



POLICIES AND PROCEDURES

WHISTLEBLOWING

JULY 2019

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PROCEDURE FOR THE MANAGEMENT OF THE WHISTLEBLOWING POLICY AND PROCEDURE FOR ALL STAFF

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PROCEDURE FOR THE MANAGEMENT OF THE WHISTLEBLOWING POLICY AND PROCEDURE FOR ALL STAFF

1. Preamble

- 1.1 Employees are often the first to realise that there may be something seriously wrong with their school. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrong-doing at work.
- 1.2 The Trust's governing bodies are committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees and others with genuine concerns about any of the schools within the Trust or the Trust's governing bodies' work to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals. The whistleblowing policy is intended to encourage and enable employees to raise such concerns **within** their school rather than overlooking a problem.
- 1.3 This procedure accords with the requirements of the Public Interest Disclosure Act 1998 and is compatible with the conventions contained in the Human Rights Act.
- 1.4 The procedure allows school based employees to raise concerns about the management of the school with the school governing body.

2. Aims and Scope of this Policy

- 2.1 This policy aims to:
 - Provide avenues for you to raise genuine concerns and receive feedback on any action taken
 - Allow you to take the matter further if you are dissatisfied with the governing body response
 - Reassure you that steps will be taken to protect you from reprisals or victimisation for whistleblowing in good faith
- 2.2 There are existing procedures in place to enable you to lodge a **grievance** relating to your own employment. This whistleblowing policy is intended to cover genuine concerns that fall outside the scope of other procedures.

- 2.3 The Whistleblowing Policy is therefore primarily for concerns where the interests of other people or the organisation are at risk. It only applies if you are raising a concern in the public rather than your own individual interest.
- 2.4 **If your concern is about your personal position in school or the way you as an individual have been treated, please raise it through the **Grievance Procedure or Dignity at Work Procedure**. Copies of these procedures are available in school.**
- 2.5 Where a concern is raised about an individual or individuals, once the concern has been investigated under the Whistleblowing Policy, there may be a need for further investigation or action. This would take place within the framework of a different policy. Where this is the case, you will be notified that the investigation under the Whistleblowing Policy has ended.
- 2.6 That concern may be about something that:
- Is unlawful; or
 - Is against the Trust’s Standing Orders or policies; including;
 - Concerns about financial malpractice
 - Concerns about exam or assessment malpractice
 - Causing a danger to children and young people
 - Causing a danger to staff, the public or the environment
 - Falls below established standards of practice; or
 - Amounts to improper conduct; or
 - Contradicts the Trust’s Code of Conduct
 - Deliberate concealment of any of the above

Further examples are provided at Appendix 1.

- 2.7 As an employee of the Trust, the Trust’s code of conduct requires you to report genuine concerns of fraud, theft or unethical behaviour etc. This policy provides you with ways of doing that.
- 2.8 If you are concerned that a young person is at risk of harm, the guidance in the DfE’s **“Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (1 September 2020)**, document and the Management of Allegations of Abuse (Schools) Policy obliges you to report your concerns.

If you are concerned that a young person is being harmed or at risk of being harmed, or you have a concern about a staff member, volunteer or contractor’s suitability to work with children, you should report this using the Management of Allegations of Abuse Policy. If, however, you are concerned that:

- an individual’s professional practice, or
- the leadership and/or management of the school, or
- the school’s policies, procedures and/or ways of working

may be undermining the safety and wellbeing of young people, or leaving them vulnerable to risk, or you are worried about the way in which safeguarding allegations have been managed, you should express these concerns through the Whistleblowing Policy.

- 2.9 The procedure will be communicated to all school employees as well as agency workers and supply teachers working in schools on a temporary basis.

3. Safeguards

3.1 Harassment or Victimisation

The Trust's governing bodies recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Trust's governing bodies will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

3.2 Confidentiality

The Trust's governing bodies will do their best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process is likely to reveal the source of the information and a statement by you is likely to be required as part of the evidence.

3.3 Support

In any meetings that have a connection to your whistleblowing concern, you have the right to be accompanied by your trade union representative or a work colleague (providing they are not involved in the issue and would not be called as a witness).

These meetings might include:

- A meeting with your line-manager or other appropriate person to raise your concern.
- A meeting with an investigation officer in connection with the concern.
- Taking part as a witness in any action taken as a result of raising the concern.

