



MORDIFORD C of E PRIMARY SCHOOL

Treasure each individual

NURTURE — INSPIRE — FLOURISH

Whistle Blowing / Confidential Reporting Policy

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Introduction

Mordiford CE Primary School is an academy school, for the purposes of the policy the school will be referred to as the academy. The academy is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, staff, governors and others that we deal with, who have serious concerns about any aspect of the academy are encouraged to voice these concerns. Employees are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This policy makes it clear that concerns may be reported without fear of victimisation, subsequent discrimination or disadvantage. It is recognised that many cases will have to proceed on a confidential basis. *This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or 'blowing the whistle' outside.*

The policy applies to all employees and those contracted to work for the academy on our premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the academy.

Aims and scope of this policy

This policy aims to:

Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.

Provide avenues for you to raise those concerns and receive feedback on any action taken.

Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

These procedures are in addition to the schools' complaints procedures, grievance procedure and Safeguarding Policy.



There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the children, public as well as other colleagues
- damages to the environment
- the unauthorised use of public funds
- failure to comply with Standing Orders and Financial Regulations
- possible fraud and corruption
- failure to comply with Codes of Practice
- sexual or physical abuse of clients
- other unethical conduct.

Definition

Whistleblowing inside the work place is the reporting by workers or ex workers, of wrong doing such as fraud, malpractice, mismanagement, breach of health and safety law or any other illegal or unethical act either on the part of management, the governing body, academy trust or fellow employees. Workers may include, for example, contractors and agency workers.

There is a balance to be struck between the right of the individual member of staff to speak freely on a range of matters and the right of the academy or colleagues to protect themselves against false and malicious accusations. A whistleblowing procedure is about the ways in which concerns about malpractice may properly be raised within the academy and if necessary outside the academy.

Legislation

The Public Interest Disclosure Act 1998 is designed to protect “whistle blowers” from detriment and unfair dismissal. The people protected by the Act include workers, employees, and third party contractor staff and agency workers. Children may also have information which should be raised in the public interest and there should be a proper procedure in place for them to air their concerns

Objectives/principles supporting the procedure

Create an ethical, open culture by publishing and annually communicating a Code of Conduct and ethics

Establish safe routes for communications of concerns:



- Protect the whistle blower: the academy will support and not discriminate against concerned employees provided any claim is made in good faith
- Establish a fair and impartial investigative procedure: the academy will respond to the concern by focussing on the problem, rather than denigrating the messenger
- Remind staff of the duty of confidentiality. The duty of fidelity is implied by the law in every contract of employment and prohibits employees from publicly disclosing employer's confidential information, unless it is in the public interest that information is disclosed or unless the academy fails to properly consider or deal with the issue.
- Safeguard against abuse of the procedure by ensuring that the malicious raising of unfounded allegations is recognised as a disciplinary offence.
- Uphold the right to disclose a concern. The individual member of staff has the right to disclose a concern/issue if the academy does not deal with the matter.
- Involve staff and governors in developing the procedure.
- Review: the policy is reviewed annually; this process should include any comments/experience of those who may have had reason to invoke the whistle blowing procedure

The procedure

All parties need to agree that the issue raised will be kept confidential while the procedure is being used.

The Representor (person raising the concern) should:

1. Raise their concern with their line manager. This may be done orally or in writing. The Representor has the right to have the matter treated confidentially.
2. If the line manager believes the concern to be genuine and that it is appropriate to use the Whistle Blowing procedure the manager should contact the clerk to the Academy trust, Governing Body (the Assessor)
3. Should it be alleged that the Clerk to the Academy Trust is involved in the alleged malpractice, a senior manager should be contacted to act as Assessor
4. If the Representor feels unable to raise their concern with their line manager or the Head teacher in the first instance, they may contact the Assessor direct. If this occurs the Representor will be asked to justify why they feel unable to raise the concern with their line manager or the Head teacher

The Assessor should

- Interview the Representor within 7 working days, in confidence , or earlier if there is an immediate danger to loss of life or serious injury



- Obtain as much information as possible from the Representor about the grounds for the belief of malpractice
- Consult with the Representor about further steps which could be taken
- Advise the Representor of the appropriate route if the matter does not fall under the Academy's Whistle Blowing Procedure
- Report all matters raised under this procedure to the Academy Trust's Responsible Officer, Chair of Governors.

At the interview with the Assessor, the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor may be accompanied by a member of the academy staff to take notes.

Within 10 working days of the interview, the assessor will recommend to the Head teacher one or more of the following:

1. The matter be investigated internally by the academy
2. The matter be investigated by the external auditors appointed by the academy, Thorne Widgery
3. The matter be reported to the Department for Education (DfE)
4. The matter be reported to the police
5. The route for the member of staff to pursue this matter does not fall within this procedure or
6. That no further action is taken by the academy

The grounds on which no further action is taken include:

1. The assessor is satisfied that, on the balance of probabilities there is no evidence that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur
2. The assessor is satisfied that the Representor is not acting in good faith
3. The matter is already (or has been) the subject of proceedings under one of the academy's other procedures or policies
4. The matter concerned is already the subject of legal proceedings or has already been referred to the Police, the external auditors, the DfE or other public authority

Should it be alleged that the Head teacher is involved in the alleged malpractice, the Assessors recommendation will be made to the Responsible Officer of the Academy Trust, Chair of Governors.

The Recipient of the recommendation (Head teacher or Responsible Officer, Chair of Governors) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next full governors meeting.



The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the Representor except:

1. Where the assessor is under a legal obligation to do so
2. Where the information is already in the public domain
3. On a strictly confidential basis to a professionally qualified lawyer for the purposes of obtaining legal advice
4. Where it is essential that the Representor provides evidence at a disciplinary hearing or other proceeding

The conclusion of any agreed investigation will be reported by the assessor to the Representor within 28 days

All responses to the Representor will be made in writing and sent to the Representor's home address.

If the Representor has not had a response within the above time limits, they may appeal to the academy's external auditors, but will inform the assessor before doing so.

The Representor may at any time disclose the matter on a confidential basis to a professionally qualified lawyer for the purpose of taking legal advice.

The Academy will ensure the Representor is protected from any form of victimisation or discrimination.

Malicious Accusations

If an allegation is made in good faith, but is not substantiated, no disciplinary action will be taken against the person raising the concern. If, however, an allegation is made frivolously, maliciously or for personal gain, the Academy may investigate this under the Disciplinary Procedure.

External sources

Whistle blowing to an external source without first going through the internal procedure is inadvisable without compelling reasons. A reason may be that the Representor is not content with the conclusion of the Assessor. In particular, this means being careful about what is said to the media. Compelling reasons could be the involvement of the senior managers, serious health and safety issues or possible discrimination. The external sources which could be used are:

- DfE
- Member of parliament



- National Audit Office
- H&S Executive
- Police
- NSPCC: Whistleblowing helpline 0800 028 0285
- Trade Union
- Citizens' Advice Bureau
- Relevant professional body or regulatory organisation
- HM Revenue and Customs
- Environment Agency

If the matter is taken outside the academy, individuals should ensure that they do not disclose confidential information.

