




# Whistleblowing Policy and Procedures

(Approval by Board of Trustees)

<b>Revised and adopted by Board of Trustees:</b>	25 <sup>th</sup> February 2020 (LGB approved) March 2021 (Board of Trustees)
<b>Review Date:</b>	Spring Term 2025
<b>Changes:</b>	Spring 2021: Complete change to policy format- model policy for academy trusts <b>adopted from The Key</b> Change approval level to Board of Trustees Spring 2022: separation of policy and procedures Spring 2023: changes to referral process to include SLT, Chair of Governors as well as Headteacher and Chair of Trustees
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<b>Safeguarding Duty</b>	<p>"Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:</p> <ul style="list-style-type: none"> <li>• protecting children from maltreatment;</li> <li>• preventing impairment of children’s mental and physical health or development;</li> <li>• ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and</li> <li>• taking action to enable all children to have the best outcomes." <p>"Appropriate whistleblowing procedures should be put in place for .... concerns to be raised with the school’s or college’s senior leadership team." (KCSIE Jan 2021)</p> </li></ul>
<b>UN Convention on the Rights of the Child</b>  	Article 3- best interests of the child

## 1. Aims

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust
- Set clear procedures for how the trust will respond to such concerns
- Let all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

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 or other workers who provide services to the trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the [Academies Financial Handbook](#).

This policy has been written in line with the above document, as well as [government guidance on whistle-blowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

This policy complies with our funding agreement and articles of association.

## 3. Definition of whistle-blowing

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but aren't limited to):

- Criminal offences, such as fraud or corruption
- Pupils' or staffs' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance. When staff have a concern they should consider whether it would be better to follow our *Employee Relations Policy and Procedures* or *Complaints Procedures*.

If staff have a concern relating to safeguarding, they should refer to the *Safeguarding Policy* or *Managing Allegations Procedure*.

Protect (formerly Public Concern at Work) has:

- [Further guidance](#) on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential [advice line](#)

# Procedures

## 4. Procedure for staff to raise a whistle-blowing concern

### 4.1 When to raise a concern

Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or trust procedures, put people in danger or was an attempt to cover any such activity up.

### 4.2 Who to report to

Staff should report their concern to the Headteacher, one of the Assistant Heads or the Chair of Governors. If the concern is about the headteacher, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of Governors or the Chair of Trustees.

### 4.3 How to raise the concern

Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any personal interest in the matter.

. Staff are encouraged to use the following format:

- The background and history of the concern
- The reason why you are particularly concerned about the situation

If the staff member is not able to put your concern in writing they should meet with the appropriate person as detailed above.

Staff are encouraged to put their name to the allegation. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Board of Trustees in line with the corporate guidelines.

Staff may wish to consider discussing their concern with a colleague or trade union representative and they may wish to bring a representative along to any meetings they may have.

The trust recognises that reporting a concern can be difficult. If a staff member raises a concern in good faith they will have nothing to fear.

All concerns raised will be treated in confidence and every effort made not to reveal the staff member's identity if they so wish. However they will need to be aware that they may need to come forward as a witness.

## 5. Trust procedure for responding to a whistle-blowing concern

### 5.1 Investigating the concern

When a concern is received by the headteacher or Chair of the trustees- referred to from here as the 'recipient' - they will:

- Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative
- Get as much detail as possible about the concern at this meeting, and record the information. If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure
- Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
  - The recipient should then arrange a further investigation into the matter. In some cases, they may need to bring in an external, independent body to investigate. In others cases, they may need to report the matter to the police.
  - The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

### 5.2 Outcome of the investigation

Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

They will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headteacher, trustees and other staff if necessary will review the relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, we will try to deal with concerns fairly and in an appropriate way.

If the staff member who raised the concern is not satisfied with any action taken or feel it is right to take the matter outside of the trust, the following are possible contact points:

- local councillor
- the external auditor
- solicitor
- trade union
- local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation (e.g. Public Concern at Work 020 7404 6609)
- the police

If the staff member does take the matter outside the trust, they should ensure that they do not disclose confidential information. They should check with their point of contact what information is appropriate / inappropriate to disclose.

## 6. Malicious or vexatious allegations

Staff are encouraged to raise concerns when they believe there to 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 who raised the concern.

If, however, an allegation is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the person making the allegation.

## 7. Escalating concerns beyond the trust

The trust encourages staff to raise their concerns internally, in line with section 4 of this policy, but recognises that staff may feel the need to report concerns to an external body. A list of prescribed bodies to whom staff can raise concerns with is included [here](#).

The Protect advice line, linked to in section 3 of this policy, can also help staff when deciding whether to raise the concern to an external party.

## 8. Approval

This policy will be reviewed every two years.

These procedures have been agreed by the board of trustees, who will approve them every two years.

## 9. Links with other policies

This policy links with our policies on:

- Staff grievance policy
- Complaints procedure
- Safeguarding Policy
- Managing Allegations Procedure