



## Whistleblowing Policy and Procedure

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For the purpose of this document Guildford Nursery School and Family Centre will be referred to as GNSFC.

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## **1. Policy Statement**

GNSFC is committed to the highest possible standards of honesty, openness and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all activities are open and effectively managed, and that GNSFC's integrity and principles of public interest disclosure are sustained.

In line with that commitment we encourage employees, and others that we deal with, who have serious concerns about any aspect of GNSFC's work to come forward and voice those concerns as follows:

- with their immediate manager and/or more senior managers. Where any member of staff decides to report a serious incident, whether anonymous or not, this will be treated as a 'protected, internal disclosure' – that is, there will be no adverse repercussions for the member of staff.
- through an external, independent and confidential service provided via the Navex Global helpline. Freephone: 0800 069 8180.

Each person working for GNSFC needs to realise that they not only have the right, but also a duty to report any improper actions or omissions.

## **2. Policy Scope**

The policy applies to all GNSFC employees whether full-time or part time, permanent or temporary. It also covers providers of works, services and supplies, including Surrey County Council's external contractors.

## **3. Introduction**

The whistleblowing policy is intended to cover serious concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees/staff
- Damage to the environment
- Information relating to the above issues that has been or is likely to be deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse of service users.

Therefore, any serious concerns that a member of staff has about any aspect of service provision or the conduct of GNSFC staff or others acting on behalf of GNSFC, can be reported under the whistleblowing policy where the member of staff has a reasonable belief in those concerns and they relate to one of the specified areas set out above.

A wrongdoing disclosed under the policy should be in the public interest, this means it affects others. There are existing procedures in place to enable employees to lodge concerns relating to their own employment.

## **4. Roles and Responsibilities**

The Headteacher and Full Governing Body (FGB) have overall responsibility for the maintenance and operation of this policy. The Headteacher maintains a record of concerns raised and the outcomes (but in a form which does not compromise confidentiality) and will report as necessary to the FGB.

The practical aspects of monitoring are to assess whether:

- The policy is being used appropriately
- Concerns are being handled and investigated properly
- There are any discernible patterns of concern across GNSFC
- The policy has been effective in identifying and deterring malpractice, and
- More needs to be done to raise awareness of the policy.

## **5. Key Principles**

GNSFC recognises and appreciates that staff who raise concerns regarding malpractice or wrongdoing are an asset to GNSFC, and not a threat. This policy makes it clear that they can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The whistleblowing policy is intended to encourage and enable staff to raise serious concerns within GNSFC.

This policy aims to:

- Encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues to raise those concerns and receive feedback on any action taken
- Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith

## **6. Raising Concerns**

### **6.1. How to raise concerns**

There are two ways in which to raise a concern:

Staff may raise concerns with their immediate manager or another manager or the Chair of Governors if the concern relates to the Headteacher.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are asked to provide the background and history of the concern (including relevant dates) and the reason why they are particularly concerned about the situation.

The earlier the concern is expressed, the easier it is to take action. In order to assist with the investigation, staff should provide as much detail and supporting evidence as possible. Staff are not expected to prove that an allegation is true, only to have sufficient grounds for concern.

The whistle blower may invite a recognised Trade Union representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

While concerns will usually be raised internally, GNSFC recognises that staff may feel unable to do this, and that they may wish to contact an independent, external organisation, such as Navex Global, in order to report something. Navex Global is an external and independent organisation which specialises in providing a confidential hotline service for whistleblowing and can be contacted any time, night or day, in complete confidence with any relevant concerns. The call will not be traced or monitored. Freephone: 0800 069 8180.

### **6.2. How GNSFC will respond**

GNSFC will investigate and respond to all concerns raised by staff or service users through any channels including Navex Global.

While it is not essential that the concerns be provided in writing, the person receiving the concern will, ensure that a written account of it is made. This will help with the subsequent investigation by facilitating clear record-keeping.

When a concern is raised directly with a member of staff, they should undertake the following actions:

- Take the concern seriously
- Consider the concerns fully and objectively
- Recognise that raising a concern can be a difficult experience for employees
- Ensure confidentiality
- Refer to a manager of appropriate seniority, to agree the level at which the concern will be investigated and identify who will take responsibility for co-ordinating the enquiry.

Staff members who are under investigation will not be involved in the investigation process.

GNSFC may seek advice and guidance on the use of the whistleblowing policy from an external HR consultant.

### **6.3. Initial enquiry**

In order to protect the individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which GNSFC will have in mind, is that of the public interest. If urgent action is required, this will be taken before any investigation is conducted.

The purpose of the initial inquiry is to ascertain if the conduct or behaviour involves a member of staff, so that further enquiries and investigation can be progressed accordingly.

