

Whistleblowing Policy: All School Staff

Date: April 2018

Review date: April 2020

Purpose

The Trust/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 Trust/Academy's policies and procedures.

This procedure is written solely for the purpose of raising concerns about wrongdoings. This policy should not be used for personal grievances (e.g. bullying, harassment, discrimination) which are not covered by whistleblowing law.

What is Whistleblowing

Whistleblowing is where a worker reports suspected wrongdoing at work. This is officially called making a "qualifying disclosure" in the public interest. A worker can report things that fall within the scope of matters set out below:

- a) that a criminal offence has been committed, is being committed or is likely to be committed,
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject,
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- d) that the health or safety of any individual has been, is being or is likely to be endangered,
- e) that the environment has been, is being or is likely to be damaged, or
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust/Academy's activities (a whistleblowing concern) you should report it under this policy.

When an individual wishes to raise a concern, he or she will need to identify the concerns they have.

Immunity from disciplinary action

If a worker brings information about a wrongdoing to the attention of their employers, they are protected in certain circumstances under the Public Interest Disclosure Act 1998. This policy does not provide a worker with immunity from disciplinary action and they cannot rely on the protection afforded by the policy if they have:

- a) undertaken inappropriate or unethical conduct;
- b) failed to comply with the Trust's policies, procedures, standing orders, legislation or statutory regulations;
- c) being responsible for the misuse of public office or public funds;
- d) committed fraud, corruption or other conduct which is an offence or a breach of law;
- e) made the disclosure without good faith or without believing it to be substantially true;
- f) made the disclosure for personal gain.

Under the Enterprise and Regulatory Reform Act 2013, workers must also make disclosures in the reasonable belief that doing so was in the public interest in order to enjoy protection under the Public Interest Disclosure Act (PIDA).

Anonymous allegations

No protection is provided by this policy or PIDA to a worker who makes anonymous allegations. Concerns expressed anonymously will be considered at the discretion of the Trust.

Aims & scope of the policy

To encourage and enable any person to feel confident in raising serious concerns and to question and act upon concerns 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 and:

- a) To provide staff with guidance on how to raise those concerns;

- b) 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 reflects the Trust/Academy's current practices and applies to all individuals working at all levels of the organisation, including the Members, Trustees, CEO, Headteachers, other members of the Senior Leadership Team, employees, consultants, contractors, trainees, 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.

Who to contact

Employees should normally raise their concerns with either the Line Manager/Headteacher or the CEO of the Academy Trust. If you feel this would not be appropriate in the circumstances, then the matter should be directed to the Chair of the Trust Board.

Non-employees of the Trust/Academy (e.g. Agency workers or contractors) should raise their concern, in the first instance, with their named contact at the Trust/Academy, usually the person they directly report to. If you feel this would not be appropriate in the circumstances, then the matter should be directed to the CEO/Chair of the Trust Board.

Concerns must be raised in writing and should include the following information:

- a) the background and history of the concern (giving relevant dates);
- b) the reason why the worker is particularly concerned about the situation.

The earlier a worker expresses their concern, the easier it will be to take action.

Although workers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concerns.

If a worker ultimately feels that they have to take the matter externally, they may contact Public Concern at Work on 020 7404 6609. Public Concern at Work are a registered charity whose services are free and strictly confidential.

Outline of procedure/investigation

The Trust/Academy hopes that, in many cases, staff will be able to raise any concerns in writing to their Line Manager, stating that they are raising their concern under this policy. In some cases, they may refer the matter to the CEO.

An investigating officer will be appointed, or a 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 Trust/Academy to minimise the risk of future wrongdoing.

A meeting will be arranged with the 'whistleblower' as soon as practicable; to discuss their concern and record sufficient details to enable the matter to be thoroughly investigated. As a minimum, the name of the employee will be recorded, but it also needs to be established whether the individual wishes his or her identity to remain confidential.

The investigating officer will take notes and produce a written summary of the concern raised and provide the 'whistleblower' with a copy as soon as practicable after the meeting. The Trust/Academy will also aim to give the "whistleblower" an indication of how it proposes to deal with the matter.

When a Trustee of the Academy Trust is appointed as the investigating officer, they would normally be supported by the Director of HR.

