Whistleblowing policy

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1.0	July 2021	R Banks	New document
1.1	March 2023	R Banks/Laura Secker	Revised
1.2	Sept 2023	R Banks/Laura Secker	Revised in line with KCSIE 2023
1.3	Sept 2026	R Banks	Updated in line with KCSIE 2026 and 2026 whistleblowing legislation, with revisions to procedures, safeguarding, reporting and record keeping.

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1. Aims

Phoenix Bay School and its staff are committed to the highest possible standards of honesty, openness, probity and accountability. The school seeks to conduct its affairs in a responsible manner, to ensure that all activities are open and effectively managed, and that integrity and principles of public interest disclosure are sustained.

In line with that commitment, Phoenix Bay School encourages employees, those working on behalf of the school and others that it deals with, who have serious concerns about any aspect of the school's work to come forward and raise those concerns with a member of the senior management team.

Phoenix Bay School assures staff that they will not be victimised for raising a legitimate concern through the steps set out in this policy, even if they turn out to be mistaken. However, deliberately malicious or knowingly false concerns may be considered under the school's disciplinary procedures.

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees and other workers who provide services to Phoenix Bay School in any capacity, including self-employed consultants or contractors who provide services on a personal basis and agency workers.

2. Purpose of the Policy

Employees are often the first to realise that there may be something seriously wrong within Phoenix Bay School. However, staff 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.

Each person working for Phoenix Bay School needs to understand that they have a right to raise concerns about serious wrongdoing and, where safeguarding is concerned, a responsibility to report concerns promptly.

Phoenix Bay School recognises and appreciates that employees who raise concerns regarding malpractice or wrongdoing are an asset to the school, not a threat. This policy makes it clear that staff can raise concerns without fear of victimisation, subsequent discrimination or disadvantage.

The whistleblowing policy is intended to encourage and enable employees to raise serious concerns within Phoenix Bay School. This is particularly important where the welfare or safety of children may be at risk.

This policy aims to:

- Encourage staff to feel confident in raising serious concerns.
- Provide clear avenues to raise concerns and receive appropriate feedback.

- Ensure staff receive a response and know how to escalate concerns where appropriate.
- Reassure staff that they are protected from victimisation when raising concerns in good faith and where the relevant legal conditions for whistleblowing protection are met.

Who is covered by this policy?

The policy applies to all employees of Phoenix Bay School whether full-time or part-time, permanent or temporary, and to members of staff and those carrying out work on behalf of the school, including agency workers, contractors and consultants.

Scope of the Policy

This policy covers serious concerns that fall outside other procedures and which may amount to a protected disclosure under the Employment Rights Act 1996.

These include:

- Conduct which is an offence or breach of the law.
- Failure to comply with a legal obligation.
- Miscarriages of justice.
- Health and safety risks.
- Damage to the environment.
- Deliberate concealment of any of the above.
- Sexual harassment, where the disclosure meets the requirements for whistleblowing protection.

Additional protected disclosure – sexual harassment

From **6 April 2026**, sexual harassment is expressly recognised as a type of wrongdoing that can form the subject of a protected whistleblowing disclosure under the Employment Rights Act 1996, as amended by the Employment Rights Act 2025.

Staff may therefore raise concerns about sexual harassment under this policy where they reasonably believe the disclosure is in the public interest and meets the relevant legal requirements.

Examples include:

- Misuse of school funds.
- Fraud or corruption.
- Sexual, physical or psychological abuse.
- Harassment, including sexual harassment, and bullying where the concern meets the requirements for whistleblowing.
- Breaches of codes of conduct.
- Serious safeguarding concerns.
- Serious failures to comply with legal or statutory requirements.

Any serious concerns that a member of staff has about any aspect of service provision or the conduct of the Proprietor, employees of Phoenix Bay School, others acting on behalf of Phoenix Bay School or others connected with the school can be reported under this policy where the member of staff has a reasonable belief that the concern relates to wrongdoing covered by this policy.

