should be followed because of the specific obligations placed upon persons reporting concerns regarding the wellbeing of children. Failing to report a concern relating to the wellbeing of children could be seen as a failing in professional duty for some employees and be in breach of legislation. Such failures may result in disciplinary action being considered in accordance with the School's Disciplinary Procedure.

8. HOW THE SCHOOL WILL RESPOND

The action taken by the school will depend upon the nature of the concern that is raised. In most instances, it is expected that to protect individuals and the school, initial enquiries will be made to decide whether a whistleblowing investigation is required and, if so, what form this investigation will take.

Some concerns about suspected wrongdoing may be resolved by agreed or alternative action without the need for a whistleblowing investigation. If the disclosure has been made internally, the person dealing with the initial whistleblowing disclosure must consult with the Headteacher (if appropriate) who will inform the Chair of the Governing Body who will determine if a whistleblowing investigation will take place and if so, determine the terms of reference for that investigation, and then take the decision to;

- Complete the investigation internally using an independent and impartial member of the school's management team. They will also determine the terms of reference for the investigation; or
- Refer the matter to an external body for them to investigate; or
- Refer the matter directly to the Police; or
- Organise an independent inquiry; or
- Refer the matter for consideration under any other existing School procedure as may be appropriate in the circumstances; or
- Take no further action.

The school will respond in writing to the employee's contact address, within 10 working days of receiving the disclosure, providing the following information;

- An acknowledgement that their concern has been received, with due care regarding confidentiality
- What actions have been taken up to that point
- An indication of what happens next
- The name of a "contact officer" who they will be able to liaise with if concerns or issues arise as a consequence of them making the disclosure
- If applicable, the name of the person assigned to investigate the disclosure

- An estimate of how long it will take to provide a final response and why it will take this long
- If applicable, an explanation as to why it may not be appropriate to carry out a whistleblowing investigation.

If it is not possible to provide all this information within 10 working days, the written response will explain the reasons for this and give an indication as to when it will be available to be shared with the employee. The amount of contact between the person making the disclosure and the person investigating it will depend on the nature of the concern raised about the suspected wrongdoing, the potential difficulties involved, and the clarity of the information provided. If it is necessary to seek further information, a meeting will be arranged with the employee, at which they will have the right to be accompanied by their Trade Union representative or a work colleague who is not involved in the area of work to which the concern relates.

At the employee's request, any meeting may be held away from their workplace and/or outside working hours if appropriate. Every attempt will be made to resolve the matter within 20 working days of a concern being raised, or if this is not possible as soon as is reasonably practicable. If the matter cannot be resolved within this time scale, the employee will be kept regularly informed of how the concern is being dealt with. Subject to legal constraints, the employee will be notified of the outcome of any whistleblowing investigation into a concern they have raised. The outcomes of all formal whistleblowing investigations will be reported to the School's Governing Body. The Headteacher will ensure that all documents relating to an investigation into a disclosure will be kept on confidential file in accordance with the School's Record management Policy.

9. SAFEGUARDS

9.1 Confidentiality

The school should strive for a culture where employees who have a whistleblowing concern feel it is safe and acceptable to raise their concerns openly given that such openness makes it easier for the school to assess the issues and work out how best to investigate them. However, it is recognised that some employees may have anxieties about identifying themselves and if this is the case it will be agreed that any concerns about suspected wrongdoing made under this Policy will be treated confidentially and, unless the employee agrees otherwise, the school will do its best not to disclose their identity.

Employees must, however, appreciate that a whistleblowing investigation may reveal who raised the concern and as part of this investigation, they may be required to provide

a statement to the school or to an external body, for example the Police or another appropriate enforcement agency. Similarly, if the matter proceeds to an internal disciplinary hearing for another employee, they may be required to attend as a witness to provide evidence.

