



# Whistleblowing Policy

<b>Policy Status</b>	Final Policy
<b>Responsibility for this policy lies with</b> (Headteacher, Full Governing Body, Curriculum or Finance & Resources Committee)	Finance & Resources Committee
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<b>Contents</b>	
<b>Page 1</b>	Introduction
<b>Page 1</b>	When might the Whistleblowing Policy apply?
<b>Page 2</b>	What action should the Whistleblower take?
<b>Page 3</b>	Assurances to Whistleblowers
<b>Page 3</b>	Anonymity of Worker
<b>Page 3</b>	Procedure for making Complaints
<b>Page 4</b>	Seeking External Advice

## Introduction

The staff and governors of Edward Pauling Primary School seek to run all aspects of school business and activity with full regard for high standards of conduct and integrity. In the event that members of school staff, parents, governors of the school community at large become aware of activities which give cause for concern, Edward Pauling Primary School has established the following whistleblowing policy, or code of practice, which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation to the matter to bring it to a satisfactory conclusion.

The School is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the School's policies and procedures. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This Whistleblowing policy explains how the School and Council will meet their obligations in relation to the Public Interest Disclosure Act (PIDA) 1998 and the Enterprise and Regulatory Reform Act 2013. Both Acts protect employees against victimisation if they make a protected disclosure. Keeping Children Safe in Education (September 2016) also applies a statutory duty for schools to provide a mechanism in which individuals are able to raise concerns about safeguarding.

Existing good practice within Edward Pauling Primary School in terms of its systems of internal control both financial and non-financial and the external regulatory environment in which the school operates ensure that cases of suspected fraud or impropriety rarely occur.

This whistleblowing policy is provided as a reference document to establish a framework within which issues can be raised confidentially internally and if necessary outside the management structure of the school. This document is a public commitment that concerns are taken seriously and will be actioned.

## When might the Whistleblowing Policy apply?

Throughout this policy, the term '*whistleblower*' denotes the person raising the concern or making the complaint. The term '*Worker*' is used in this policy to broadly include employees, contractors, agency workers, trainees or any person who is or was subject to a contract to undertake work or services for the school.

*Whistleblowing* takes place when a Worker discloses information regarding a wrongdoing in the workplace that is in the public interest. For example, this could involve an individual or group of individuals involved in breaking the law in the workplace or an individual attempting to cover up an unlawful act. It is distinct from the grievance procedure which should be used if an employee has a complaint relating to their personal circumstances in the workplace. Personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistleblowing legislation, unless a particular case is in the public interest. Such complaints should be raised by employees under the grievance policy.

Concerns about wrongdoing within the school such as malpractice, breach of health and safety law or any other illegal or unethical act either on the part of management, the governing body or by fellow workers may be raised using this procedure.

The aims of this policy are to:

- Assist workers in feeling confident about raising concerns regarding fraud, malpractice and improper conduct within the school.
- Ensure workers using this policy are protected from reprisals or victimisation if they have a reasonable belief that they have made a disclosure, which is in the public interest.
- Ensure that there is a clear process for whistleblowing concerns to be raised and addressed.
- Ensure that workers receive a response to their concerns; and that workers are aware of how to pursue them if they are not satisfied.

## When might the whistleblowing policy apply?

The PIDA 1998 lists six concerns, which can be raised. The Worker must disclose information that relates to one of these six types of “relevant failure”:

- A criminal offence has been committed, or is likely to be committed (s43B(1)(a) ERA);
- A person has failed or is likely to fail to comply with any legal obligation to which they are subject (s43B(1)(b) ERA). For example, a breach of contract, or a breach of statutory requirement;
- A miscarriage of justice has occurred or is likely to occur (s43B(1)(c) ERA);
- The health and safety of an individual has been or is likely to be endangered (s43B(1)(d) ERA);
- The environment has been or is likely to be damaged (s43B(1)(e) ERA)
- Information regarding any of the above has or is likely to be deliberately concealed (s43B(1)(f) ERA).

Any malicious allegations made under the whistleblowing policy may result in an internal investigation by the School and possibly an investigation by the police. Any inappropriate behaviour from other workers as reprisal due to the whistleblowing policy being used, may be subject to disciplinary procedures.

Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in the public interest with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first.

### What action should the Whistleblower take?

Edward Pauling Primary School encourages the whistleblower to raise the matter internally in the first instance to allow those school staff and governors in positions of responsibility and authority the opportunity to right the wrong and give an explanation for the behaviour or activity.

Edward Pauling Primary has designated a number of individuals to specifically deal with such matters and the whistleblower is invited to decide which of the individuals will be the most appropriate person to deal with the matter.

#### Name and Position

Headteacher - Adam Malin

Chair of Governors – Sarah Ryall

Peter Tyndale (Vice Chair)

The whistleblower may prefer to raise the matter in person, by telephone or in written form marked private and confidential and addressed to one of the above named individuals. All matters will be treated in strict confidence and anonymity will be respected wherever possible.

