

Whistleblowing Policy

This is a Trust policy applicable to all schools in the MAT

Introduction

This policy applies to all employees/workers of the Trust. Other individuals performing functions in relation to the Trust, such as agency workers and contractors, are encouraged to use it.

It is important to the Trust that any fraud, misconduct or wrongdoing by employees/workers is reported and properly dealt with. The Trust therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the Trust or the way in which the Trust is run. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Aims

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- Criminal offences, such as fraud or corruption.
- Pupils' or staff 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.

is being, has been, or is likely to be, committed. It is not necessary for the employee/worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The employee/worker has no responsibility for investigating the matter - it is the Trust's responsibility to ensure that an investigation takes place.

The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

An employee/worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

Not all concerns about the trust, or individual schools in the trust, count as whistleblowing. For example, personal staff grievances such as bullying, or harassment do not usually count as whistleblowing. 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 staff grievance or complaints procedures.

Protect (formerly Public Concern at Work) has:

- Guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure. This can be found at <https://protect-advice.org.uk>
- A free and confidential advice line - **020 3117 2520**

Principles:

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees/workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee/worker who raised the issue.
- No employee/worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee/worker will not be prejudiced because he/she has raised a legitimate concern.
- Victimisation of an employee/worker for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered because of any investigation under this procedure the Trust's Disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a senior member of staff.
- This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Trust's Grievance procedure.

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.

Legislation

The requirement to have clear whistleblowing procedures in place is set out in the [Academy Trust Handbook](#). This policy has been written in line with the above document, as well as [government guidance on whistleblowing](#). We also take into account the [Public Interest Disclosure Act 1998](#).

Link to other school/MAT policies, documents and required practice

Disciplinary Policy
Data Protection Policy
Grievance Policy
Complaints Policy
Child Protection and Safeguarding Policy

Data Protection

When an individual makes a disclosure, the Trust will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

Safeguarding - Low level concerns

The term 'low-level' concern does not mean that it is insignificant. It means that the behaviour towards a child/young person does not meet the harm threshold. 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 (paid, agency or voluntary) in or on behalf of the school may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work does not meet the allegations' threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour:

- being over 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.

Sharing low-level concerns

Low-level concerns about a member of staff should be reported to either the DSL (or Deputy DSL) or the Headteacher. If the former, then the DSL will inform the Headteacher of all the low-level concerns in a timely fashion according to the nature of each low-level concern. The Headteacher is the ultimate decision maker in respect of all low-level concerns, although, depending on the nature of some low-level concerns, the Headteacher may sometimes consult with the DSL and take a more collaborative decision-making approach. Where a low-level concern is raised about the DSL, it will be shared with the Headteacher.

The school will ensure there is an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, that concern will be shared with the DSL (or deputy DSL), and/or Headteacher, and recorded in accordance with the school's staff code of conduct policy and their employer notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

Ensuring they are dealt with effectively should also protect those working in the school from potential false allegations or misunderstandings.

Recording low-level concerns

All low-level concerns will be recorded in writing. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible. These records will be held securely and comply with the Data Protection Act 2018 and General Data Protection Regulations.

The school will monitor and review any records so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school will decide on a course of action, either through disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, the case will be referred to the LADO. Consideration will be given to whether there are wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

Procedure for staff to raise a whistleblowing concern

When to raise a concern

Staff should consider 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.

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.

Who to report to

School-based staff should report their concern in the first instance to their line manager unless the employee reasonably believes that their line manager is involved in the wrongdoing in which case this should be reported to the Headteacher directly. 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 Senior Executive Lead. If the concern is about the Senior Executive Lead, 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 The Trust Board.

Central team staff should report their concern to the Senior Executive Lead. If the concern is about the Senior Executive Lead or it is believed they may be involved in the wrongdoing in some way, the central team staff should report the concern to the Chair of The Trust Board.

If the concern is about a member(s) of the Trust Board, 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 The Trust Board and if the concern relates to the Chair of The Trust Board, then the concern should be raised with the Senior Executive Lead.

Trust procedure for responding to a whistleblowing concern

Investigating the concern

When a concern is received by the line manager/Headteacher/Senior Executive Lead or Chair of The Trust Board 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 whistleblowing 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. The Headteacher/Senior Executive Lead or Chair of The Trust Board as appropriate will be kept informed of the meeting and subsequent discussion.
- Establish whether there is sufficient cause for concern to warrant further investigation. If there is:
 - The recipient should alert the Headteacher/Senior Executive Lead or Chair of The Trust Board as appropriate so that a further investigation can be made. In some cases, the Headteacher, Senior Executive Lead or Chair to the Trust Board may need to bring in an external, independent body to investigate. In others, 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

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 any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether 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 HR Director, Headteacher or Senior Executive Lead, 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.

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.

Escalating concerns beyond the trust

The trust encourages staff to raise their concerns internally, in line with 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 can be found at

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>

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

Approval

This policy will be reviewed annually.

Reviewed by:	HR Director, September 2024
Date ratified:	
Review date:	September 2025
Person responsible:	HR Director