

Whistleblowing Procedure

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Introduction

The Whistleblowing Procedure sets out the framework for dealing with allegations of illegal and improper conduct.

Westbourne School is committed to the highest standards of transparency, probity, integrity and accountability and this procedure is intended to provide a means of allowing staff, and other people associated with the School, to voice their concerns whenever any serious concerns are raised about any aspect of the School.

The aim of this procedure is to demonstrate that Westbourne School:

- will not tolerate any misbehaviour, transgressions, violations and or any negligence;
- will respect the confidentiality of anyone raising a concern and every effort will be made not to reveal the person's identity unless absolutely necessary;
- will provide a clear and simple process to raise concerns, which is accessible to all staff;
- will ensure appropriate investigation and action is taken for any concerns raised; and
- will apply disciplinary action in case of false, malicious or vexatious allegations.

This procedure does not replace other policies and procedures such as the complaints or grievances procedures.

This procedure is to enable members of staff to express a legitimate concern regarding suspected concerns within the School.

This procedure applies to, but is not limited to, allegations about any of the following:

- Any Safeguarding concerns
- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of any staff or people associated with the School
- Abuse of authority
- Other unethical conduct

Confidentiality

Staff or anyone associated with the School who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the person or persons alleged to have undertaken the malpractice without their prior approval.

It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible.

If there is evidence of criminal activity then the Police will in all cases be informed.



Reporting

Staff or anyone associated with the School is at liberty to voice their concerns to a member of the Senior Leadership Team (SLT) which consists of the Principal/Vice Principal(s), Chief Executive Officer (CEO) and Chief Financial Officer (CFO).

Should the matter relate to a concern surrounding the SLT or the person does not feel comfortable in reporting to them due to specific circumstances, or they feel the matter may not be investigated appropriately then they may report this to the Chairman of Westbourne School - Mark Peters.

Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. The person raising the concern will be kept informed of progress and, whenever possible and subject to third party rights, will be informed of the resolution.

If the person who raised the concern is not satisfied that their concern is being properly dealt with, they will have a right to raise it in confidence with the Chairman.

Allegation process

Whether a written or oral report is made it is important that relevant information is provided including:

- The name of the person making the allegation and a contact point.
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The specific reason for the allegation. Although someone making an allegation will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported to, to establish that there are reasonable grounds for the allegation.

Someone making an allegation may be accompanied by another person of their choosing during any meetings or interviews in connection with the allegation. However, if the matter is subsequently dealt with through another procedure the right to be accompanied will at that stage be in accordance with the relevant procedure.

Action on receipt of an Allegation

The person made aware of the concern will record details of the allegation gathering as much information as possible, (within 5 working days of receipt of the allegation) including:

- the record of the allegation;
- the acknowledgement of the allegation; and
- any documents supplied by the whistleblower.

The investigator will ask the whistleblower for their preferred means of communication and contact details and use these for all communications with the whistleblower in order to preserve confidentiality.

If the allegation relates to fraud, potential fraud or other financial irregularity the CFO will be informed within 5 working days of receipt of the allegation. The CFO will determine whether the allegation should be investigated and the method of investigation.



If the allegation discloses evidence of a criminal offence it will immediately be reported to the SLT/Chairman and a decision will be made as to whether to inform the Police.

If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

Monitoring

A Register will record the following details:

- The name and status (e.g. employee) of the whistleblower
- The date on which the allegation was received
- The nature of the allegation
- Details of the person who received the allegation
- Whether the allegation is to be investigated and, if yes, by whom
- The outcome of the investigation
- Any other relevant details

The Register will be confidential and only available for inspection by SLT/Chairman.

External Procedures

Where all internal procedures have been exhausted, and where the person raising the concerns feels the concern needs further escalation, in line with the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes:

- That exceptionally serious circumstances justify it
- That the School would conceal or destroy the relevant evidence
- Where they believe they would be victimised by the School

External parties might include the Police, The local safeguarding authorities and/or any other external regulatory body as appropriate to the nature of the concern.

Protection from Reprisal or Victimisation

No member of staff will suffer a detriment or be disciplined for raising a genuine and legitimate concern, providing that they do so in good faith and follow the Whistleblower procedures.

Low-level Concerns

The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; but
- Does not meet the harm threshold or is otherwise not serious enough to consider a referral.

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children



- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating, or offensive language

Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time.

Definition of a Low-level concern

If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police, or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the employee – is there a pattern developing?

