



# **WIGSTON ACADEMIES TRUST**

## **WHISTLEBLOWING POLICY**

Original Policy date:

Next Review Date:

Date Approved by Trustees:

Signed by Chair of Trustees:

## 1. Introduction

1.1 Whistleblowing has been defined as:

**‘the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’**

*(Public Concern at Work Guidelines 1997)*

Personal grievances (eg bullying, harassment, discrimination) aren’t covered by the whistleblowing policy, unless an employee’s particular case is in the public interest.

1.2 Statutory protection for employees who whistleblow is provided by the **Public Interest Disclosure Act 1998 (“PIDA”)**. The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice.

1.3 This policy applies to all school staff including full and part time, casual, temporary, substitute staff and to individuals undertaking work experience in the school.

## 2. Aims and Scope of Policy

2.1 The governing body is committed to high standards in all aspects of the school and will treat whistleblowing as a serious matter. In line with the governing body’s commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated, and appropriate action taken in response.

2.2 This policy aims to:

- give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that he/she is encouraged to act on those concerns
- provide members of staff with avenues to raise concerns
- ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken
- offer assurance that members of staff are protected from reprisals or victimization for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

2.3 This policy covers whistleblowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment

- abuse of authority
- unauthorised use of public or other funds
- fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed.

2.4 The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistleblow.

### 3. **Safeguard Against Reprisal, Harassment and Victimisation**

3.1 The Board of Trustees will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the governing body's disciplinary procedures.

### 4. **Confidentiality**

4.1 The Board of Trustees recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed.

4.2 However, investigation into the concern could reveal the sources of the information; and statements may be required from the member of staff as part of the evidence, which would be seen by all parties involved. If the investigation leads to prosecution and the whistleblower is likely to be called in to give evidence in court.

### 5. **Anonymous Allegations**

5.1 Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless, anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the Board of Trustees will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

### 6. **Untrue and Malicious/Vexatious Allegations**

6.1 If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows

that untrue allegations were malicious and/or vexatious or made for personal gain then the Board of Trustees will consider taking disciplinary action against the member of staff.

## **7. Allegations Concerning Child Protection Issues**

7.1 If a member of staff raises a concern related to a child protection issue, the Executive Headteacher or Headteacher or Chair of Trustees (if the concern is about the Executive Headteacher) should urgently consult the LA officer designated to lead on child protection. However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the social services designated manager either before raising their concern with the governing body or where the Executive Headteacher or Chair of Trustees fails to do so after raising their concern and the member of staff remains concerned about the situation.

## **8. Procedure for Making a Whistleblowing Allegation**

8.1 Concerns should be expressed in writing to the Executive Headteacher or Headteacher. If the concerns involves the Executive Headteacher, then the Chair of Trustees should be the first point of contact. It is expected that the person receiving the allegation will become the investigating officer. However, it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

8.2 If a member of staff feels they cannot express their concerns within the school, it is open to them to raise their concern with someone outside the school setting from the list of organisations in the section of this policy 'Taking the Matter Further'. However, it would usually be expected that the Chief Education Officer would be the person to whom they express their concerns outside of the school.

8.3 Where the concern relates to a child protection matter, if a member of staff does not want to raise this through the school, they must consult the LA officer designated to lead on child protection or if that person is not available, the local authority's designated social services manager for Child Protection. If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

8.4 A member of staff's concern should be in writing for the avoidance of doubt. They should set out the background and history of the concern; giving names, dates and places where possible, as well as explaining the reason for your concerns. If they feel unable to put the matter in writing they can still raise their concern verbally, and should telephone or arrange to meet the appropriate person. Members of staff can also ask their trade union or professional association to raise the matter on their behalf or to support them in raising the concern.

## **9. Response to Whistleblowing**

9.1 The matter raised may:

- need inquiry internally in the school
- need to be passed to the Police if it relates to alleged criminal activity
- need to be passed to the person in the LA who deals with complaints about financial management or financial propriety in schools

- need to be referred to the LA officer designated to lead on child protection if there is a concern relating to child protection, or if that person is not available the local authority's designated social services manager for child protection.