9.2 Harassment or Victimisation

The school recognises that the decision to raise a concern about suspected wrongdoing can be a difficult one to make. The School has a statutory duty to protect employees from suffering a detriment in their employment (including dismissal) as a result of making a “qualifying disclosure” and as such it will not tolerate an employee being subjected to a detriment in their employment, such as harassment or victimisation by managers or other employees, as a result of them having raised their concern. The school will take action to protect employees when they have raised a “qualified disclosure”.

Similarly, the School will take all possible steps to protect employees who raise “qualifying disclosures” from being subjected to a detriment in their employment by third party organisations where such organisations are implicated in the concerns raised.

If an employee feels that they have suffered detriment, either directly or indirectly, because of raising a concern under this Policy, they should refer to the School’s Grievance Policy. Any allegations of harassment or victimisation will be fully investigated and where a case to answer is identified it will be addressed through the application of the [School’s Disciplinary Policy](#).

9.3 Untrue Allegations of Wrongdoing

This Policy has been designed to encourage employees to raise legitimate concerns about suspected wrongdoing. Consequently, if an employee raises a concern which is in the public interest, and they have a reasonable belief that the information disclosed tends to show the wrongdoing has occurred, is occurring or is likely to occur in the future but the wrongdoing is not confirmed by the whistleblowing investigation, disciplinary action will not be taken against the employee. Where, however, a whistleblowing investigation concludes that the information provided, was maliciously inaccurate and/or the disclosure was, on balance, not considered reasonable, then disciplinary action may be taken against an employee in accordance with the School’s Disciplinary Policy. An employee who is the subject of a disclosure found not to be true will receive a full explanation of any whistleblowing investigation findings in writing.

9.4 Subjects of Whistleblowing Disclosure

If an employee finds themselves the subject of a whistleblowing disclosure and a subsequent investigation, they will have the right to be represented by a Trade Union representative or a work colleague who is not involved in the area of work to which the concern relates during any interviews which take place as part of the investigation.

9.5 Counter Grievances

Whilst every possible precaution will be taken to maintain the confidentiality of any “whistleblower” it is recognised that on occasions a person who is the subject of the concerns raised may become aware of who has raised the concern, which could prompt a grievance being submitted related to the detrimental treatment at work if the subject of the disclosure believes that the disclosure is inaccurate and/or malicious and/ or has been unreasonably made. The submission of such a counter grievance by a person who is the subject of a disclosure will not prevent, or interfere with, any whistleblowing investigation into the original disclosure occurring or continuing. Any whistleblowing investigation will fully explore the issues raised in a counter grievance both at the interview with the subject of the disclosure and with any other person(s) named as witnesses by either party. The outcome of the investigation will therefore address both the original disclosure, and any counter grievance submitted.

The investigation will in effect replace Stage 1 of the School’s Grievance Procedure. Therefore, if the counter grievance is not resolved through the outcome of the investigation the matter may be referred to the appeals aspect of the Grievance Procedure.

If the whistleblowing investigation into the original disclosure concludes that the counter grievance is justified (and therefore that the allegations were either maliciously inaccurate and/or were unreasonably made) this will be confirmed in writing prior to any disciplinary action being considered, in accordance with the School’s Disciplinary Policy, against the employee who made the original disclosure.

10. RELEVANT LEGISLATION

[Employment Rights Act 1996](#)

[Public Interest Disclosure Act 1998](#)

[Enterprise and Regulatory Reform Act 2013](#)

11. DEFINITIONS

Whistleblower – a person who works in or for an organisation who raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public, or the success and reputation of the organisation.

Qualifying Disclosure – a disclosure which meets certain legal definitions and which carries protection against unfair treatment including dismissal.

