


# Earlscliffe

Senior School | Sixth Form



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# Whistleblowing Policy

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## 1. Introduction

The school is committed to the highest standards of openness, honesty and accountability, and staff are encouraged to raise any concern they may have in relation to malpractice or wrongdoing, so that the matter can be thoroughly investigated internally. Staff and others with genuine concerns have the right under the Public Interest Disclosure Act 1998 to raise those concerns, and to be protected from victimisation, harassment or retribution.

The Head Teacher has overall responsibility for ensuring that the Whistle-Blowing Policy is managed in accordance with the agreed procedure and that a confidential record is maintained of concerns raised and their outcomes. The Head Teacher is responsible for making all staff aware of the existence of these procedures, and staff are responsible for familiarising themselves with the policy and complying with it.

The school recognises that the decision to report a concern can be a difficult one to make. In raising a concern that you believe to be true, you will be doing your duty to the school and pupils of the school, and you will have nothing to fear. The school will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate steps, including disciplinary action, to protect employees when concerns are raised in good faith.

Anyone who is found to have maliciously raised a whistle-blowing concern will face disciplinary proceedings that may result in dismissal.

Existing procedures are in place which make provision for employees to raise a concern in relation to their own employment. This whistle-blowing policy is intended to give scope for concerns that fall outside the scope of the complaints procedures or grievance procedures. Such concerns might include one of the following:

- An allegation of unlawful behaviour (including financial malpractice)
- A serious health and safety risk, including risks to the public, employees and pupils
- Serious damage to the environment
- Serious neglect of duty
- Corruption
- Unethical behaviour

Any allegation falling within the scope of the school's Safeguarding Policy should be reported to the school's Designated Safeguarding Lead.

## 2. Scope

This policy and procedures apply to all staff, volunteers and contractors, paid and unpaid, working in the school including governors. A concern raised may be related to Earlscliffe School specifically, or to the wider Dukes organisation. It is not contractual and may be amended by the school from time to time. This policy has been designed to ensure that no-one receives less favourable treatment due to the protected characteristics of age, disability, gender (including gender identity), ethnicity and race, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity and socio-economic background.

### 3. Aims

The policy on whistleblowing is intended to demonstrate that the school:

- will not tolerate malpractice,
- encourages staff to speak up and report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, as appropriate,
- encourages a culture of safety and of raising concerns,
- encourages a culture of valuing staff and reflective practice,
- respects the confidentiality of staff raising concerns and will provide procedures to maintain confidentiality so far as is consistent with progressing the issues effectively,
- will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate,
- will only invoke the school's disciplinary procedure in the case of false, malicious, vexatious or frivolous allegations. The policy seeks to reassure staff that they can raise genuine concerns without fear of reprisal, even if they turn out to be mistaken,
- will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.

### 4. Procedure

This procedure is separate from the school's adopted procedures regarding grievances. Individuals should not use the whistleblowing procedure to raise grievances about their personal circumstances, such as the way they have been treated at work. Anyone uncertain about whether something is within the scope of this procedure should seek advice from the Head Teacher, Deputy Head, or People Advisor.

This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice or wrongdoing within the school or Foundation. The disclosure does not have to be about the alleged illegal conduct of the employer, although it often is. The disclosure could be about the conduct of a fellow employee, client, or any third party.

Malpractice is not easily defined; however, it includes allegations of fraud, financial irregularities, corruption, bribery, dishonesty, acting contrary to the Staff Code of Conduct, criminal activities, failing to comply with a legal obligation, physical or emotional abuse of children, a miscarriage of justice or creating or ignoring a serious risk to health, safety or the environment.

A whistleblower is a person who raises a genuine concern relating to suspected malpractice within the school, based upon a reasonable belief that raising this concern is in the public interest. If any member of staff, contractor or volunteer has any genuine concerns related to suspected malpractice affecting any of the school's activities (a whistleblowing concern) they should report it under this procedure. A whistleblower may or may not be directly affected by the matter, but the matter must also affect others.

## 5. Confidentiality

The school hopes that staff, contractors and volunteers will feel able to speak up and voice whistleblowing concerns openly under this policy. However, if a person wished to raise a concern confidentially, the school would make every effort to keep their identity secret. If it were necessary for anyone investigating the concern to know their identity, this would be discussed with them.

Confidentiality cannot be assured where the disclosure of the identity is required by law. For example, if there were evidence of criminal activity, then the Police would in all cases be informed.

The school does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot easily be obtained. It is also more difficult to establish whether any allegations are credible.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the Head Teacher or People Advisor so that appropriate measures may be taken to preserve confidentiality. If an individual is in any doubt, they can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out below.

## 6. Raising a Whistleblowing Concern

All disclosures should be made with the view that it is in the public interest. This means that any disclosure must affect others, for example, the general public, or other members of staff.

