

Whistle-Blowing Policy



What is the aim of this Policy?

The Trust and its Trustees are committed to high standards of conduct and to compliance with legal obligations and good practice. All people who work for and with the Trust are encouraged to speak up and raise concerns about any aspect of the Trust or the Schools work. They are encouraged to raise genuine, serious concerns as “whistle-blowers”, and this policy provides a procedure for doing so.

The Trustees will take any action necessary in proportion to the nature of the concern. The Policy explains how those who raise concerns reasonably and in the public interest will be protected from detriment such as victimisation or discipline.

This policy aims to contribute to the creation of an open and supportive culture in line with the Code of Practice under the Public Interest Disclosure Act 1998.

Who is protected / covered by the Policy?

The law provides protection for employees; agency employees; trainees and workers in the Trust who raise legitimate concerns about specified matters. These are called ‘qualifying disclosures’ which are in the public interest and are described by The Public Interest Disclosure Act 1998 as:

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- deliberate covering up of information tending to show any of the above five matters.

If you reasonably believe that your disclosure is made in the public interest and you comply with this policy, then as a ‘whistle blower’ you will be protected from any detriment as a result of raising your concern. In particular, you will be protected from harassment or victimisation by a colleague.

The policy does **NOT** apply to raising grievances about an employee’s personal situation and thus, does not replace existing procedures for personal differences or conflicts (for instance complaints about breaches of an employee’s own contract of employment should be raised as a grievance). If you have concerns in this area you should consult the Trust Grievance Policy or your Head of School, who can advise you about the Grievance and other more appropriate procedures.

What is expected of the whistle-blower?

If you raise a concern to someone within the Trust, you are expected to:

- reasonably believe that your concern is in the public interest
- reasonably believe that your concern is correct; and
- not raise your concern for personal gain

Should it not be possible to resolve a concern without revealing your identity, we will discuss with you what steps we will take to protect you from unfair treatment or detriment. This may include agreement to alternative working arrangements during any consequential investigation into the allegations. However, if you want your identity to remain confidential, we will where appropriate, respect your decision and not reveal your identity without your consent, unless this is unavoidable/deemed necessary. It should be recognised that if there are reasonable grounds for believing the allegations to be true, the public interest will rarely be served by taking no action.

Anonymous concerns will be considered to the extent that it is reasonable and practicable to do so. It is often difficult to attach equal weight to anonymous allegations due to the investigator's difficulty in confirming or following up evidence. If you are unsure whether an incident should be reported under this policy you may wish to discuss the matter initially with your trade union representative or Head of School.

Disclosures to other Organisations

If you are going to raise a concern it should be made to the Trust first as this policy encourages employees to raise genuine and serious concerns to the Trust or its regulators. However, if you feel unable to use the procedure described in this Policy, your concern should be made to a prescribed person, so that your employment rights are protected.

If you decide you cannot go to the Trust with the disclosure first, you should contact a prescribed person or body (guidance is available from GOV.UK – Blowing the whistle; list of prescribed people and bodies - <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>)

False Allegations

Failure to comply with this policy, including, raising frivolous or malicious concerns may result in disciplinary action being taken. A qualifying disclosure that is not confirmed by subsequent legislation will not lead to any action, penalty or detriment against the person making the allegation or disclosure.

However, where employees or other individuals knowingly make malicious or false accusations or allegations, these will be treated as an act of gross misconduct which is incompatible with their duties to the Trust.

Procedure for raising a concern

Raising concerns will be dealt with under the following stages. Not all concerns will follow the full sequence of stages, subject to the particular circumstances of each case. The action taken by the Trust will be reasonable and proportionate, depending on the nature of the concern.

Stage 1 – Informal

You should first raise your concern, in writing, to your Head of School, to see if it can be resolved without a formal procedure. Give as much information as possible about the nature of the problem; the background (with dates if possible); who is involved; the reasons you are concerned.

The Head of School will decide on the basis of the information provided, how the matter can be resolved. This may include informal resolution or formal consideration. The outcome will be explained to you.

If the concern is about the Head of School, please raise your concern with the CEO/Executive Headteacher.

If the concern is about the CEO/Executive Headteacher, please raise your concern with the Chair of the Trust Board via the Clerk.

Stage 2 – Formal

If you feel unable to raise your concern with your Head of School, or you are not satisfied with the response at the informal stage, you should raise your concern in writing to the CEO/Executive Headteacher, who will decide the nature and extent of the investigation to be carried out.

The outcome of the investigation will be considered carefully by the CEO/Executive Headteacher, who will decide whether any further action is necessary and/or to implement any recommendations. If the result of the investigation is that there is a case to be answered by any individual, the recognised procedure will be followed.

The amount of contact between you and the officers considering the issues raised will depend on the nature of the matters raised, however, you will be asked to indicate how much contact you would prefer.

Subject to confidentiality, you will be informed of the outcome of the investigation and how the matter has been resolved. If you are not satisfied with this response you may raise your concern with the Chair of the Trust Board or take the matter further with the prescribed persons or organisations where justified under this procedure.

How will the Policy be monitored?

The Trustees have a responsibility for registering the nature of all concerns raised and to record the outcome. The Trust will identify any patterns of concern and assesses the effectiveness of the Policy.

Review

This procedure will be kept under review and any amendments will be subject to consultation with staff representatives.

Complaints

The Secretary of State for Education is the prescribed person for matters relating to education for whistle blowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE.

Volunteers who have concerns about schools should complain through the school's complaints procedure. They may also be able to complain to the local authority or DfE depending on the substance of the complaint.

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