



TORQUAY BOYS' GRAMMAR SCHOOL

Whistleblowing Policy

Reviewed by the Teaching & Learning Committee September 2022

Torquay Boys' Grammar School is committed to safeguarding and promoting the welfare of students and young people in its care.

1. Introduction

TBGS is committed to creating a climate of trust and openness, so that a person who has a genuine concern, or suspicion, can raise this with full confidence the matter will be appropriately considered and resolved.

Our Whistleblowing Policy acts as a framework that allows concerns to be raised by Governors, school staff, students, parents, or the wider school community. These concerns will be managed confidentially, with thorough and appropriate investigation of the matter, to bring it to a satisfactory conclusion.

Throughout this policy, the term 'whistleblower' denotes the person raising the concern or making the complaint.

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 contractors who provide services on a personal basis and agency workers.

2. Aims

This policy aims to:

- Encourage individuals to report suspected wrongdoing as soon as possible in the knowledge their concerns will be taken seriously and investigated and their confidentiality will be respected;
- Ensure all staff understand how to raise concerns about potential wrongdoing;
- Set clear procedures for how TBGS will respond to such concerns;
- Make all staff aware of the protection available to them if they raise a whistle-blowing concern;
- Assure staff they will not be victimised for raising a legitimate concern through the steps set out in this policy, even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

3. Legislation

The requirement to have clear whistleblowing procedures in place is set out in the Academies Handbook.

This policy has been written in line with the above document, as well as government guidance on whistle-blowing. We also take into account guidance contained within the Public Interest Disclosure Act 1998.

3.1 Definition of Whistleblowing

Whistle-blowing covers concerns of wrongdoing that are “in the public interest”. Examples of whistle-blowing include (but aren’t limited to):

- Manipulation of accounting records and finances;
- Students’ or staffs’ health & safety being put in danger;
- Failure to comply with a legal obligation, or statutory requirement;
- Inappropriate use of School assets or funds;
- Decision making for personal gain;
- Any criminal activity;
- Abuse of position;
- Fraud and deceit;
- Serious breaches of School procedures which may advantage a particular party.

A whistleblower is a person who raises a genuine concern relating to the above.

Not all concerns may count as incidents of 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.

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. How to Raise the Concern

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.

4.1 Who to Report to

We have designated a number of individuals who specifically deal with such matters and the whistleblower is invited to decide which of those individuals would be the most appropriate person to deal with the matter:

- For concerns about staff members, volunteers, or visitors, please contact the Headteacher;
- For concerns about the Headteacher, please contact the Chair of Governors;
- Concerns with regard to the safety of children and young people can be raised with The Designated Safeguarding Lead.

5. Safeguarding Students - Whistleblowing Concerns about a Colleague

TBGS recognises that children cannot be expected to raise concerns in an environment where staff fail to do so.

All staff and volunteers should be aware of their duty to raise concerns, where they exist, about the management of Child Protection and when it is alleged that a teacher or member of staff's (including volunteers) conduct and behaviour:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

NB: This could relate to conduct and behaviour both in and outside of school.

Any such concerns should be raised with the Headteacher, or the TSCB Designated Officer (LADO)/Tel 01803 208541.

<http://torbaysafeguarding.org.uk/professionals/managing-allegations/>

Complaints or concerns regarding the Headteacher should be made to the Chair of the Governing Body.

Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels are open to them.

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 Monday to Friday 8.00am to 8.00pm email help@nspcc.org.uk

6. Allegations Made by Children and Young People about Staff

Students are encouraged to raise concerns with members of our safeguarding team, or with their Head of House. These staff members have all received Level 3 Child Protection training and will refer concerns, immediately, to the Headteacher and Local Authority Designated Officer.

7. Investigating Concerns

When a concern is received by the Headteacher, Chair of Governors, or Designated Safeguarding Lead - referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern at the earliest opportunity. 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, 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;
- 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 Headteacher and/or Chair of Governors, if appropriate. In some cases, they may need to bring in an external, independent body to investigate. In others cases, they may need to report the matter to the police;
- The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps.

7.1 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.

They 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, the headteacher, trustees 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.

7.2 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 school will consider whether any disciplinary action is appropriate against the person making the allegation.

7.3 Escalating concerns

TBGS encourages staff to raise their concerns internally, 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, can also help staff when deciding whether to raise the concern to an external party.

8. Related Policies

- Staff grievance policy
- Complaints policy
- Safeguarding & Child protection policy
- Allegations of Abuse Against Staff Policy

TBGS's commitment to equality and diversity means that this policy has been screened in relation to the use of gender-neutral language, jargon-free plain English, recognition of the needs of people with a disability, promotion of the positive duty in relation to race and disability and avoidance of stereotypes.

This document is available in alternative formats on request.