BENSHAM MANOR School

Whistleblowing Policy

Last reviewed: September 2026

Members of The Governing Body of Bensham Manor School have read, discussed and agreed this model code without amendment. This will be reviewed as and when changes are made to the model code by the LA and in the event that any aspect of the code or procedure is used.

Schools' Whistleblowing Procedure

1. Introduction

The Governing Body is committed to the provision of high quality services and promoting the highest standards of openness, probity and accountability. Employees and others who have serious concerns about any aspect of the School's work should be able to raise these concerns without fear of victimisation, discrimination or disadvantage. It is in the interests of the Governing Body, employees and the public that wrongdoing is exposed and dealt with effectively. Members of staff are often the first to realise that there may be something seriously wrong within an organisation. In many circumstances it will be appropriate for staff to raise their concerns with their Headteacher/manager and this procedure is not intended to discourage this. However, where staff may be cautious about expressing their concerns because they feel that speaking up would be disloyal to their colleagues or to their School, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Alternatively, there may also be circumstances where a member of staff has reported their concern to their Headteacher/ manager and received an unsatisfactory response. This confidential procedure is intended to ensure that suspicion of wrongdoing can be dealt with speedily and effectively. This procedure seeks to balance safeguards for members of staff who raise genuine concerns about malpractice against the need to protect other members of staff, the School and members of the Council against uninformed or vexatious allegations which can cause serious difficulty for innocent individuals.

2. Aims of the Procedure

- to promote a culture of openness and a shared sense of integrity throughout the School by inviting all employees to act responsibly in order to uphold the reputation of the School and maintain public confidence
- to provide safeguards so that members of staff feel able to raise concerns about malpractice ('a disclosure') within the school, without fear of adverse repercussions to the individual and a rapid mechanism for investigation of those concerns.
- to provide feedback on action taken and advice on how to pursue those concerns further if the individuals is not satisfied with the outcome.
- "Malpractice" for the purpose of this procedure, includes the following on the part of another employee, a member of the Council or School, or any other person or persons acting on behalf:
    - Fraud or financial irregularity;
    - Corruption, bribery or blackmail;
    - Other criminal offences;
    - Failure to comply with a legal or regulatory duty or obligation;
    - Miscarriage of justice;
    - Endangering the health or safety of any individual;
    - Endangering the environment;
    - Improper use of authority or powers;
    - Serious financial maladministration arising from the deliberate commission of improper conduct;
    - Unethical or improper conduct or conduct which breaches School/Council policies or falls below the standards which the School/Council subscribes to;
    - Abuse of clients, improper discrimination against or relationship with clients;
    - Concealment of any of the above.

3. Application of the Procedure

This procedure is intended to tackle genuine concerns of malpractice experienced by:

- an employee of the School;
- agency staff and self employed staff employed on school work; or
- the staff of Council contractors employed on school work.

For the purposes of this Procedure an individual who has grounds to believe that malpractice has occurred, is occurring or is likely to occur in connection with the School is referred to as 'the discloser'.

4. This Policy Does NOT Apply To:

- the relationship between employees, their managers and the Governing Body, for which harassment and bullying or collective dispute procedures are more appropriate.
- concerns and complaints by members of the public.
- agency, self-employed or contract workers as an alternative to such dispute resolution procedures.

5. Designated Assessors

Designated Assessors are senior members of staff of appropriate experience and standing within the Council who have received appropriate training in this procedure and have been appointed to act as "Designated Assessors" by the Director for Children and Young People in Education (C& YP in Education), formerly known as the Education Department.

Following receipt of a disclosure the Departmental Complaints Officer in C & YP in E will identify a Designated Assessor who will be responsible for the preliminary investigation of a disclosure and making recommendations to the Council's Monitoring Officer and Director for C & YP in E as to what further steps, if any, should be taken.

A Designated Assessor may decline to investigate a disclosure on reasonable grounds such as:

- previous involvement or interest in the matter concerned;
- incapacity or unavailability;
- if satisfied, after consulting the Departmental Complaints Officer (C & YP in E), that some other Designated Assessor would be more appropriate to consider the matter.

