



WHISTLEBLOWING POLICY AND PROCEDURE

Tonbridge Grammar School ('the Academy') is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the Academy's policies and procedures from time to time in force.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To ensure that staff receive a response to the concerns they have raised and feedback on any action taken;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Protect (formerly Public Concern at Work).

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Academy and the Academy reserves the right to amend its content at any time. This Policy reflects the Academy's current practices and applies to all individuals working at all levels of the organisation, including the Head Teacher, members of the Strategic Leadership Team, Subject Leaders, employees, trustees, consultants, contractors, trainees, home-workers, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;

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Approved: September 2025

Review: every 2 years

Review due: September 2027

Approval: Academy Trust Board

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- danger to health and safety, including risks to the public as well as risks to pupils and members of staff;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- mistreatment of any person;
- breach of our internal policies and procedures including our Code of Conduct;
- conduct likely to damage the Academy's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern that he/she believes is in the public interest relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Academy's activities (a whistleblowing concern) you should report it under this policy.

If staff are uncertain whether something is within the scope of this policy you should seek advice from the Head Teacher.

Raising a whistleblowing concern

The Academy hopes that in many cases staff will be able to raise any concerns with their Line Manager and/or Subject Leader speaking to them in person or putting the matter in writing if preferred. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Trustee Board.

However, where the matter is more serious, or you feel that your Line Manager/Subject Leader has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- The Head Teacher – Rebecca Crean – rcrean@tgs.kent.sch.uk
- The Vice Chair of Trustees – Ed Walker – ewalker@tgs.kent.sch.uk

The Academy will arrange a meeting with you as soon as possible to discuss your concern. Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of your disclosure and any subsequent investigation.

The Academy will take down a written summary of the concern raised and provide the member of the staff with a copy as soon as practicable after the meeting. The Academy will also aim to give you an indication of how we propose to deal with the matter.

Confidentiality

The Academy hope that staff will feel able to voice whistle blowing concerns openly under this policy. However, if a member of staff wants to raise their concern confidentially, the Academy will endeavour to keep their identity secret in so far as it is possible to do so when following this policy and procedure.

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However, investigation into the concern could reveal the source of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court. If it is necessary for anyone investigating that member of staff's concern to know their identity, the Academy will discuss this with the member of staff first.

The Academy does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Academy cannot obtain further information. It is also more difficult to establish whether any allegations are credible. Nonetheless, anonymous allegations will be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the trustee body will take the following factors into account:

- the seriousness of the issue raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

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: <https://protect-advice.org.uk/>

Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the Head Teacher or Vice Chair of Trustees should urgently consult the Designated Safeguarding Lead.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect also operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

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Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

Investigation and timeline

Once a member of staff has raised a concern, the Academy will carry out an initial assessment to determine the scope of any investigation. The Academy will inform the member of staff of the outcome of its assessment. The person appointed by the Head Teacher/Trustee body to look into whistleblowing allegations will normally provide a written response within 5 working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- advising whether any enquiries have been made.

The member of staff raising the concern may be required to attend additional meetings to provide further information. The Academy will aim to keep the member of staff informed of the progress of the investigation and its likely timescale.

In some cases, the Academy 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 the Academy to minimise the risk of future wrongdoing.

The investigation report

Following completion of the inquiry process a written report will be submitted to the Chair of Trustees body, normally within 5 working days. The report will not contain the member of staff's name unless they have expressly stated that they wish to be named.

Following receipt of the inquiry report, the Chair of Trustees will convene a committee with at least one other trustee to consider the inquiry report and decide on the action to be taken. This should normally take place within 5 - 10 working days following receipt of the inquiry report.

Following notification of the committee's decision, the Chair of Trustees will notify the member of staff of the outcome, normally within 5 working days (except in relation to anonymous allegations), setting out the action to be taken or that no further action is to be taken and the reasons why. Sometimes the need for confidentiality may prevent the Academy 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.

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If the Academy 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 the Academy's Disciplinary Policy and Procedure.

Whilst the Academy cannot always guarantee the outcome a particular member of staff is seeking, the Academy 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.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The Academy aims to encourage openness and will support Staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes they have suffered any such treatment, they should inform the Head Teacher immediately. If the matter is not remedied the member of staff should raise it formally using the Academy's Grievance Policy and Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

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 Head Teacher in the first instance.

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