If there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold and thus should be treated as an allegation, the Local Authority should be consulted.

Where it is decided that the incident does not meet the threshold of harm/risk of harm and is a concern only, then the school will take steps to ensure any conduct or behaviour issues are addressed with the member of staff through normal processes in line with the Westbourne School Disciplinary Policy and Competency Procedure.

Sharing Low-Level concerns

We recognise the importance of creating a culture of openness, trust, and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others.
- Having clear policies and procedures.
- Empowering staff to share any low-level concerns with the; Designated Safeguarding Lead, Senior Leadership Team, Chairman or Local Authority
- Empowering staff to self-refer.
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage.
- Providing a responsive, sensitive, and proportionate handling of such concerns when they are raised.
- Helping to identify any weakness in the school's safeguarding system.



Reporting a low level concern

- Low level concerns about a member of staff should be reported to the Principal/Vice Principal(s) and/or Designated Safeguarding Person.
- If the concern is about the Principal/Vice Principal(s) this should be reported to the Chairman.
- Low level concerns about supply staff, contractors and local authority visiting staff will also be reported to their employers.

Staff should use the school's [Low-Level Concerns Reporting Form](#)

Responding to low-level concerns

The Principal/Vice Principal(s) will be the ultimate decision-maker in respect of all low-level concerns, although it is recognised that depending on the nature of the concern, the Principal/Vice Principal(s) may wish to consult with the Designated Safeguarding Person(DSP) and take a more collaborative decision-making approach.

If concerns relate to the Principal/Vice Principal(s) then the Chairman should decide on whether the concern is a low-level concern or not.

If the concern is raised via a third party, the Principal/Vice Principal(s) will collect evidence where necessary by speaking:

- Directly to the person who raised the concern unless it has been raised anonymously.
- To the individual involved and any witnesses.

The Principal/Vice Principal(s) will use the information collected to categorise the type of behaviour and determine any further action, in line with the Westbourne School Disciplinary Policy. The person responsible will also ensure:

- Allegations that meet the harm threshold will be referred to the Local Authority for advice
- Low level concerns that the school feel may need further guidance on will be referred to the Local Authority for advice
- Low level concerns that the school feels they can deal with internally in line with the Westbourne School Disciplinary Policy.

Record keeping

All low-level concerns will be recorded in a confidential log. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely, and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Executive Principal/Vice Principal(s)/Chairman will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harm threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school



Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

Reviewing a low-level concern

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

Where a pattern of such behaviour is identified, the Principal/Vice Principal(s)/Chairman will decide on a course of action, which may include;

- Disciplinary investigation and/or proceedings
- Management Advice, including recommendations for training
- Referral to the Local Authority (where a pattern of behaviour moves from a concern to meeting the harm threshold).

If the concern relates to volunteers, or any other concerns arise, the school will contact the Local Authority for further advice.

References

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

Independent Advice / Contacts and useful resources

If you think a child is in immediate danger of being harmed, please contact the **Police on 999**.

Protect

Staff or anyone associated with the School, can seek independent advice through the charity Protect. They may be contacted by telephone, or through a form on their [website](#).

Telephone: 020 3117 2520

NSPCC whistleblowing helpline

The Whistleblowing Advice Line offers free advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation.

They may be contacted by email or telephone, further information is available on their [website](#)

Telephone: 0800 028 0285

Email: help@nspcc.org.uk

RCSB

The Regional Safeguarding Children Board (RSCB) is a Multi-Agency Partnership that has responsibility for working together to oversee the safety and well-being of children and young people throughout Cardiff and the Vale of Glamorgan.



They may be contacted by email, telephone, or through a form on their [website](#).

Telephone: 029 2233 0880 / 029 2233 0883

Email: cardiffandvalersb@cardiff.gov.uk

Vale of Glamorgan Council

The Local Authority for Westbourne School is the Vale of Glamorgan Council.

Referrals can be made via:

During Office Hours - Team Manager Intake:

Telephone: 01446 725202

Fax: 01446 725205

Office opening times: 8.30am - 5.00pm Monday to Thursday, 8.30am - 4.30pm Friday

Outside of Office Hours - Emergency Duty Team:

During the evening, at weekends or over a Bank Holiday.

Tel: 029 20 788570

Alternatively, you can contact the Police on 029 20 222111 and ask for your local Police Station.

[Vale of Glamorgan - Keeping Children Safe](#)

[Vale of Glamorgan - Concerns about a Child](#)

