



## Human Resources Handbook

# Whistleblowing Policy

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## **1. INTRODUCTION**

The Wandle Learning Trust (WLT) uses the term Whistleblowing to describe disclosures made by employees, trustees, trust members or members of local academy committees which are in the public interest in relation to an alleged wrongdoing. This could include for example a criminal offence such as fraud, child abuse, a health and safety risk, an environmental risk, a miscarriage of justice, a breach of law, or a cover up of some other wrongdoing. To be in the public interest, the wrongdoing disclosed must affect others, i.e. the general public.

The principles of whistleblowing and the protections offered to individuals that report such concerns are set out in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998.

Everyone working in the school is in a position to identify unsafe or inappropriate practice, to spot where things could be improved and identify if mistakes have been made. The leadership team and governing body cannot take action if they are not made aware of things that may be going wrong, inappropriate behaviour or even an honestly held belief that something does not feel right.

This policy is intended to encourage and enable staff to raise concerns within the academy or trust in order for the Executive Headteacher, Headteacher or Trustees to respond, rather than ignoring a concern or raising issues externally.

This policy sets out what staff should do if they have a concern relating to their academy or the trust, which they wish to report and how the trustees will respond.

### **Scope**

All staff have a duty to report any concerns they may have about activities and/or incidents within an academy or the trust. It is recognised however that in some circumstances staff may wish to report issues confidentially and/or may worry about how the school and/or other staff may respond. This policy applies to all staff in the school and provides a framework for reporting concerns in a professional manner with due protection from any reprisals or victimisation.

This policy does not cover personal grievances which are not in the public interest, for example allegations of bullying or discrimination. Personal grievances should instead be resolved in accordance with the school's grievance procedure. Concerns about health and safety which do not affect the public should be reported in accordance with local procedures.

If staff are troubled by something, which you think the trustees should know about or look into, please use this policy. This Whistle Blowing Code is primarily for concerns where the interests of others or of the organisation itself are at risk.

**If in doubt – report it.**

2. A concern may be about something that staff sincerely believe in good faith:

- Is unlawful
- Is contrary to the trust's or academy's agreed policies or procedures
- Falls below established standards or practice
- Constitutes improper conduct or misconduct
- Presents a health and safety risk to the public as well as other employees
- Involves damage to the environment
- Involves the unauthorised use of public funds
- Involves potential fraud, corruption or financial irregularity
- Involves actual or potential abuse of children

### 3. HOW TO REPORT A CONCERN

#### Key Contacts

1. Line Manager and/or Academy Headteacher
2. Executive Headteacher of the trust
3. The Accounting Officer of the trust (will also be one of the Executive Headteachers)
4. Director of Finance & Resources
5. Chair of Trustees

The first point of contact for any concern will normally be the Headteacher of the relevant Academy, who will be responsible for briefing one of the Executive Heads of the trust.

If the concerns relate to the Headteacher, then staff should contact one of the Executive Headteachers of the trust.

If the issue relates to an Executive Headteacher or a member of the Local Academy Committee, staff should contact the Chair of Trustees

If the issue relates to the Chair of Trustees, staff should contact the Education Funding Agency direct.

It should be noted though that staff are always free to approach any of the key contacts directly.

This policy is intended to provide staff with a clear route to raise their concerns and for the trust to respond to these concerns appropriately.

If staff are unsatisfied with the way the academy has responded to their concern, or staff believe the wrongdoing is still ongoing, they may wish to escalate their concerns to a more senior member of staff at trust level or the board of trustees.

Similarly if staff are not satisfied with the response at trust level they may take the matter outside of the trust and contact the Education Funding Agency.

In exceptional circumstances and if still unsatisfied, staff may also contact the national audit office: enquiries@nao.gsi.gov.uk or 020 7798 7999 and can always contact the police (if the concern relates to a potential criminal matter).

Staff may also wish to approach their trade union, or report to a prescribed person or body that deals with the issue being raised. Complaints to other bodies may hamper a speedy investigation into the concern.

If staff choose to report their concerns direct to the media, then in most cases they will lose their rights under whistleblowing legislation.

Staff should make a note of their concerns with as much detail as possible, as soon as possible after the concern arises. Staff should not try to investigate their concerns personally or approach or accuse individuals directly. It is essential that appropriate reporting procedures are followed to maintain the integrity and confidentiality of any future investigation or proceedings.