Staff, contractors and volunteers are at liberty to raise a whistleblowing concern to the Head Teacher, one of the deputy heads, the bursar or the People Advisor as appropriate. Concerns regarding child protection relating to another colleague should be shared immediately with the deputy head: pupils/designated safeguarding lead (DSL) and the Head Teacher.

In such a situation, a meeting would be arranged with the individual as soon as possible to discuss their concern. They would be able to bring a colleague or union representative to any meeting under this procedure. Their companion would need to respect the confidentiality of the disclosure and any subsequent investigation. They could be required to attend additional meetings in order to provide further information as the concerns raised are investigated.

Any concern should, in the first instance, be raised verbally with the immediate line manager. If the whistleblower does not feel confident about raising the concern with their manager they should raise it with the Head Teacher.

A whistleblower may prefer to raise a concern anonymously in the first instance, and should this be the case, the person receiving their concern will respect the wish not to be identified. Whistleblowers are encouraged to put their name to an allegation wherever possible because concerns expressed anonymously are much more difficult to investigate. Therefore, anonymous allegations will be considered at the discretion of the Directors.

In exercising this discretion, the factors to be taken into account would include:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

All concerns will be treated in confidence, and every effort will be made not to reveal the identity of any employee who raises a concern under this policy. At the appropriate time however, one may need to come forward as a witness.

If you have a whistle-blowing concern you are encouraged to raise it as soon as you have a reasonable suspicion so that the matter can be investigated as soon as possible. There is no need to investigate the matter yourself to prove that your concern is well-founded.

If individuals feel unable to raise an issue with the school or feel that their genuine concerns are not being addressed, they may use other whistleblowing channels, such as:

- Protect, an independent whistleblowing charity, previously known as Public Concern at Work Advice Line: 020 3117 2520 or via the contact form.  
<https://protect-advice.org.uk/>.
- The NSPCC whistleblowing helpline (Tel: 0800 028 0285 or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)).

## 7. Investigation & Outcome

The school will acknowledge your concern and carry out an investigation in a timely manner, and appropriate corrective action will be pursued. The investigation will be carried out by senior management, through the disciplinary process where necessary. The matter may be referred to the Police, or it may form the subject of an independent enquiry.

The reporting individual will be kept informed of progress and, whenever possible and subject to third party rights, informed of the resolution. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any action taken as a result. Everyone concerned with the process should treat any information about the investigation as confidential.

The whistleblower may invite a trade union or professional association representative or friend to be present during any meetings or interviews in connection with the concerns raised.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten days of a concern being raised, the Head Teacher will write to acknowledge that the concern has been raised and indicate how it is to be handled. The letter will also give information about any initial enquiries that may have to be made along with an estimate of how long it will take to provide a final response.

The school will provide as much information as it can on the outcome of the whistleblower's concern, but due to the legal obligations of confidentiality that it owes to other employees, it might not be possible freely to provide feedback on the outcome of any disciplinary action taken against another employee.

A member of staff who is not satisfied that their concern is being properly dealt with has a right to raise it in confidence with the chair of governors.

## 8. Independent Advice

The school recognises that you may wish to seek reassurance from an independent source such as a trade union or independent legal adviser before raising a whistle-blowing concern under the terms of this policy. The following organisations are possible contact points:

Public Concern at Work 0171 404 6609

Citizens Advice Bureau [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## 9. External Procedures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in school. In most cases it should not be necessary to alert anyone externally.

Where all internal procedures have been exhausted, a member of staff has a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive (HSE) and/or the Local Authority Designated Officer (LADO) where the disclosure relates to a child protection issue. Where necessary the school reserves the right to make a referral on the member of staff's behalf, without their consent.

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the individual reasonably believes:

- that exceptionally serious circumstances justify it,
- that the school would conceal or destroy the relevant evidence,
- that they would be victimised by the school, or
- that the Secretary of State has ordered it.

The school strongly encourages whistleblowers or potential whistleblowers to seek advice before reporting a concern to anyone external. The independent whistleblowing charity Protect (as above) operates a confidential advice line.

### 10. Malicious Accusations

False, malicious, vexatious or frivolous accusations will be dealt with under the Disciplinary Procedure.

### 11. Protection from Reprisal or Victimisation

It is understandable that whistleblowers are sometimes worried about possible repercussions. The school aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and follow the whistleblowing procedures.

If a member of staff believes that they have suffered any such treatment, they should inform the Head Teacher, senior deputy head, one of the deputy heads, HR director, operations director or the bursar immediately. If the matter is not remedied, staff may raise it formally using the school's Grievance Procedure.

The school has a zero-tolerance approach to victimisation of whistleblowers. No one must ever threaten or retaliate against a whistleblower in any way. Anyone involved in such conduct may be subject to disciplinary action.

### 12. Related Documents

- Disciplinary Procedure
- Equal Opportunity Policy
- Grievance Procedure
- Public Interest Disclosure Act 1998
- Safer Recruitment Policy
- Safeguarding and Child Protection Policy
- Staff Code of Conduct