

Whistle-blowing policy



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Brighton & Hove Montessori Ltd, 67 Stanford Avenue, Brighton, BN1 6FB Telephone & Fax 01273 702485 www.brighton-montessori.org.uk info@brighton-montessori.org.uk

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Registered offices: 67 Stanford Avenue, Brighton, BN1 6FB

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1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected.
- Let all staff know how to raise concerns about potential wrongdoing in or by the School.
- Set clear procedures for how the School will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistle-blowing concern.
- Ensure that staff receive a response to concerns and that they are aware of how to pursue them if they are not satisfied
- 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)

This policy does not form part of any employee’s contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the School in any capacity including self-employed consultants or contractors who provide services on a personal basis.

2. Legislation

This policy has been written in line with [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#) and DfE Keeping Children Safe in Education 2024

3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is “in the public interest”. Examples of whistle-blowing include (but are not limited to) a situation or situations where:

- A criminal offence has been committed, is likely to be committed or is being committed, such as fraud or corruption
- The Health & Safety of any individual has been or is likely to be endangered
- A person has failed, is failing, or is likely to fail to comply with a legal obligation or statutory requirement
- There are breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- The environment has been, or is likely to be damaged

A whistle-blower is a person who raises a genuine concern relating to the above. A whistle blower is not and must not be perceived as a mischief-maker or troublemaker.

Not all concerns about the School count as whistle blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

When staff have a concern, they should consider whether it would be better to follow our staff grievance or complaints procedures.

In the public interest means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served;
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed;
- The nature of the wrongdoing disclosed;
- The identity of the alleged wrongdoer;
- Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance, which is covered by a separate policy, and blowing the whistle.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure.
- A free and confidential [advice line](#)

4. Our Assurances to Whistleblowers

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information, and any allegations are substantially true. The details of any disclosure will remain confidential.

BHMS recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the School itself; however, the School will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment, blacklisting and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises, harasses, actively attempts to identify or expose an employee as a result of them having raised a concern in accordance with this policy will be dealt with under the School's Disciplinary Procedure. This will also apply where the subject of a whistleblowing complaint attempts surreptitiously or otherwise to convey to the whistleblower that they are aware or may be aware of his/her identity or to share such information with a third party.

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the School will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the School's Grievance or Complaints Procedure as appropriate.

Governors who are not employees while they are responsible for ensuring there is a whistleblowing procedure in place, are not protected under the PIDA.

We recognise that individuals may nonetheless want to raise a concern in confidence. If you ask us to protect your identity, we will not disclose it without informing you. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, it will not be possible to apply all, most or any aspects of this policy for concerns raised anonymously.

5. Procedure for staff to raise a whistle-blowing concern

5.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory procedures, put people in danger or was an attempt to cover any such activity up.

5.2 Who to report to

Staff should report their concern to the Head of School. If the concern is about the Head of School, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Board of Governors at governors@brighton-montessori.org.uk

5.3 How to raise the concern

Any member of the BHMS community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. This policy includes further details on how whistleblowing affects non- employees.

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.

Where concerns are raised orally it shall be at the discretion of the Head of School as to whether or not the Whistleblowing Policy should apply. If an individual is raising a concern about the Head of School, they should where possible express their concerns in writing to the Board of Governors. Where concerns are raised orally it shall be at the discretion of the Board of Governors as to whether or not the Whistle Blowing Policy should apply. Where this is the case, the Governors will take on the Head of School’s duties outlined below.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern;
- Any relevant names, dates and places;
- The reasons for the concern;
- Individuals who would like to seek professional and confidential advice should contact Protect, (www.protect-advice.org.uk or 020 3117 2520).

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the Police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the Education and Skills Funding Agency (ESFA), they should use the online contact form.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the School, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO at LADOenquiries@brighton-hove.go.uk

6. School procedure for responding to a whistle-blowing concern

6.1 Investigating the concern

When a concern is received by the Head of School - referred to from here as the 'recipient' - they 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 representative.
- Get as much detail as possible about the concern at this meeting and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure.
- Reiterate, at this meeting, that they are protected from any 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 (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should then arrange a further investigation into the matter, involving the Board of Governors, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In other cases, they may need to report the matter to the police.
 - The person who raised the concern may be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

If an investigation is carried out, the whistle blower may not necessarily be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process;
- Be referred to the police or an external auditor;
- Form the subject of an independent inquiry.

If the investigating individual needs to talk to the whistle blower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work to which the concern relates. This person will provide support only and will not be allowed to become involved in the proceedings.

6.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – 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, such as the local authority or police.

The whistle blower may be informed of the outcome of the investigation, and any action that is proposed will be subject to third party rights at the discretion of the Head of School. Where action is not taken, the individual may be given an explanation as appropriate.

Beyond the immediate actions, the Head of School, Board of Governors and other staff, if necessary, will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

7. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to potentially 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 trust will consider whether any disciplinary action is appropriate against the person making the allegation.

8. Escalating concerns beyond the trust

The School encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

9. Approval

This policy will be reviewed annually.

These procedures have been agreed by the board of governors, who will approve them whenever reviewed.

10. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Child protection and safeguarding policy
- Confidentiality Agreement
- Staff Handbook