### **6.4. Preliminary review**

A preliminary review establishes the need to carry out an investigation. Further to the results of the initial enquiry and preliminary review, and at the discretion of senior management, the following steps will then need to be considered:

- Concerns or allegations, which fall within the scope of specific procedures, e.g. child protection or discrimination issues, will normally be referred for consideration under those procedures
- Where there is any financial impropriety, the concern should be referred to Internal Audit, before taking any other action
- Inform the appropriate officer within Surrey County Council if the concerns indicate unlawful activity.
- Ensure that matters of a criminal nature are reported to the Police, after consultation with GNSFC's Personnel Consultant.
- Whether the disciplinary or other relevant management policies, procedures and processes of GNSFC need to be applied
- Appointment of a panel to carry out the investigation under these procedures.

### **6.5. Investigation**

In most cases a panel of three Governors will investigate any issue. In rare cases GNSFC may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable GNSFC to minimise the risk of future wrongdoing.

GNSFC will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent GNSFC from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If GNSFC concludes that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' will be subject to disciplinary action under GNSFC's Disciplinary Policy and Procedure.

Whilst GNSFC cannot always guarantee the outcome a particular member of staff is seeking, GNSFC will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the

way in which their concern has been handled, they can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, a member of staff or the Headteacher will have the right to refer any particular case to the Designated Governor for review.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Headteacher, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under GNSFC's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters

## **6.6. Investigation timescales**

Within 14 days of a Navex report being received, the person who is dealing with the concern that has been raised will respond in writing:

- Acknowledging that the concern has been received
- Supplying information on staff support mechanisms, and
- Advising whether further investigations or action is required and, if not, why not.

A further update will also be provided 28 days after the report was received, advising of additional progress made and the estimated date a final response will be available. If the whistleblower has chosen to remain anonymous and non-contactable, they will need to contact Navex Global or their original reporting route in order to receive updates.

## **6.7. Investigation records**

The impartial panel assigned to undertake the investigation will establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

It is essential that written records of all interviews be kept throughout the investigation, together with written details of any action taken. The investigation will result in a written report and recommendations for corrective action which will be passed to the manager responsible for deciding whether formal action shall be taken.

Where any meeting is arranged involving an individual member of staff, which can be offsite, a recognised Trade Union representative or a work colleague may also attend. GNSFC will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, GNSFC will arrange for them to receive appropriate procedural and/or legal advice.

A member of staff raising a concern directly with a senior manager will be, subject to legal constraints, advised in writing of the outcome of the investigation and, where appropriate, what action is being taken.

## **7. Safeguarding against Harassment or Victimisation**

GNSFC is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If a member of staff has a reasonable belief that what they are saying is true, they have nothing to fear because they will be doing their duty to their employer and/or those for whom they are providing a service.

GNSFC will take appropriate action to protect staff when they raise a concern, by supporting the member of staff and consider action under the appropriate procedure against the person or persons responsible for the reported acts, provided the member of staff:

- Discloses the information in good faith
- Believes the concern to be true
- Does not act maliciously or make false allegations

- Does not seek any personal gain, and
- Makes an allegation(s) that relates to one of the categories covered by the scope of the policy.

There are national guidelines to help you as a whistle blower. See the government guidance: <https://www.gov.uk/whistleblowing>.

There is also a whistleblowing charity Protect that has a helpline on 020 3117 2520. This helpline offers independent and confidential advice to those who are unsure whether, or how, to raise a public interest concern.

## **8. Unsubstantiated Allegations**

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

## **9. Confidentiality**

All concerns will be treated in confidence but at the appropriate time, the whistle blower may be asked to come forward as a witness, and this will be discussed with them.

## **10. Anonymous Allegations**

This policy encourages staff to put their name to their allegation whenever possible. Where a concern is raised via the external confidential Navex Global Service, the whistle blower can choose to provide Navex Global with their name and contact details, which will not be passed to GNSFC without express permission from the individual. This enables Navex Global to ask for further information on the concern, if required.

GNSFC will take all concerns raised seriously. When carrying out an initial review of a concern, GNSFC will take into account the following factors:

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

## **11. Relevant Legislation**

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest. The Act makes it unlawful for GNSFC to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