6. Making a Disclosure

6.1 Stage One

An individual, who has grounds to believe that the malpractice has occurred, is occurring or is likely to occur in connection with the School, should raise their concerns first with their Headteacher/manager. This may be done orally or in writing.

6.2 Stage Two

If the individual feels unable for whatever reason to raise the matter with their Headteacher/manager under stage one, then they should raise the matter with their Chair of Governors.

On receipt of the disclosure, the Headteacher/Chair of Governors will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure. The Disclosure may be accompanied by a local trade union representative or work colleague at the interview. The Headteacher/Chair of Governors may also be accompanied by an administrative assistant/clerk to take notes, which will not identify the Discloser. For safeguards in relation to confidentiality, see section 9 below. The purpose of the interview will be for the Headteacher/Chair of Governors to:

- obtain as much information as possible from the Discloser about the grounds of the belief of malpractice; and
- to consult with the Discloser about further steps which could be taken.

6.3 Stage Three

If stage one and/or two have been followed and the individual still has concerns, or if they feel that the matter is such that they feel they cannot raise it with their Headteacher or the Chair of Governors, for example because it concerns them or it is very serious, then the Discloser should communicate the disclosure through the Council by an email to schoolwhistleblowing@croydon.gov.uk or by telephone on 0208 760 5496, the OFSTED whistle-blowing line on 0300 123 3155 or the NSPCC whistleblowing advice line on 0800 028 0285, it is open from 8am - 8pm Monday to Friday. The initial disclosure should be made either:

- wherever possible, in writing;
- otherwise orally, e.g. by telephone or at an interview with a Designated Assessor.

The Discloser should provide as much supporting written evidence as possible about the disclosure, the grounds for the belief of malpractice and indicate why they have not felt able to raise their concerns through normal management channels.

Where a disclosure is made through the Council's confidential reporting facility, full details of the allegations will be recorded and a report passed on to the DCO for referral to one of the Designated Assessors. The Discloser may not wish to provide their identity and if he/she does provide these details, they will not be passed to the Departmental Complaints Officer or any other School employee without the Discloser's express consent. Disclosers are encouraged to give details of their identity. Anonymous disclosures are much less powerful but will nevertheless be considered having regard to:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation through other suitable sources.

On receipt of the disclosure, the Designated Assessor will offer to interview the Discloser in confidence. The interview should take place as soon as practicable after the initial disclosure. The Disclosure may be accompanied by a local trade union representative or work colleague at the interview. The Designated Assessor may be accompanied by an administrative assistant to take notes, which will not identify the Discloser. For safeguards in relation to confidentiality, see section 9 below.

The purpose of the interview will be for the Designated Assessor to:

- obtain as much information as possible from the Discloser about the grounds of the belief of malpractice; and
- to consult with the Discloser about further steps which could be taken.

7. Enquiries and Report by Headteacher/Chair of Governor/ Designated Assessor

As soon as practicable after the interview or after the initial disclosure if no interview takes place, (and after consultation with the DCO) the Headteacher/Chair of Governors or the Designated Assessor should determine their recommendations as to the further steps that should be taken such as:

- a report to the police or other appropriate public authority;
- investigation by the Council's Internal Auditor (this will be the usual course where there are allegations of financial irregularities);
- a full investigation either internally by the Council or externally e.g. by the Council's auditors or by investigators appointed by the Council;
- action under the School's grievance, disciplinary, harassment and bullying or complaints procedures;
- referral for consideration under other specific procedures (e.g. child protection);
- no further action (the basis for which see below).

The Headteacher/Chair of Governor's or Designated Assessor's recommendations will be made to the Council's Monitoring Officer and the Director for C&YP in Education to decide whether or not they agree with them.

The recommendation will be made without revealing the identity of the Discloser except in the

circumstances set in Section 9 below. If the Council's Monitoring Officer and the Director decide not to implement fully any such recommendations, that decision will be reported in the next periodic report to the Standards Committee.