3.4 Anonymous Allegations

You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Trust's governing bodies. However, in general anonymous allegations unless backed up with clear evidence and initial

substance would not automatically follow a formal intervention or investigation process

3.5 Discretion

In exercising discretion, the following factors will be taken into account when considering how to deal with any allegations:

- The seriousness of the issues raised
- The credibility of the allegation; and
- The likelihood of confirming the allegation from attributable sources.

3.6 Malicious or Vexatious Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. **If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you in accordance with the Trust's Disciplinary Procedure.**

3.7 Independent Advice

If you are unsure whether to use this policy, or if you want independent advice at any stage, you should contact:

- Your trade union
- The independent charity Public Concern at Work whose lawyers are available give you free confidential advice at any point in the process. Their helpline is 020 7404 6609 or email helpline@pcaw.co.uk. For further information, go to [the Public Concern At Work website](#) – it includes guidance on whistleblowing legislation.

4. How to Raise a Concern

- 4.1 As a first step, you should normally raise concerns with your immediate line manager or Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the malpractice. An employee (including the Headteacher and members of the leadership team) can by-pass the direct management line and the Governing Body if s/he feels the overall management and Governing Body of a school is engaged in an improper course of action.

For example, if you believe that your line manager is involved, you should approach your Headteacher. If you feel the Headteacher may be involved, your Chair of Governors should be approached. If your concern does relate to the Headteacher or CEO, there may be scope for you to seek clarity with the Headteacher in the first instance which may satisfy your concerns without automatically taking the matter to the Chair of Governors. This will

depend on the concern and the potential seriousness of the issue of concern and the initial evidence base you will have.

If your concern is about the Chair of Governors, you may approach Chris French, as CEO and Trustee, or Phil Smith as Chair of the Trust. If your concern is about Phil Smith, as Chair of the Trust Board, you may approach a 'member' of the Trust Board via the Clerk to the Trust Board.

- 4.2 Advice and guidance on how matters of concern may be pursued can be obtained from:
- Your line manager
 - Headteacher
 - CEO
 - Chair of Governors
 - You can get free, confidential advice from the independent whistleblowing charity Public Concern at Work – see above
- 4.3 Concerns are better raised in writing. Therefore if your approach is to discuss the concern verbally in the first instance, you are then likely to be invited to set out the background and history of your concern, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation in writing. If you are not able to put your concern in writing, you can telephone or arrange to meet the appropriate officer. If you are a member of a trade union you may find it helpful to take advice from them about putting your concerns in writing.
- 4.4 For concerns other than fraud, theft or corruption, you may choose to telephone the Ofsted Whistleblower hotline - on 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).
- 4.5 You may ask your trade union representative to raise the matter on your behalf.
- 4.6 The earlier you express your concern, the easier it is for the Trust's governing bodies to take action.
- 4.7 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

5. How the Trust's Governing Bodies will respond

- 5.1 The action taken by the Trust's governing bodies will depend on the nature of the concern. The matters raised may:

- Be investigated internally
 - Be referred to the Police
 - Be referred to an external Auditor
 - Form the subject of an independent enquiry
- 5.2 In order to protect individuals and the Trust's governing bodies, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved without the need for an investigation.
- 5.4 Within ten working days of a concern being received, the Trust's governing body will write to you:
- Acknowledging that the concern has been received
 - Indicating how it proposes to deal with the matter
 - Giving an estimate of how long it will take to deal with the matter
 - Telling you whether any initial enquiries have been made; and
 - Telling you whether further investigations will take place, and if not, why not
- 5.5 The amount of contact between the Trust's governors and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary further information will be sought from you.
- 5.6 When any meeting is arranged to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative or a friend who is not involved in the area of work to which the concern relates and who also who could not be called as witness.
- 5.7 The Trust's governing bodies will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the governing body will advise you about the procedure.
- 5.8 The Trust's governing bodies accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations.

Any person who is the subject of an allegation should, at the appropriate times be given details of the allegation in order to respond. They will have the right to trade union representation.

6. How the Matter can be Taken Further

6.1 This policy is intended to provide you with an avenue to raise concerns with your Trust's governing body and this is always encouraged in the first instance. The Trust's governing bodies hope you will be satisfied following their consideration and subsequent actions. If you are not satisfied and you feel it is right to take the matter outside the Trust, the following are possible contact points:

- Your local Council member (if you live in the area of the Council)
- An external Auditor
- Relevant professional bodies or regulatory organisations
- Your solicitor
- The Police
- Other bodies prescribed under the Public Interest Disclosure Act, eg:
 - The Audit Commission for England and Wales
 - Data Protection Registrar
 - Serious Fraud Office
 - Environment Agency
 - Health and Safety Executive
 - Public Concern at Work
 - The Ofsted Whistleblower Hotline

Please see Appendix 2 for contact information.