## **12. Documents Associated with this Policy**

Glossary

FAQs

## **13. Other Resources**

E- learning Governance – Key Learning for Managers

E- learning Code of Conduct – search for the e-learning on Olive: Home

Independent External Advice Protect Whistleblowing Charity

## **14. Related Policies**

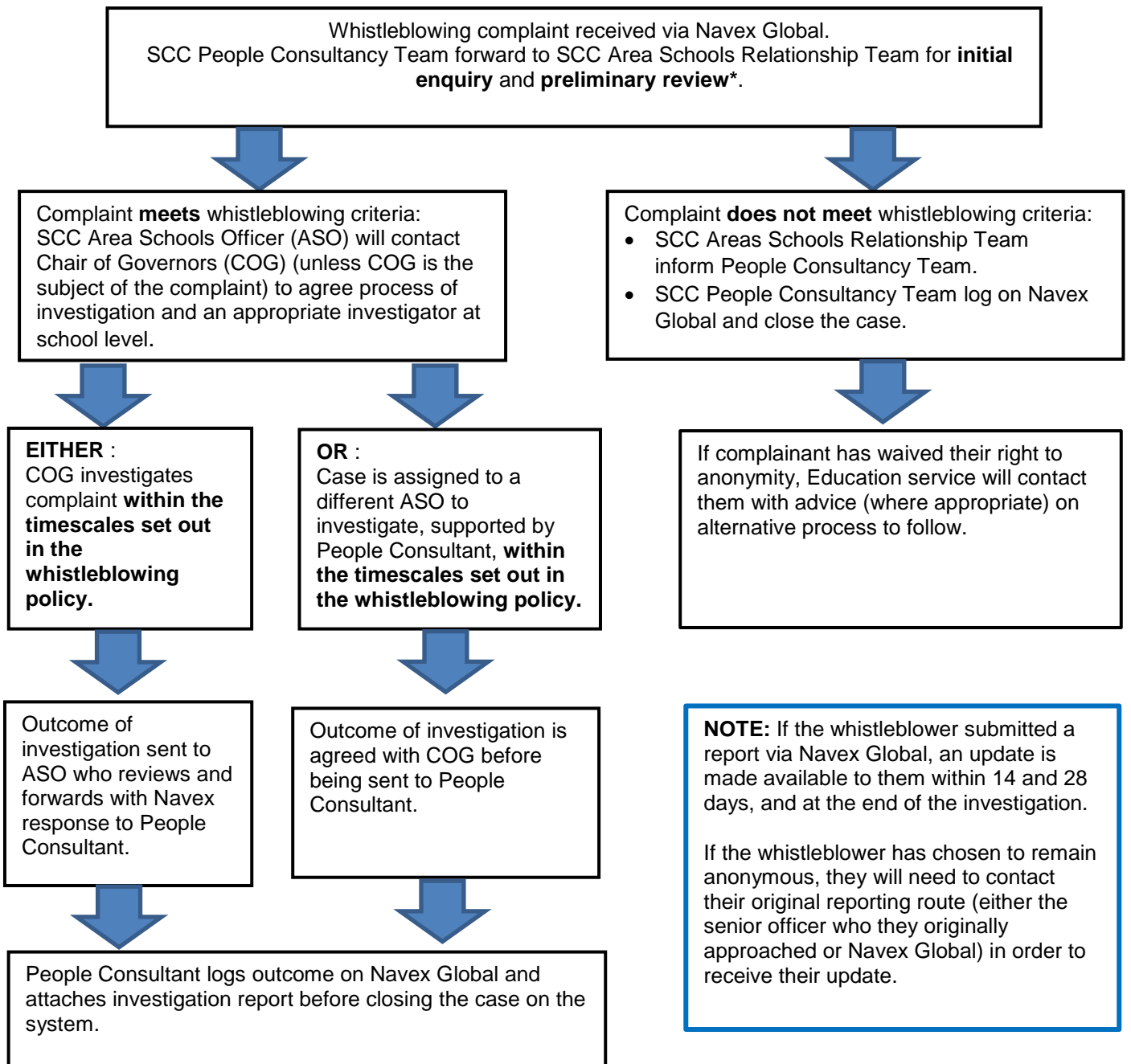
- Ending Bullying and Harassment Policy
- Grievance Policy
- Staff Code of Conduct

## 15. Glossary

<b>Acronym or term Definition</b>	<b>Definition</b>
Whistleblowing	The act of reporting serious concerns about misconduct, malpractice, or unethical behaviour within an organisation.
Protected Disclosure	A report made by an employee or other associated individual about wrongdoing, which is protected under the whistleblowing policy, ensuring no adverse repercussions for the whistleblower.
Navex Global Helpline	An external, independent, and confidential service provided for reporting concerns. It can be contacted via Freephone: 0800 069 8180.
Public Interest Disclosure Act 1998	A UK law that provides protection to whistleblowers who report concerns in the public interest.
Confidentiality	The assurance that the identity of the whistleblower and the details of their report will be kept confidential to the extent possible.
Anonymous Reporting	The option for whistleblowers to report concerns without revealing their identity. While accepted, it may limit the ability to investigate fully.
Harassment or Victimisation	Retaliation or adverse treatment against a whistleblower for raising a concern. The policy protects whistleblowers from such action

## Appendix 1: Whistleblowing process flowchart for schools

(to be used alongside the Whistleblowing policy)



- Matters of a criminal nature will be reported to the Police, after consultation with Internal Audit and where necessary the LADO.
- Allegations of financial impropriety will be referred to Internal Audit before any other action is taken.
- Concerns which indicate unlawful activity will be referred to the Council's Monitoring Officer.

In circumstances where a situation warrants that SCC requires an ASO to investigate a complaint, the cost of the investigation will not be charged to the school.