9.2 At this stage concerns/allegations are neither accepted nor rejected.

## 10. **Timescale for Response**

10.1 A member of staff will normally receive a written response within five working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing them of support available whilst matters are looked into, and
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that they can remain anonymous.

## 11. **The Inquiry Process**

11.1 The investigation officer will:

- look into the allegation – seeking evidence and interviewing witnesses as necessary
- maintain confidentiality wherever possible but will be mindful that there is no guarantee that the whistleblower can remain anonymous
- if appropriate, bring the matter to the attention of the LA person dealing with complaints about financial management in schools
- if appropriate, for concerns of criminal behavior refer the matter to the Police
- if appropriate, for concerns of child protection, refer the matter to the LA officer designated to lead on child protection/local authority social services designated manager for child protection. The whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

11.2 If the investigating officer needs to talk to the member of staff raising the concern, they are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

11.3 The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry can be extended beyond this timescale.

## 12. **The Inquiry Report**

12.1 Following completion of the inquiry process the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistleblower will also be notified of the outcome. The report will not contain the whistleblower's name unless they have expressly stated that they wish to be named.

12.2 If the investigation was carried out by a person other than the Executive Headteacher, Headteacher or Chair of Trustees the written report must be submitted to the Executive Headteacher, Headteacher and Chair of Trustees to determine what further action (if any) is required. When considering further actions, the Executive Headteacher, Headteacher and Chair of Trustees **must** act on any recommendations made in the report. If the Executive Headteacher, Headteacher and Chair of Trustees cannot agree on further actions, a panel of three Trustees (excluding the Executive Headteacher, Headteacher or Chair of Trustees and any Trustees employed at the school) will be convened to consider the report and agree further actions.

12.3 Following completion of the investigation, and any actions arising from the investigation, a copy of the report (anonymised) will be made available to all Trustees.

### 13. **Taking the Matter Further**

13.1 If no action is to be taken and/or a member of staff is not satisfied with the way the matter has been dealt with, they can make a complaint under the governing body's complaints procedure or raise your concerns with other organisations as listed below:

- the local authority
- a relevant professional body or regulatory organization (e.g. GTCW)
- a solicitor
- the Police – for concerns of criminal behavior
- a trade union or professional association
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice. Telephone 0207 404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk)).

## APPENDIX A TO WHISTLE BLOWING POLICY

### **Guidance Note for Members of Staff**

This guidance should be followed if you suspect any misconduct or malpractice in any area of the school's activities which is potentially illegal, corrupt, improper, unsafe.

#### DO

- Make an immediate note of your concerns.
- Note all relevant details such as what was said or observed, or keep copies of relevant communication including the date, time and the names of any parties involved.
- Share your suspicions to someone with the appropriate authority and experience e.g. your line manager, a member of the senior management team, the Headteacher or Executive Headteacher, Chair of Trustees.
- Deal with the matter promptly.
- Keep a copy of all notes/details etc.

#### DON'T

- Ignore your concerns and do nothing.
- Be afraid to share your concerns. You must not suffer any recrimination as a result of voicing a reasonably held suspicion. The Headteacher, Executive Principal or Chair of Trustees will treat any matter you raise sensitively and confidentially wherever possible (if you feel that the matter raised is not being treated sensitively and seriously then seek professional or alternative advice). ]
- Approach or accuse any individuals directly.
- Try to investigate the matter yourself. There are rules surrounding the gathering of evidence for use in criminal cases and in relation to child protection cases. Any attempt to gather evidence by people who are unfamiliar with these rules may contaminate the case.
- Share your suspicions to anyone other than those with the proper authority although other organisations such as a trade union or professional association may help you raise your concerns. If you wish to remain anonymous, do not include your name/position or any other information which could lead to your identity being disclosed. Remember the Public Interest Disclosure Act 1998 protects you from victimisation by dismissal, redundancy or any other detrimental action provided you:
  - Have disclosed the information in good faith.
  - Believe it to be substantially true.
  - Have not acted maliciously or made a false allegation.
  - Are not seeking any personal gain.
  - It was reasonable for the disclosure to have been made.