If you do take the matter outside your Trust's governing body, you need to ensure that you do not disclose confidential information, or that disclosure would be privileged.

7. The Responsible Officer

Within your school/Trust, the Chair of Governors/Chair of Trustees will carry out the functions of the Responsible Officer. The Chair will report as necessary to the Governing Body, in a form that endeavours to maintain your confidentiality as far as possible.

POLICY AND PROCEDURE FOR WHISTLEBLOWING IN SCHOOLS

This list illustrates the kind of issues considered as malpractice or wrong-doing that could be raised under this whistleblowing policy. However, the list is not exhaustive.

- Poor or unprofessional practice by a member of staff, governor or an agency which results in the stakeholder not getting the same quality of service which is available to others
- Improper/unacceptable behaviour towards a student or member of staff, which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain
- Improper relationships with a student or member of staff
- Inappropriate use of technology, ie texting, Social Network sites, e-mail, with regards to contact with a student or member of staff
- Any unlawful activities, whether criminal or a breach of civil law
- Fraud, theft or corruption
- Concerns regarding possible breaches of Health and Safety Regulations
- Harassment, discrimination, victimisation or bullying of employees and/or students
- Leaking confidential information in respect of the Trust's Governing Body activities and/or records
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time
- Inappropriate contact with members of the public within school facilities, or whilst carrying out governing body duties or outside of working time
- Taking gifts or inducements
- Inappropriate use of external funding or the school budget
- Maladministration as defined by the Local Government Ombudsman
- Exam or assessment malpractice
- Breach of any Statutory Code of Practice
- Breach of, or failure, to implement, or comply with any Trust's Governing Body policy
- Misuse of school assets, including computer hardware and software, buildings, stores, vehicles

APPENDIX 2

LIST OF PERSONS/ORGANISATIONS WITH WHOM CONCERNS MAY BE RAISED

| Officer's Name | Job Title | Telephone |
|----------------------------------|---|--|
| Chris French | CEO | 0114 349 4230 |
| Phil Smith | Chair of Trustees | Via Clerk to Trust Board chogg@newfield.sheffield.sch.uk |
| Emma Anderson | Headteacher Newfield School and CPLT | 0114 255 7331 |
| Paul Haigh | Headteacher King Egbert Secondary School | 0114 235 3855 |
| Dean Webster | Headteacher Mercia Secondary School | 0114 553 9080 |
| Katie Hall | Headteacher Valley Park Primary School | 0114 239 6464 |
| Michele Nott | Headteacher Nether Edge Primary school | 0114 255 0926 |
| Ben Paxman | Headteacher Totley Primary School | 0114 236 4482 |
| OFSTED WHISTEBLOWING LINE | Email: whistleblowing@ofsted.gov.uk . Write to: WBHL OFSTED PICCADILLY GATE STORE STREET MANCHESTER M1 2WD | CALL ON 0300 123 3155 (MONDAY TO FRIDAY FROM 8.00AM TO 6.00PM). |
| | GET FREE, CONFIDENTIAL ADVICE FROM THE INDEPENDENT WHISTLEBLOWING CHARITY PUBLIC CONCERN AT WORK; IT CAN HELP YOU TO DECIDE WHETHER AND/OR HOW TO RAISE YOUR CONCERN. YOU CAN CALL ON 020 7404 6609 OR EMAIL helpline@pcaw.co.uk . FOR FURTHER INFORMATION, GO TO THE PUBLIC CONCERN AT WORK WEBSITE – IT INCLUDES GUIDANCE ON WHISTLEBLOWING LEGISLATION. | |
| THE AUDIT COMMISSION FOR ENGLAND | | 0303 444 8330 |
| THE DATA PROTECTION REGISTRAR | | Please 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number. |

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| SERIOUS FRAUD OFFICE (SFO) | 2-4 COCKSPUR STREET LONDON SW1Y 5BS | Please note that the SFO does not take reports of fraud over the phone. If you wish to report that you have been a victim of fraud, please call Action Fraud on 0300 123 2040 |
| THE ENVIRONMENT AGENCY | NATIONAL CUSTOMER CONTACT CENTRE PO BOX 544 ROTHERHAM S60 1BY | 03708 506 506 |
| THE HEALTH AND SAFETY EXECUTIVE | http://www.hse.gov.uk/contact/index.htm | The HSE does not operate a telephone helpline. |