The investigating officer should follow the investigation process set out in Appendix A.

If the investigating officer determines that there is no substance to the allegations and it can be established that a 'whistleblower' has made false allegations maliciously, in bad faith or with a view to personal gain, the 'whistleblower' may be subject to separate action under the Trust/Academy's Disciplinary Policy.

Whilst it cannot always be the guaranteed outcome a particular member of staff is seeking, the investigating officer 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 his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

Support for Whistleblowers

It is recognised that the decision to raise a concern can be difficult, not least because of the fear of reprisals.

Any harassment or victimisation will not be tolerated and action will be taken to protect individuals who raise concerns.

No information will be released regarding the identity of a whistleblower to any person within the Trust/Academy. Information will only be released to the appropriate person when there is a legal requirement to do so e.g. a court order. The only exception to this shall be where the whistleblower themselves gives written permission to do so.

Where a whistleblower alleges that they are/have been victimised/harassed as a result of raising a concern, the matter shall be reported to the appropriate person. Please refer to the section marked 'Who to Contact' above.

Anyone found to have victimised or harassed someone who has made a referral under this policy would normally be subject to a disciplinary process.

Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Trust/Academy. In exercising this discretion, the factors to be taken into account would include:

- a) Seriousness of the concern;
- b) Credibility of the concern;
- c) The weight of the evidence;
- d) Likelihood of being able to obtain the necessary information.

Concerns against Members/Trustees

If a concern is received against a Member/Trustee other than the Chair of the Trust Board, then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Headteacher/CEO with the Chair of the Trust Board, who will decide how it should be dealt with.

If the concern is against the Chair of the Trust Board, then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the Regional Schools Commissioner or the Department for Education for action.

How to respond to whistleblowing concerns

The receiver of the whistleblowing concern may wish to seek advice from the Director of HR on how to manage the process.

The action taken will depend on the nature of the concern. Where appropriate, the matters raised may:

- a) be investigated by management, internal audit, or other appropriate person
- b) be referred to the external auditor
- c) be referred to the police
- d) form the subject of an independent inquiry.

In order to protect individuals, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues), will normally be referred for consideration under those procedures.

The person raising the concern will be notified as soon as possible, certainly within seven working days:

- a) acknowledging that the concern has been received,

- b) indicating how it is proposed to deal with the matter,
- c) giving an indication of when a final response or update will be provided,
- d) telling the person whether any initial enquiries have been made,
- e) supplying the person with information on staff support mechanisms,
- f) telling the person whether further investigations will take place and, if not, why not,
- g) advising the person to contact their union and the Employee Assistance Programme for support.

Where any meeting is arranged, staff have the right to be accompanied by a trade union or professional association representative or a work colleague who is not involved in the area of work to which the concern relates.

Steps will be taken to minimise any difficulties which a person may experience as a result of raising a concern. Support and advice will also be provided should they be required to give evidence e.g. at a disciplinary hearing.

Safeguarding

If a member of staff suspects that there is a serious safeguarding issue which they feel the Headteacher is not taking seriously, or that they believe there is a serious safeguarding issue involving the Headteacher, they should refer the matter to the appropriate contact as set out in the section marked 'Who to Contact' above.

How the matter can be taken further

The CEO has overall responsibility for the Whistleblowing Policy.

Alternatively, if you are unable to make the disclosure to the CEO, you can make the disclosure to the Chair of the Trust Board.

This policy is intended to provide a worker with an avenue within the Trust/Academy to raise concerns, and hopes that the worker will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the Trust/Academy, the following are possible contact points:

- a) Public Concern at Work (020 7404 6609), a registered charity whose services are free and strictly confidential;
- b) the external auditor;
- c) your trade union;
- d) your local Citizens Advice Bureau;
- e) relevant professional bodies or regulatory organisations;
- f) a relevant voluntary organisation;
- g) the police.

If a worker does take the matter outside the Trust/Academy, they should ensure that they do not disclose confidential information.

Records

The Trust/Academy are required to keep a register of Public Interest Disclosures (Whistleblowing Register), which should only be accessible by the CEO/Chair of the Trust Board due to the confidential nature of the allegations and who they are against.