Personal grievances relating only to an individual's own employment are normally dealt with under the school's grievance procedure unless the concern is in the public interest and meets the requirements for a protected disclosure.

3. Safeguarding against harassment or victimisation

Phoenix Bay School 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.

Phoenix Bay School will take appropriate action to protect staff when they raise a genuine concern and will consider action under the appropriate procedure against any person responsible for harassment or victimisation.

Staff raising a concern should:

- Disclose the information honestly and in good faith.
- Have a reasonable belief that the concern is genuine.
- Not deliberately make false or malicious allegations.
- Not seek personal gain from raising the concern.
- Raise a concern that falls within the scope of this policy.

Unsubstantiated allegations

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no disciplinary action will be taken simply because the concern was not substantiated.

If, however, an allegation is shown to have been deliberately invented or malicious, Phoenix Bay School will consider whether disciplinary action is appropriate.

Confidentiality

All concerns will be treated sensitively and, where possible, confidentially. However, confidentiality cannot always be guaranteed, particularly where information needs to be shared to safeguard children, investigate the concern or comply with legal requirements.

The person raising the concern may be asked to come forward as a witness and this will be discussed with them wherever possible.

Anonymous allegations

This policy encourages staff to put their name to their concern whenever possible.

Phoenix Bay School will take anonymous concerns seriously and will consider whether the concern can be investigated based on the information provided.

When carrying out an initial review of an anonymous concern, the school may consider:

- The seriousness of the issues raised.
- The credibility of the concern.
- The level of detail provided.
- The likelihood of confirming the concern from other sources.

Reasons for whistleblowing

- To prevent wrongdoing from worsening or widening.
- To protect or reduce risks to others.
- To safeguard children.
- To prevent becoming implicated in wrongdoing.

What may stop people from whistleblowing

- Fear of starting a chain of events.
- Concern about disrupting work or events.
- Fear of getting it wrong.
- Fear of repercussions or damage to their career.
- Fear of not being believed.

Staff are encouraged to raise concerns even where they are unsure whether wrongdoing has occurred. A member of staff is **not expected to prove that a concern is true** before reporting it.

4. How to raise a concern

Staff members may raise concerns with:

- Their immediate manager.
- The Principal.
- The Designated Safeguarding Lead (DSL).
- A Deputy Designated Safeguarding Lead (DDSL), where appropriate.

If the concern is about the Principal, staff should contact the Proprietor or Chair of the Advisory Board.

If the concern is about the DSL, staff should raise it with the Principal or another appropriate senior person.

Concerns may be raised verbally or in writing. Staff members who wish to make a written report should provide the background and history of the concern, including relevant dates, people involved and the reason why they are particularly concerned.

The earlier a concern is expressed, the easier it may be to take appropriate action.

Staff should provide as much detail and supporting evidence as possible. However, a member of staff is not expected to prove that an allegation is true, only to have sufficient grounds for concern.

Safeguarding concerns

Where a concern relates to the safeguarding or welfare of a child, staff must act without delay and follow the school's Safeguarding and Child Protection Policy.

Staff should report safeguarding concerns to the DSL or DDSL without delay. KCSIE 2026 states that staff must follow their school's safeguarding procedures and act immediately on safeguarding concerns.

Where a staff member feels unable to raise a safeguarding concern internally, they can contact the **NSPCC Whistleblowing Advice Line on 0800 028 0285**.

Staff may also seek independent advice from **Protect** or an appropriate prescribed person or body where this is appropriate.

5. How Phoenix Bay School will respond

Phoenix Bay School will take concerns raised under this policy seriously and will respond appropriately.

While it is not essential that a concern is provided in writing, the person receiving the concern will ensure that a written record is made. This will help with subsequent investigation and clear record keeping.

When a concern is raised directly with Phoenix Bay School, the school will:

- Take the concern seriously.
- Consider the concern fully and objectively.
- Recognise that raising a concern can be a difficult experience for employees.
- Maintain appropriate confidentiality.
- Consider whether the concern should be managed under this policy or another school procedure.
- Refer the concern to a manager of appropriate seniority and identify who will take responsibility for coordinating the investigation.