The grounds on which the Headteacher/Chair of Governor or Designated Assessor may recommend that no further action are as follows:

- if satisfied that the Discloser has not shown that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
- if satisfied that the Discloser is not acting in good faith e.g. if after investigation it appears that the disclosure is wilfully malicious or vexatious, (in which case it may be referred for disciplinary action);
- if the matter concerned is already the subject of legal proceedings, or has already been referred to the police or other public authority;
- if the matter is already, has already been, or should be, the subject of proceedings under one of the School/Council's other procedures relating to staff.

Once it has been decided what further steps (if any) should be taken, the Headteacher/Chair of Governors or Designated Assessor will, where their identity is known, inform the Discloser of the decision. If no further action is proposed, the Headteacher/Chair of Governors or Designated Assessor will give the Discloser the reasons for this in writing.

If the Governing Body decides not to fully implement any recommendations the Director for C&YP in Education reserves the right to issue a warning and to inform the Secretary of State.

8. External Disclosure

It is recognised that in exceptional circumstances, or if dissatisfied after using this procedure, an individual might wish to make a disclosure without using the School's procedure. However, individuals considering such a step are advised to take legal advice before making an external disclosure.

They may make an external disclosure:

- on a confidential basis directly with bodies such as the external auditor or other appropriate public authority or such person as may be prescribed by the Secretary of State under Section 43F of the Public Interest Disclosure Act 1998. Before taking any such action, the Discloser is encouraged to inform the Headteacher/Chair of Governors or Designated Assessor.
- if they have reasonable grounds for believing that disclosure would lead to evidence being concealed or destroyed or that the Discloser will be subjected to a detriment as a result of making the disclosure.
- on a confidential basis for the purpose of taking legal advice.

9. Safeguards and Confidentiality

Any document, report or recommendation prepared by the Headteacher/Chair of Governors or Designated Assessor in relation to the matter will not identify the Discloser, unless:-

- the Discloser has consented to this in writing; or
- there are grounds to believe the Discloser has acted maliciously; or
- where the Headteacher/Chair of Governors or Designated Assessor is under a legal obligation to do so; or
- where the information is already in the public domain; or
- on a strictly confidential basis to the Designated Assessor's administrative assistant; or
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

The Headteacher/Chair of Governors or Designated Assessor will ensure that all information relating to the disclosure (including that held electronically) is kept secure so that, as far as practicable, only the Headteacher/Chair of Governors or Designated Assessor and his or her administrative assistant shall have access to it. Disclosers will be under an obligation to use all reasonable endeavours to ensure that they and their representative or work colleague (if any) keeps this matter strictly confidential save, as permitted under this procedure, as required by law or until such time as it comes into the public domain. Where the Trade Union representative needs to discuss the matter with another Union official for advice he/she will be allowed to do so but must keep within the confines stated above.

The Discloser will not be required by the Governing Body, without his or her consent, to participate in any enquiry or investigation into the matter established by the School unless there are grounds to believe that the Discloser may have been involved in the misconduct or malpractice. Where the Discloser participates in any enquiry or investigation, that participation will usually be required to be on an open rather than a confidential basis. The obligations of the Headteacher/Chair of Governors or Designated Assessor detailed above will remain in relation to the identity of the individual as the original Discloser of information. The Governing Body will not (and it will use all reasonable endeavours to ensure that employees do not) subject the Discloser to any detriment, on the grounds of the Discloser's disclosure of information under this procedure (unless there is proved abuse of this procedure through the making of wilfully malicious or vexatious disclosures). The Discloser should report any complaints of such treatment to the Headteacher/Chair of Governors or Designated Assessor. If the Discloser wishes the Headteacher/Chair of Governors or Designated Assessor to take action in relation to such complaints, the Discloser may be asked to consent in writing to the Headteacher/Chair of Governors or Designated Assessor revealing the Discloser's identity for the purposes of any such action.

We hope that our staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise a concern confidentially, we will endeavour to keep your identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you first. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered support.

