



## WHISTLEBLOWING POLICY

This policy will be reviewed in full by the Trustees/Governing Body on an annual basis.

Signature ..... Date .....

Chairperson, CMI Board of Trustees

Signature ..... Date .....

Chairperson of the Governing Body

Signature ..... Date .....

Early Years Manager

Revision Table	Date	Details
Review	18 September 2017	Major re-build of several sections
Review	11 September 2018	Review of the policy by the Governors
Review	8 January 2019	Safeguarding changes
Review	27 August 2019	Review to include KCSIE 2019
Review	27 August 2020	Review
Review	28 April 2021	Review due to CCS staff and school changes
Review	28 April 2022	Reviewed and updated to KCSIE 2021
Next Review Due	28 April 2023	

This policy has been written with regard to Keeping Children Safe in Education (2021) and Working Together to Safeguard Children (2018), which says that organisations should have arrangements in place that reflect the importance of safeguarding and promoting the welfare of children, including 'clear whistleblowing procedures, which reflect the principles in Sir Robert Francis' Freedom to Speak

Carmel Ministries International and Carmel Christian School  
Whistleblowing Policy

Up Review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed'<sup>1</sup>

*\*Since Working Together to Safeguard Children applies to all schools, this means all schools must have a whistleblowing policy. The principles of the Francis' Report are outlined in the next section.*

## **INTRODUCTION**

This policy applies to all Carmel Ministries International (including Carmel Christian School) employees and governors. Other individuals performing functions in relation to the organisation, such as volunteers, agency workers and contractors, should have access to it.

It is important to Carmel Ministries International and Carmel Christian School that any fraud, misconduct or wrongdoing by employees or governors/trustees of the school is reported and dealt with properly. The governing body/trustees will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the school, **which are in the public interest**. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Carmel Christian School expects the highest standards of conduct from all employees and governors/trustees and will treat seriously any concern raised about illegal or improper conduct.

Any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Early Years Manager (or the Chair of Governors/Trustees if the concerns relate to the Early Years Manager) any serious impropriety or breach of procedure.

Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g., the press), may be subject to a formal disciplinary investigation.

## **BACKGROUND**

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures.' A qualifying disclosure is one made in the public interest by the employee who has a reasonable belief that...

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- Corruptly receiving any gift or advantage, thus failing to comply with the Bribery Act 2010
- Allowing private interests to override the interests of the school

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<sup>1</sup> Working Together to Safeguard Children, page 59.

Carmel Ministries International and Carmel Christian School  
Whistleblowing Policy

- A breach of any legal obligation
- Misuse of public funds; or
- Concealment of any of the above

... is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed – a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the school's responsibility to ensure that an investigation takes place.

Where the concerns are about **safeguarding children or young people**, the school's Designated Safeguarding Lead for Child Protection (DSL) should be notified (see section below).

The Early Years Manager or Chair of Governors/Trustees will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure.

Concern about a colleague's professional capability should **not** be dealt with using this procedure (but see Safeguarding section). Whistleblowing should **not** be used for concerns about the **conduct** of individuals, but for systemic or policy failures.

#### **WHEN SHOULD THE PROCEDURES IN THIS POLICY BE USED?**

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken he/she should use the CMI/CCS grievance procedures.

**Where a disclosure is merely an expression of opinion** that fails to show that a legal obligation has been or is likely to be breached, it **cannot** amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.

This procedure is not designed to replace or be used as an alternative to the grievance procedure, which should be used where an employee is only aggrieved about his/her own situation. Nor should this policy apply where the employee simply disagrees with the way the school is run.

Employees must have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour.

An employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimised, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns.

Employees must report any suspicion of fraud, corruption or other financial irregularity to the Early Years Manager or Chair of Governors/Trustees.

## **RELATIONSHIP TO OTHER POLICIES/PROCEDURES**

- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Keeping Children Safe in Education 2021
- Working Together to Safeguard Children 2018
- Whistleblowing Guidance for Employers and Code of Practice

## **ROLES AND RESPONSIBILITIES**

All staff have a responsibility for whistleblowing. Government guidance states that the Governing Body should:

- (i) minute and record the adoption of their whistleblowing policy and procedure
- (ii) inform every employee of the school's whistleblowing arrangements
- (iii) appoint at least one member of staff (in this instance, the Early Years Manager) and at least one governor (in this instance, the Chair of Governors) who other members of staff can contact if they wish to report concerns.

## **PRINCIPLES**

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.

Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure, the matter will be considered under the disciplinary procedure, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

## **PROCESS**

- Identifying something might be wrong
- Raising a concern
- Examining the facts
- Outcomes and feedback

- Reflecting and moving forward

## **PROCEDURE**

In the first instance, once something has been identified, any concerns should be raised with the Early Years Manager. If the employee reasonably believes the Early Years Manager to be involved in the wrongdoing, then the employee should proceed straight to the Governors/Trustees.

