Whistleblowing – April 2015

Every maintained school should have a whistleblowing procedure that protects staff members who report colleagues they believe are doing something wrong or illegal, or who are neglecting their duties.

Whistleblowing is when a worker reports suspected wrongdoing at work. Wrong-doing covered by this ‘public interest disclosure’ includes:

- someone’s health and safety is in danger;
- damage to the environment;
- a criminal offence;
- not obeying the law;
- covering up wrongdoing;
- misusing public funds; (and in schools)
- where the welfare of children is being negatively affected.

Where staff have concerns they should aim to report it internally first before using an external ‘prescribed person or body’. Making a report to an external person may only be undertaken where the staff member thinks the school will cover it up, would treat them unfairly if they complained or have raised the matter before, but the concern hasn’t been dealt with.

Schools should identify a member of staff and a governor to receive concerns of this kind; they should also identify the local authority contact person.

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 (eg. Ofsted, Education Funding Agency, Children’s Commissioner or NSPCC)
- alternatively contact the whistleblowing charity, ‘Public Concern At Work’
  www.pcau.org.uk

Governing bodies of maintained schools are responsible for agreeing the school’s whistleblowing policy. Working Together to Safeguard Children (2015) Chapter 2, paragraph 4 says that ‘organisations should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:
‘clear whistleblowing procedures, which reflect the principles in Sir Robert Francis’s Freedom to Speak 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’

Since Working Together (2015) 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.

**Freedom to Speak Up Report – Sir Robert Francis**

In February 2015, the Freedom to Speak Up report was published. This report written by Sir Robert Francis QC looked at how incidents of poor care practice in the National Health Service could be prevented. Sir Robert found that NHS staff found it difficult to report their concerns and could be penalised for doing so.

Whilst the Freedom to Speak Up report is written primarily about the NHS, Sir Robert’s findings have been applied in other fields, including those organisations covered by Working Together to Safeguard Children (2015).


The principles in the report are grouped into five themes which are set out below.

Working Together to Safeguard Children is expecting these principles to be particularly evident in the safeguarding systems in schools and colleges. The aspects set out in Theme 1, will fit appropriately into the ethos and values section of a school’s policies, not only safeguarding.

Theme 2 should be included in the policy section that describes how concerns will be dealt with, particularly the need for prompt investigation.

In schools, Theme 3 will emphasise training and communication so that staff understand what the whistleblowing policy is there for and what concerns are covered. Where a school has a strongly hierarchical approach, a ‘Freedom To Speak Up’ Guardian may ensure that all staff feel that they have someone to speak to without approaching a senior manager.

Theme 4 develops the idea of ensuring that no-one feels unable to raise concerns, but recognises that some staff may feel they will not be listened to. Schools should also recognise that temporary staff, part-time staff, volunteers and students may find
it harder to raise their concerns. Theme 5, changes to legislation, refers only to the NHS.

**Principles for Whistleblowing**

**Theme 1 – the need for culture change**

- culture of safety and learning
- raising concerns
- culture free from bullying
- culture of visible leadership
- value staff who raise concerns
- culture of reflective practice

**Theme 2 – the need for improved handling of cases**

- informal and formal raising and resolution of concerns,
- prompt, swift, proportionate, and blame free investigation
- mediation and dispute resolution

**Theme 3 – the need for measures to support good practice**

- support to those raising concerns
- introduction of a Freedom to Speak Up Guardian
- provision of support is recommended to those who have difficulty finding employment in the NHS after making a protected disclosure
- training for every member of staff about raising concerns and handling them
- transparency accountable
- external review
- regulatory action
- NHS organisations that successfully support good practice should be recognized by way of their CQC assessment or by some other means

**Theme 4 – the need for particular measures for vulnerable groups**

- locums and agency and bank staff should have access to the same support and procedures as permanent staff,
- black and minority ethnic backgrounds who raise concerns might need action over and above what is in the report to support and protect them
- students and trainees should also be subject to all the principles
- primary care, standards for empowering and protecting staff to enable them to raise concerns freely
Theme 5 – the need extend the legal protection to NHS staff currently provided by the relevant legislation

Further Information

Freedom to Speak Up Report:  

Whistleblowing procedure for maintained schools  
www.gov.uk/whistleblowing-procedure-for-maintained-schools

Whistleblowing  
www.gov.uk/whistleblowing

Whistleblowing to Ofsted about safeguarding in local authority children’s services (April 2014)  
www.safeguardinginschools.co.uk/ofstedwhistleblowing

Whistleblowing in 2013 (Full Report)  
www.safeguardinginschools.co.uk/pcaw2013

About the Author

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Andrew is an experienced education consultant who specialises in safeguarding and child protection. He has extensive headship experience in special schools for children of all ages with autism, social, emotional and behavioural difficulties and complex learning difficulties, including SLD and PMLD. Andrew runs engaging workshops for staff at all levels in schools and colleges.

Contact Andrew Hall on 01223 929269 to arrange training or consultancy at your school or college.

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