Alternatively if the whistleblower considers the matter too serious or sensitive to raise within the internal environment of the school, the matter should be directed in the first instance to, the **Local Authority Designated Officer [LADO]**:

Phone: 020 8583 5730

Email: [LADO@hounslow.gov.uk](mailto:LADO@hounslow.gov.uk)

The LA has its own procedures for dealing with such matters and will ensure every effort to respect the confidentiality of the whistleblower. The LA will ensure relevant officers of the Department for Education and Employment are informed as appropriate.

In addition information and advice can be obtained for the charity Public Concern at Work. This charity offers free legal advice in certain circumstances to people concerned about serious malpractice at work. Their literature states that matters are handled in strict confidence and without obligation. Contact details for the charity are as follows: -

Protect (formally- Public Concern at Work)  
The Green House,  
244-254 Cambridge Heath Road,  
London  
E2 9DA  
Telephone number: 020 3117 2520

### Assurances to Whistleblowers

If a Worker makes a disclosure of information on one or more of the issues listed above and they have a reasonable belief that the information shows one of the six relevant failures the Worker will not suffer any detriment (including dismissal), even if after investigation it transpires that the concern is unfounded. The school will not tolerate the harassment or victimisation of any worker raising a genuine concern and will take appropriate action, including disciplinary procedures, to protect workers raising a concern which is in the public interest.

### Anonymity of Worker

If a Worker requests that their identity is protected, the School will try and protect their anonymity as far as is possible. If the situation arises where the School is unable to resolve the concern without revealing the worker's identity (for instance because the Worker's evidence is needed in court), the School will discuss with the Worker how the matter should proceed.

It must be recognised that if a Worker chooses not to disclose their identity it will be much more difficult for the School to look into the matter or to protect an individual's position or to give feedback. For that reason, Workers are encouraged to put their name to allegations they make. Anonymous complaints are harder to investigate, therefore a strictly confidential meeting is available with the School's Business Partner, the local Trade Union representative or some else in a senior position in the school.

The school will aim to keep the whistleblower informed of the progress of the investigation and its likely timescale, unless the report is made anonymously. It is important that any worker making an allegation must:

- believe the disclosure of information is in the public interest;
- believe it to be substantially true;
- not act maliciously; or knowingly make false allegations;
- not seek any personal gain.

### Procedure for making Complaints

To report fraud at a school in the London Borough of Hounslow, you should contact Action Fraud (<https://www.actionfraud.police.uk/reporting-fraud-and-cyber-crime>) or by calling 0300 123 2040. Emails can also be sent to [fraud@hounslow.gov.uk](mailto:fraud@hounslow.gov.uk).

Alternatively you can contact the **Department for Education (DfE)** to report financial irregularities in schools, by emailing [allegations.mailbox@education.gov.uk](mailto:allegations.mailbox@education.gov.uk).

When reporting fraud, be prepared to provide details such as:

- Your contact information.
- The name of the school.
- The names of any individuals involved.
- Full details of what happened, including dates.
- Details of the financial loss, if known.
- Information on any steps taken to prevent recurrence.

Subject to the following paragraph, in the first instance Workers should raise their concerns in writing with the Headteacher, Deputy Headteacher, line manager or Trade Union Representative as they see fit. There must be reasonable grounds for any suspicions, and as much detail provided as possible.

In the event that a Worker believes that the Governing Body may be complicit, then their concerns should be raised directly with the Local Authority (LA).

The individual(s) in receipt of the information or allegation (the investigating officer(s)) will carry out a preliminary investigation. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need to involve third parties to provide further information, advice or assistance, for example involvement of other members of school staff, legal or personnel advisors, the police, the Department for Education, the LA.

Records will be kept of work undertaken and actions taken throughout the investigation. The investigating officer(s), possibly in conjunction with the governing body, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as the police.

The whistleblower will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the governing body and the local authority.

If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the investigating officer(s), the governing body and/or directed to the local authority.

### **Concerns raised by Children**

The School works hard to ensure that children are confident and know how to seek help if they are worried about anyone's behaviour or conduct towards them. The child protection policy, for dealing with allegations against other children and disciplinary policy for allegations against staff should be referred to when dealing with any safeguarding concerns.

If an allegation about a member of staff or volunteer is related to the safety or wellbeing of a child the School's Child Protection Policy should be referred to and the Local Authority Designated Officer (LADO) will be contacted if necessary. (The Department For Education "Keeping Children Safe in Education" documentation includes guidance on safeguarding of children in schools. <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> )

### **Seeking External Advice**

The law encourages workers to make an internal disclosure as the primary method of whistleblowing; however, the school fully recognises that staff may wish to seek advice and support from their trade union before deciding to make a whistleblowing complaint.

In certain circumstances, it may be appropriate to raise concerns outside of the school to the appropriate 'prescribed regulator'. It is recommended that this is only done after a Worker has attempted to address concerns directly with the School or Council and through the whistleblowing policy. The concern raised must be in the genuine interest of the public and the individual raising it must believe the information to be substantially true, i.e. more than just suspicion.

The Worker is advised to discuss his/her concerns with a legal advisor or trade union before taking the step of reporting concerns outside of the school to the appropriate statutory or regulatory body, for example, Ofsted, the relevant examination board or Public at Work.