If a safeguarding concern involves the Early Years Manager, then the Chair of Governors and the Safeguarding Governor must be informed. In all situations, the CMI DSL and HR Adviser and the LADO for Bristol, must be informed. The CMI DSL will inform the Board of Trustees.

The Early Years Manager/Chair of Governors/Trustees will arrange an investigation into the matter (either by investigating the matter himself/herself or immediately passing the issue to someone in a senior position). The investigation may involve the employee and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out above. The employee's statement will be taken into account and he/she will be asked to comment on any additional evidence obtained.

Employees who want to use the procedure but feel uneasy about it may wish to bring a colleague along to any discussions, so long as the third party is not involved in the issue.

Where anonymity is requested, efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern, the easier it will be to take appropriate action.

The Early Years Manager (or the person who carried out the investigation) will then report to the Chair of Governors/Trustees who will take the necessary action. If disciplinary action is required, this will be taken forward by the Early Years Manager/Chair of Governing Body/Trustees. On conclusion of any investigation, the employee will be told the outcome of the investigation and what the next steps will be. If no action is to be taken, the reason for this will be explained.

Internal processes should always be followed first; however, if the employee is concerned that the Early Years Manager (or the person who carried out the investigation) is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, for whatever reason, they have the option of contacting one of the following:

- The Local Authority Designated Safeguarding Officer
- HM Revenue and Customs
- The Financial Services Authority
- The Office of Fair Trading
- The Health and Safety Executive
- The Environment Agency
- The Director of Public Prosecutions
- The Serious Fraud Office
- The Department for Education

### **WHAT SHOULD BE DONE IF AN ISSUE IS RAISED WITH A MEMBER OF STAFF?**

If a member of staff, other than the Early Years Manager, is approached by a colleague on a matter of concern as defined in this document, he/she is advised to take the matter to the Early Years Manager.

### **SAFEGUARDING CHILDREN AND YOUNG PEOPLE**

All employees have a duty to report concerns about the safety and welfare of children.

Concerns about any of the following conduct should be reported to the Designated Safeguarding Lead (DSL):

- physical abuse of a child
- sexual abuse of a child
- emotional abuse of a child
- neglect of a child
- an intimate or improper relationship between an adult and a child

Please contact CMI for details of the DSL.

CCS's Designated Safeguarding Lead is: Joanne Collins

The reason for the concern may be the actions of a colleague (including a more senior colleague), a Governor/Trustee, another pupil, or someone outside the school. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.

### **CONFIDENTIALITY**

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the employee if that is their wish. If the school is not able to resolve the employee's concern without revealing their identity (e.g., because their evidence may be needed in court), it will be discussed with them beforehand, whenever possible.

### **ANONYMOUS ALLEGATIONS**

This policy and procedure encourage an employee to put their name to their concern whenever possible.

Concerns expressed anonymously are much less powerful but may be considered by the school, taking into account:

Carmel Ministries International and Carmel Christian School  
Whistleblowing Policy

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

The CMI Overseers, Early Years Manager or Chair of Governors will decide in each case whether a complaint made anonymously should be investigated.

### **LAW RELATING TO THIS DOCUMENT**

- Employment Rights Act 1996
- Public Interest Disclosures Act 1998

The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

A Whistleblowing Policy should establish the procedure for an employee to follow if he/she has a genuine concern about a colleague's conduct or the organisation's practices. The Whistleblowing Policy should make clear what sort of allegations will count as a protected disclosure and should allow for the employee to raise these concerns with a nominated person and set out the steps that the employer will take in response.

A qualifying disclosure means any disclosure of information that in the reasonable belief of the worker is made in the public interest. The requirement that a whistleblower make a qualifying disclosure 'in good faith' has been removed. Therefore, while the employer can seek a declaration from the whistleblower that he or she is not knowingly making a false allegation, disciplinary action is likely to be appropriate only where there is clear evidence that the employee has misused the whistleblowing procedure. A consequence of the requirement that a disclosure be made in the public interest is that an employee will generally be precluded from being able to 'blow the whistle' about breaches of his or her employment contract.

Section 43J of the Employment Rights Act 1996 provides that a Settlement Agreement made between an employee and employer cannot prevent future protected disclosures.

Any confidentiality obligations in contracts of employment that would prevent an employee making a protected disclosure will be void.

Staff members with concerns should follow these steps:

- Line Manger
- Specified person (or governor) in school
- Local Authority
- Union or Professional Association
- Prescribed Person or Body (e.g., Ofsted, Education Funding Agency, Children's Commissioner or NSPCC)

Carmel Ministries International and Carmel Christian School  
Whistleblowing Policy

- Alternatively contact the whistleblowing charity, 'Public Concern at Work' [www.pcaw.org.uk](http://www.pcaw.org.uk)

**STAFF AWARENESS**

All staff will be made aware of this policy. It will be suitably referenced in staff training and codes of conduct.