Although a concern may be made anonymously, we encourage staff to put their name to their allegation whenever possible. Should an anonymous disclosure be made, the whistleblower will not ordinarily receive feedback, though they can request this using an anonymised email address or telephone appointment. Concerns that are expressed completely anonymously are much less powerful and proper investigation may be much more difficult or impossible. It is also much more difficult to establish whether any allegations are credible and to protect your position or to give feedback on the outcome of investigations. As such we would encourage staff to put their name to the allegation to enable a thorough investigation.

We will consider anonymous concerns at our discretion, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect (Independent whistleblowing charity)	Helpline: 020 3117 2520 E-mail: whistle@protect-advice.org.uk Website: www.pcaw.org.uk

10. Protection and Support for Whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. We are committed to good practice and high standards and will treat all disclosures consistently and fairly. We aim to encourage openness and will support Staff who raise genuine concerns under this policy, even if they turn out to be mistaken. Any 'gagging clauses' in settlement agreements do not prevent current or previous members of staff from making disclosures in the public interest.

Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats, or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Headteacher - Fiona Robinson immediately. If the matter is not remedied to your satisfaction, you should raise it formally using our Grievance Policy and Procedures.

No member of staff must threaten or retaliate against an individual who has raised a concern in any way. We will not tolerate any such harassment or victimisation, and anyone involved in such conduct will be subject to disciplinary action.

However, to ensure the protection of all our staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest will also be liable to disciplinary action.

11. Monitoring

The Council's Monitoring Officer will produce an annual report for the Standards Committee on the use of this procedure and the outcome of investigations, including disclosures where no further action is taken. Such reports will not normally identify the Discloser.

12. Review

This procedure may be amended by the Council from time to time. This procedure will be reviewed periodically by the Standards Committee. Any comments or suggestions about the procedure should be referred to the Council's Monitoring Officer.

13. Further information

- Standards Board for England
- London Borough of Croydon - Anti Fraud and Corruption Policy - https://www.croydon.gov.uk/council-and-elections/policies-plans-and-strategies/finance-and-resources-policies-plans-and-strategies/anti-fraud-and-corruption-strategy

Protect (formerly known as Public Concern at Work) is a source of further information and advice at protect-advice.org.uk. Protect provides free, confidential whistleblowing advice, and can be contacted online via its website: protect-advice.org.uk/contact-protect-advice-line or by telephone on 020 3117 2520.

All Staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Headteacher - Fiona Robinson in the first instance.

14. Who to Contact for Advice on the Procedure

Departmental Complaints Officer in C & YP in Education

Email: schoolwhistleblowing@croydon.gov.uk

Appendix A – Whistleblowing Procedure

Guidance for headteachers/managers on responding to a matter of concern raised by an employee

- School Headteachers/Managers should ensure that employees are aware of the Whistleblowing Procedures and know where it can be located.
- If you receive a disclosure in respect of any of the matters set out under section 2 ‘Aims of the procedure’ in the Whistleblowing Procedure you must take the following action:
- 2.1 take the matter seriously and do not dismiss or belittle the information,
- 2.2 respect as far as possible the confidentiality of the employee, and adhere to the procedure under section 9 ‘Safeguardings and confidentiality’ where the employee has specifically asked for confidentiality,
- 2.3 ensure that the employee understands the Whistleblowing procedure,
    - offer to interview the Discloser in confidence,
- 2.5 discuss ways that the employee could be supported,
- 2.6 investigate the concern objectively, dealing with all parties with sensitivity and tact,
    - seek advice from the Council’s Departmental Complaints Officer in C & YP in E,
    - set out clearly how the concern is to be taken forward,
    - ensure that dated notes are made and kept of the process followed, notes of discussions etc
    - keep the person raising the concern informed about the progress made and outcome of the investigation,
    - provide the Council’s Departmental Complaints Officer in C & YP in E with details of the concern and inform them about the progress and outcome of the investigation.
- If at the conclusion of your investigations you are of the view that the concern was not raised in good faith, seek further advice from the Council’s Departmental Complaints Officer in C & YP in E.

4. Note that if the concern relates to fraud, this should be reported to the Council’s Internal Auditor.