12. ASSOCIATED DOCUMENTS

- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Disciplinary Policy
- Equality Policy
- Record Management Policy
- Grievance Policy

NSPCC Whistleblowing Helpline Telephone: 0800 028 0285

Web: www.nspcc.org.uk/whistleblowing

13. APPENDIX 1

Qualifying Disclosure Guide

Whether a whistleblowing disclosure made by an employee is a “qualifying disclosure” under the Employment Rights Act 1996 (as amended by the Protection from Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013) depends upon the following:

1. Whether that whistleblowing disclosure is made in the public interest;
2. Whether the employee has a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future;
3. Whether the information disclosed falls into one of the six categories of wrongdoing set out in the Act;
4. Whether the employee has complied with the specific requirements for that category of wrongdoing (see A below);
5. The person or organisation the employee contacts to raise their concern (see B below).

A. The Six Categories of Wrongdoing and their Specific Requirements for Raising a Concern

- **Crime** - The employee must have a reasonable belief that their concern tends to show that a criminal offence has been committed, is being committed or is likely to be committed
- **Failure to Comply with Legal Obligations** The employee must have a reasonable belief that their concern tends to show that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject. The legal obligation must actually exist - it is not enough that the employee merely thinks the legal obligation exists
- **Miscarriage of Justice** The employee must have a reasonable belief that their concern tends to show that a miscarriage of justice has occurred, is occurring or is likely to occur

- **Risks to Health & Safety** The employee must have a reasonable belief that their concern tends to show that the health and safety of any individual has been, is being or is likely to be endangered
- **Damage to the Environment** The employee must have a reasonable belief that their concern tends to show that the environment has been, is being or is likely to be damaged
- **Deliberately covering up any of the above**

The employee must have a reasonable belief that their concern tends to show that information tending to show any of the above has been, is being or is likely to be deliberately concealed.

Notes

If, by raising their concern, an employee commits an offence, their whistleblowing disclosure is not a “qualifying disclosure”.

B. The Person or Organisation an Employee Contacts to Raise Their Concern

- **Their Employer**

The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future. The employee must meet the requirements noted above for the relevant category of wrongdoing.

- **Other Responsible Person**

The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future. The employee must meet the requirements noted above for the relevant category of wrongdoing. The employee must reasonably believe that their concern relates solely or mainly to either the conduct of the Other Responsible Person as opposed to their employer or to any other matter for which the Other Responsible Person as opposed to their employer has legal responsibility.

- Legal Advisor

The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future. The employee must meet the requirements noted above for the relevant category of wrongdoing. The employee must raise their concern in the course of obtaining legal advice.

- A Minister of the Crown

The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future. The employee must meet the requirements noted above for the relevant category of wrongdoing. The employee's employer must be an individual appointed under any enactment by a Minister of the Crown or a body whose members are so appointed.

- A Prescribed Person

The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future. The employee must meet the requirements noted above for the relevant category of wrongdoing. The employee must raise their concern to a person/organisation on the List of Prescribed Persons as detailed in this link: gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies

The employee must have a reasonable belief that their concern falls within any description of matters in respect of which the person/organisation has been prescribed. The employee must have a reasonable belief that their concern is substantially true.

- Disclosure in Other Cases

The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future. The employee must meet the requirements noted above for the relevant category of wrongdoing.

The employee must have a reasonable belief that their concern is substantially true.

The employee must not raise their concern for personal gain.

The employee must fulfil one of the following conditions:

- At the time they raise their concern, the employee must reasonably believe that they will be subjected to a detriment by their employer if they raise their concern to their employer or to a Prescribed Person; **OR**
- In a case where there is not a Prescribed Person in relation to the description of matters of concern, the employee must reasonably believe that it is likely that evidence relating to their concern will be concealed or destroyed if they raise their concern to their employer; **OR**
- The employee has previously raised substantially the same concern to their employer or to a Prescribed Person.

It must, in all the circumstances of the case, be reasonable for the employee to raise their concern. In determining whether or not it is reasonable to raise the concern, regard shall be had in particular to the following factors:

- The identity of the person to whom the employee raises their concern
- The seriousness of their concern
- Whether their concern is continuing or is likely to occur in the future
- Whether their concern is raised in breach of a duty of confidentiality owed by their employer to a third party, for example a service user
- Where the employee has previously raised substantially the same concern to their employer or to a Prescribed Person, any action which the employer or the Prescribed Person has taken or might reasonably be expected to have taken as a result of their concern having been raised; and
- Where the employee has previously raised substantially the same concern to their employer, whether in making the disclosure to their employer they complied with any relevant procedure of their employer, for example this Policy.