Staff members who are themselves the subject of an investigation will not be involved in investigating the concern.

Initial enquiry

Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

If urgent action is required, this will be taken before any investigation is conducted.

Where a concern relates to safeguarding, the school will follow its Safeguarding and Child Protection Policy and relevant safeguarding procedures.

Preliminary enquiry

The preliminary enquiry will establish whether a formal investigation is required.

Depending on the nature of the concern, the following may need to be considered:

- Concerns or allegations falling within specific procedures, including child protection, safeguarding or discrimination, will normally be referred for consideration under those procedures.
- Where a safeguarding concern or allegation relates to a member of staff or volunteer, the school will follow the appropriate safeguarding procedures and seek advice from the Local Authority Designated Officer (LADO) where required.
- Where there is financial impropriety, the concern should be referred to the Proprietor where appropriate.
- Matters of a criminal nature may need to be reported to the Police.
- Relevant disciplinary, grievance or other management procedures may need to be applied.
- An appropriate person may be appointed to carry out the investigation.

KCSIE 2026 requires schools to have procedures for dealing with safeguarding concerns and allegations about staff, including concerns about staff members, volunteers, supply staff and contractors.

Investigation

Depending on the nature of the concern, investigations may be carried out under the school's disciplinary policy, grievance policy, safeguarding procedures or another relevant procedure.

Investigation timescales

Within **14 days** of a report being received, where reasonably practicable, the person dealing with the concern will respond in writing:

- Acknowledging that the concern has been received.

- Providing information about available staff support.
- Advising whether further investigation or action is required, and where appropriate, explaining why no further action is proposed.

A further update will normally be provided within **28 days** of the report being received, advising of progress and, where possible, the estimated date for a final response.

These timescales may need to vary where the concern is complex, involves safeguarding procedures, requires external investigation or where providing information could prejudice an investigation.

If the whistleblower has chosen to remain anonymous and non-contactable, they will not be able to receive updates unless they provide a means of contact.

Investigation process

The impartial investigating manager appointed 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 or clarification concerning the issues raised.

Written records of interviews and actions taken will be maintained throughout the investigation.

The investigation will result in a written report and, where appropriate, recommendations for corrective action.

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

The school cannot always provide full details of the outcome because of confidentiality, employment law or safeguarding considerations.

6. Malicious or vexatious allegations

Phoenix Bay School staff are encouraged to raise concerns when they believe there may potentially be an issue.

If an allegation is made in good faith but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff simply because the concern was not substantiated.

If, however, an allegation is shown to have been deliberately invented, malicious or knowingly false, Phoenix Bay School will consider whether disciplinary action is appropriate.

7. Escalating concerns beyond the School

Phoenix Bay School encourages staff to raise their concerns internally where possible.

However, the school recognises that staff may feel unable or unwilling to raise a concern internally.

Staff may seek independent advice from **Protect** or contact an appropriate prescribed person or body where this is appropriate.

Where the concern relates to safeguarding practice and a member of staff feels unable to raise the concern internally, they can contact the **NSPCC Whistleblowing Advice Line on 0800 028 0285**.

The UK Government provides current information about prescribed persons and organisations to whom qualifying whistleblowing concerns may be reported.

8. Record Keeping and Data Retention

Phoenix Bay School will ensure that records relating to whistleblowing concerns are handled securely and in accordance with applicable data protection requirements.

Records will include, where appropriate:

- The concern raised.
- Information and evidence provided.
- Actions taken.
- Decisions made and the reasons for those decisions.
- The outcome of any investigation.
- Any actions or recommendations arising from the investigation.

Records will be retained only for as long as necessary and in accordance with the school's data protection and records management arrangements.

All records will be stored securely and disposed of appropriately when no longer required.

KCSIE 2026 also emphasises the importance of clear safeguarding records, including the concern, actions taken, decisions, rationale and outcomes.