

**Statutory**

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Key Person: MLL

WILDERN ACADEMY TRUST

Procedures for Protected disclosures ('Whistleblowing')

This procedure has been designed to operate in accordance with the provisions of the Public Interest Disclosure Act, which gives protection to people who disclose reasonable concerns about serious misconduct or malpractice at work; sometimes termed as '**Whistleblowing**'.

The definition of whistleblowing given on the GOV.UK website is

Whistleblowing is when a worker reports suspected wrong doing at work. Officially this is called 'making a disclosure in the public interest'.

Principles:

- This procedure applies to all staff in the Trust's school and should encourage staff to raise any concerns within the school as soon as possible
- The Trust Board of the school will treat all matters of malpractice or misconduct very seriously.
- This policy applies to all staff be they agency, Initial Teacher Training placements, supply staff, volunteers and contractors. It will also be applicable to complaints that are from people who are not parents of attending students who wish to raise a concern.
- This procedure should not be confused with other existing procedures and policies such as collective or individual grievance procedures. These will not be considered under the 'Whistleblowing' policy but considered under the other policies and practices within the Trust. This policy is designed to deal with issues that fall outside of the other procedures.
- Whistleblowing arrangements are designed to respond to malpractice and wrongdoing in the following areas (as defined in the DfE Governance Handbook), but the precise coverage and terms can vary;
 - Any unlawful act, whether criminal or a breach of civil law
 - Maladministration, as defined by the Local Government Ombudsman
 - Breach of any statutory Code of Practice
 - Breach of, or failure to implement or comply with Financial Regulations or Standing Orders
 - Any failure to comply with appropriate professional standards
 - Actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property
 - Fraud, corruption or dishonesty
 - Loss of income to the school
 - Abuse of power, or use of the school's powers and authority for any unauthorised or ulterior purpose
 - Discrimination in employment or the provision of education
 - Other unethical conduct or any other matter that staff consider they cannot raise by any other procedure.
- Any person making a disclosure in good faith will be protected under the procedure from victimisation, discrimination or disadvantage.
- Employees are assured that they will receive an appropriate response to any disclosure they make and will have the right to pursue the matter beyond the school if the response is not satisfactory.
- It is acknowledged that there may be some circumstances in which there may be a statutory requirement to report information to an external agency, such as the police.

- Employees are entitled to representation from a professional association/trade union representative or friend (a fellow employee) at any meetings that are held in relation to the disclosure.
- Employees should specify that they are making a disclosure under this procedure.
- The malpractice/misconduct can be past, present or prospective. While there are no time limits, any disclosure should be made at the earliest opportunity. Any time limits are in place to ensure a prompt response to any disclosure. Any investigations following a disclosure will be conducted as quickly as possible.
- If an allegation is found to be untrue but it was made in good faith no action will be taken. However any allegation made maliciously, frivolously or for personal gain will face disciplinary action.

Practice

Raising a concern:

- In the first instance, concerns under this procedure must be raised with the employee's immediate line manager, who will deal with the problem as quickly as possible.
- If the employee believes that their immediate line manager is involved in the malpractice, they may raise their concerns with a more senior member of staff, including the Executive Headteacher/Headteacher. If the employee believes it is not appropriate to raise the matter with the Executive Headteacher, he/she may approach the Chair of the Trust Board.
- Within ten working days of a concern being raised, the person hearing the concern will write to the employee to acknowledge that the concern has been received. They should also indicate what initial steps they intend to take to deal with the matter and, where possible, provide an estimate of the time it will take to provide a final response.
- Concerns may be raised orally or in writing, although written submissions are preferred wherever possible.
- These disclosures should provide as much information as possible about the matter, including dates, individuals involved, other possible sources of information, etc. Employees must be able to demonstrate to the person hearing the disclosure that there are reasonable grounds for making the allegations.
- Although employees who wish to make an anonymous disclosure may do so, it may be important for the investigating manager to know the source of the information for a full and appropriate investigation to be possible. Furthermore, the manager would need to take into account the nature and credibility of an allegation before deciding whether to proceed with an investigation.
- All employees should be reassured that all disclosures will be treated in confidence and every effort will be made to preserve anonymity. The Act provides protection against victimisation of anyone who makes a protected disclosure in good faith.

Resulting action:

- Following a disclosure made under this procedure, enquiries will be made to establish the validity of the allegations. If they are found to be true, the appropriate action will be taken, which may include:
 - A full internal investigation, possibly resulting in disciplinary action
 - Referral to Social Services or the Police
 - Referral to Internal Audit or other external bodies/organisations
- Subject to legal constraints and the need to protect the rights of individuals, the employee raising the concern will be informed of the outcome of any investigation at the earliest practicable opportunity, to reassure them that appropriate action has been taken. Such information will not include confidential details about formal action taken against another employee.

- For reasons of sensitivity and confidentiality, all communications with an employee who takes action under this procedure will be sent to their home address, unless an alternative arrangement has been mutually agreed.

Taking the matter further and external action and support :

- In the event that an employee feels that their concerns have not been resolved through the above process, they may write to the Chair of the Trust Board, if he/she has not already been involved, outlining their concern, the action taken to date and the reasons for their dissatisfaction.
- Within 10 working days of a concern being raised, the Chair of the Trust Board will write to the employee to acknowledge that the concern has been received and indicate what steps will be taken to deal with the matter, as well as providing an estimate of the time it will take to provide a final response.
- The Chair of the Trust Board may decide to set up a small group of Trustees, where appropriate, to investigate the concerns. The Chair of the Trust Board will then inform the employee of the outcome of this process on the same basis as required of the manager above.
- In the event that the matter cannot be satisfactorily resolved within the Trust, or in the event that the matter is serious and it is felt that matter cannot be raised internally the employee may raise their concerns with;
 - Their professional body
 - Union
 - Public Concern at Work (020 3117 2520 or www.pcaw.org.uk)
 - Other relevant organisation dependent on the nature of the malpractice/misconduct such as Ofsted for safeguarding matters, HSE for Health and Safety, Ofqual for or the Examining body for malpractice in exams.

A list of prescribed people and bodies can be found at

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

- In taking their concern outside, employees must ensure that, as far as possible, the matter is raised without personal information relating to other employees being disclosed.
- An employee who approaches an accredited legal advice centre, e.g. Public Concern at Work or Citizens Advice Bureau, does not breach the duty of confidence in this procedure to the Trust Board.

Failure to follow this procedure

- Any employee who unreasonably and without justification raises such issues on a wider basis, such as with the press, without following the steps and advice in this procedure may be liable to disciplinary action.

Linked Policies: Code of Conduct for Staff