- Disclosure of Exceptionally Serious Failure

The employee must make the disclosure in the public interest and have a reasonable belief that the information disclosed tends to show that suspected wrongdoing has occurred, is occurring or is likely to occur in the future.

The employee must meet the requirements noted above for the relevant category of wrongdoing.

The employee must have a reasonable belief that their concern is substantially true.

The employee must not raise their concern for personal gain.

The employee's concern must be of an exceptionally serious nature.

It must, in all the circumstances of the case, be reasonable for the employee to raise their concern. In determining whether or not it is reasonable to raise the concern, regard shall be had, in particular, to the identity of the person to whom the employee raises their concern.

14. APPENDIX 2

Raising a Concern about Wrongdoing to Children

This Appendix sets out a number of factors, additional to the provisions of the Whistleblowing Policy, which are relevant if the concern an employee wishes to raise, concerns suspected wrongdoing to the welfare of children.

Raising a Concern to Your Employer

When an employee raises a concern about suspected wrongdoing to the welfare of children the School will refer the concern for investigation by a person with sufficient and appropriate independence, experience and expertise in such matters to be able to properly advise on the best approach to an investigation of the concern raised. This person is likely to be the Designated Officer (formerly known as the LADO). However, if the concern raised is complex, support and advice may be sought from appropriate external organisations. The Designated Officer will liaise with the Headteacher to determine whether an independent investigator can be identified within the School or whether it will be necessary to identify an investigator outside of the School. The School will endeavour to ensure that the terms of reference for any investigation into the concern or concerns raised will be sufficiently open and flexible so as to allow the independent investigator to determine what evidence they need to consider.

Specific provision will also be made so that the independent investigator is able to recommend the extension of their original terms of reference should they consider this to be in the children's best interests and pursue, or report to, the appropriate protection authority, any child safeguarding concern they identify, either current or past.

Recommendations to extend the original terms of reference may in particular relate to other areas the independent investigator considers relevant to their original terms of reference or may more widely relate to the safety, rights or welfare of children. The School will endeavour to ensure that the independent investigator receives appropriate support during any investigation and that they will be given access to all relevant information during their investigation. The School will endeavour to ensure that every effort is made by all concerned in the investigation to preserve confidentiality for identifiable children, whilst also ensuring that confidentiality does not prevent the proper referral or identification of the concern or concerns raised.

Where multiple concerns are raised, either initially or sequentially, the independent investigator will list these concerns separately and respond at the end of the investigative process on each separate concern. When investigating multiple concerns, other persons (including children, employees, parents/guardians and witnesses) will, where this is necessary and/or appropriate, be questioned by the independent investigator in order to elicit information on each separate concern in respect of which they are likely to be in a position to comment or give evidence upon. When investigating a concern alleging or implying risk of past, present or likely future significant harm to children, or significant

harm to children's rights or welfare, the independent investigator will give first priority to the assessment of any current or likely imminent risk of significant harm or significant breaches of welfare of any child.

The resolution of these concerns will centre solely on the interests of the child(ren). Past concerns or evidence will be included in the investigation if the independent investigator considers them relevant to present or future safeguarding of the safety, rights or welfare of children. Secondary priority will then be given to any and all other concerns raised.

Employees who raise a concern about suspected wrongdoing to the welfare of children shall be required to co-operate fully in any child protection enquiries or enquiries related to children's safety, rights or welfare, and to provide the independent investigator with any and all relevant evidence they have, even if they have a separate complaint or grievance about the process. Such a complaint or grievance shall be dealt with separately to the Whistleblowing Policy. The findings and recommendations of the independent investigator shall be notified to the Headteacher, Chair of the Governing Body and the Designated Officer.