Concerns may be raised verbally or in writing. It is easier for the trust to investigate concerns if staff raise them directly, as staff can then be asked questions and clarify the issues raised. Staff can raise concerns anonymously but the trust may not be able to investigate properly if they have not provided all the information needed and will not be able to inform staff of the outcome.

The earlier staff report a concern, the easier it will be for the trust to take action. Staff are not expected to prove the truth of any allegations but will need to demonstrate that there are sufficient grounds for their concern.

Staff can ask for confidentiality when raising their concern and if so the trust or academy will make every effort to protect your identity. Depending on the nature of your concern, and the action required in response, this may not always be possible. For example, an investigation process may reveal the source of the information and a statement by staff may be required as evidence.

When individuals report issues, they are making a vital contribution to the overall effectiveness of the trust and academy, the quality of education provided and the safety of pupils. Reporting issues allows for reflection and action to facilitate ongoing school improvement.

#### **4. HOW DO TRUSTEES, TRUST MEMBERS or LOCAL ACADEMY MEMBERS RAISE CONCERNS?**

Trustees and Local Academy Members are often involved in the daily life of the trust and its schools and may notice things that cause them concern. This may be through direct observation, conversations with staff and pupils, information given to them by pupils, staff or parents and through documentation they receive as part of their governance responsibilities.

- If a Trustee, Trust Member or Local Academy Member has a concern about a member of staff or procedures within the trust they should inform the Chair of Trustees who will then report it to one of the Executive Headteachers in a formal meeting.
- If a Trustee or Local Academy Member has a concern about an Executive Headteacher they should inform the Chair of Trustees.
- If a Trustee or Local Academy Members has a concern about the Chair of Trustees, they should inform one of the Executive Headteachers.
- If a Trustee or Local Academy Members has a concern about the Executive Headteacher(s) and the Chair of Trustees, they should inform the EFA and then report the concern to the Director of Finance and Operations.

#### **5. HOW WILL WHISTLEBLOWERS BE TREATED**

The trustees will not tolerate harassment or victimisation in response to whistleblowing and will take action to protect staff that have raised concerns in good faith. This does not mean that if staff are already the subject of a disciplinary, redundancy or other procedure that those procedures will be halted as a result of their whistleblowing.

##### ***Unfounded, unsubstantiated or malicious allegations***

If staff make an allegation in good faith, but it is not upheld or confirmed by subsequent investigation, no action will be taken against the member of staff . If however it appears that staff have acted frivolously, maliciously or in a vexatious manner, or for personal gain, then a disciplinary investigation will be undertaken into their conduct.

Information which is provided to staff on a confidential basis must be treated as such and this may only be overridden where there is a clear public interest in disclosing it and you act in good faith and reasonably. You would need to ensure that you could justify your disclosure because it would be a serious betrayal of trust to use confidential information for any personal advantage, or for malicious or other improper reasons.

#### **6. HOW WILL THE TRUST RESPOND?**

The trust will identify an appropriate individual or committee to discuss the concerns with the member of staff and identify what action, if any, is needed in response. Remember that testing staff concerns is not the same as accepting or rejecting

them. Staff may be asked to provide further information.

The allocated individual will write to the member of staff within 10 working days of receipt of the complaint to: acknowledge receipt, indicate how they propose to deal with the matter, provide an estimate of how long it may take to provide a final response, tell staff whether initial enquiries have been made and tell you whether further investigations are needed or if not why not.

Any meetings with staff can be held off the academy or trust site if wished. Staff have the right to be accompanied at such meetings by their trade union representative or a work colleague (who is not involved in the area of concern) if they so wish.

The allocated individual will decide the most appropriate way to deal with the concern and will keep staff informed of the action they take but may not be able to provide staff with detail if there is a need to keep the confidence of other people and/or proceedings.

Action could include:

- An investigation under the trust's internal procedures
- A referral to the police
- A referral to the child protection officer
- A referral to internal or external audit
- An independent inquiry

The trust will take steps to minimise any difficulty staff may experience as a result of raising a concern. For example, if staff are required to give evidence in formal proceedings, the trust will advise them on procedure beforehand.

## **7. RECORD KEEPING**

The trustees have responsibility for the maintenance and operation of this policy. They will maintain a confidential record of any concerns raised and the outcomes (so as not to endanger your confidentiality).

## **8. ADVICE & GUIDANCE**

Staff can seek advice from the Director of Finance & Resources on how a matter may be pursued under this policy.