



THE ST. BART'S  
ACADEMY  
TRUST



# Whistle Blowing Procedure

## For Academy Staff and Centrally Employed Teachers

November 2018

## The St. Bart's Academy Trust

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## ACAS Definition

ACAS defines whistle blowing as bringing information about a wrongdoing to the attention of employers or relevant organisation.

This is commonly referred to as 'blowing the whistle'. The law that protects whistle-blowers is for the public interest - so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.

Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

If a worker is going to make a disclosure it should be made to the employer first, or if they feel unable to use the organisations procedure the disclosure should be made to a prescribed person, so that employment rights are protected.

## 1.0 Introduction

This procedure has been adopted by the St. Bart's Multi-Academy Trust and is committed to the fair and equitable treatment of all staff.

The Trust is proud of the high standards of openness, integrity and accountability within its schools, and is dedicated to providing a quality service to pupils, parents, governors and schools partners. The schools promotes good educational practices and is committed to addressing poor practices.

Individuals who work for the school are often the first people to realise there may be something seriously wrong. However you may not want to 'speak up' about it in case you seem disloyal to colleagues or you are concerned about being victimised or discriminated against. You might be worried that you could be wrong or it might just seem too complicated and therefore it may seem easier to say nothing.

You have a responsibility to raise concerns about poor practices within school, and a right to be protected from reprisals if you do raise concerns. Any employee becoming aware of inappropriate activity is obliged, and Governors and the Headteacher encourage you, to report it.

The school recognises staff may wish to seek advice and be accompanied by their Trade Union when using the provisions of this policy and acknowledges and endorses the role representatives play in this area.

The procedure has been consulted on with recognised Teaching and Support Trade Unions and its operation will be kept under review. The procedure is non-contractual and can be varied by mutual agreement of all parties concerned.

## 2.0 Aim of the Procedure

The school has a number of different policies and procedures in place to deal with different types of concerns. For example, the grievance procedure for employees to raise matters relating to their conditions of employment, the complaints procedure for parents to raise concerns, and a safeguarding policy to investigate allegations of abuse.

The Confidential Reporting (Whistleblowing) Procedure is not intended to replace the school's standard procedures. The aim of the procedure is to:

- provide a process in which serious concerns (which fall outside the scope of other procedures) can be raised and dealt with.
- provide a means by which staff can receive support when concerns have been raised
- encourage and enable employees to raise their concerns within the school initially, rather than overlooking the problem or raising the matter externally

It is important to note that an investigation into the concerns raised might be carried out under one of the other procedures. For example, an allegation of improper conduct may be investigated in line with the Disciplinary Procedure.

## 3.0 Principles of the Whistle Blowing Procedure

This procedure is based on the following principles:

- The Trust's primary duty of care is to children and young people, and other users of our services.
- The Trust has a duty of care to colleagues; to ensure they feel safe and supported.
- Employees raising concerns will be offered full support
- Concerns raised internally will be dealt with seriously and will be thoroughly investigated
- The school will not tolerate any harassment, bullying or detriment to employees raising legitimate concerns
- The school will not tolerate employees making malicious and vexatious allegations

## 4.0 Concerns to which the Whistle-Blowing Procedure can apply

The Whistle Blowing Procedure applies when a person has a serious concern that wrongdoing by the school; (its staff, volunteers, contractors or suppliers) has occurred. For example:-

- a breach of recognised standards of professional practice ;
- suspected conduct which is an offence or a breach of the law, including criminal activity;
- suspected breach of St Bart's Academy Trust policies/procedures;

- fraud , corruption or unauthorised use of public funds
- practice which poses a danger to health and safety
- physical, sexual, emotional abuse or neglect (including from individual's in senior roles and/or a position of trust)
- personal contact with children and young people which is contrary to the organisation's policies and codes of conduct
- inappropriate sexualised behaviour
- improper conduct / unprofessional behaviour inside or outside of school, such as name calling, bullying or racial abuse
- behaviour likely to bring the school into disrepute
- conduct which may be deemed unethical
- knowledge about an individual's personal circumstances which may indicate they could be a risk to children or unsuitable to work with children
- deliberate cover up of any wrong doing, such as the examples listed above.
- Unreasonable behaviour deemed to be unethical.

This list is not exhaustive.

## 5.0 The Public Interest Disclosure Act

The Public Interest Disclosure Act protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is about child safeguarding, financial malpractice, danger or other wrong doing. The Act covers all workers including agency staff. It does not cover the self-employed or volunteers. The Act also provides protection should individuals have difficulty gaining a reference from an employer because they have raised a concern.

Protection under the Act extends to disclosures concerning wrongdoing that took place overseas, and, where the law applying to the misconduct, was outside of the United Kingdom.

For employees to rely on this legal protection you should reasonably believe that the disclosure is in the public interest and

- a) that a criminal offence has been committed, is being committed or is likely to be committed;
- b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
- c) that a miscarriage of justice has occurred is occurring or is likely to occur;

- d) that the health and safety of any individual has been, is being or likely to be endangered;
- e) that the environment has been, is being or is likely to be damaged, or;
- f) that information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.

Even when you do not have the protection of the law, the school will protect and support you so long as you act in good faith

## 6.0 Who Can Use This Procedure?

You can use the Confidential Reporting (Whistleblowing) Procedure if you are:-

- an employee (including permanent, temporary, fixed term, and casual staff or a student on placement)
- a volunteer working in the school
- an employee in an organisation which provides a service under contract to the school (this includes private contractors, external partner agencies and the Local Authority)
- an agency worker or supply Teacher provided to the school, via a contract with an employment agency

This procedure should not be used for complaints relating to your own personal circumstances, such as disciplinary matters, grievance issues, job evaluation or pay. In these instances please contact the Headteacher for advice on which procedure is the most appropriate to address the issue.

## 7.0 How do you raise a Serious Concern?

You can raise your concerns orally or in writing. You must state you are raising an issue under the Confidential Reporting (Whistleblowing) Procedure and specify whether you wish your identity to be kept confidential. Any concerns should be resolved as close to its source as possible. Therefore in the first instance, concerns should be reported to your line manager, the senior leadership team or the Headteacher. However this may not always be appropriate for example, where:

- You have already spoken with the appropriate person and they have not taken up your concerns
- The appropriate person is already aware of the circumstances and have failed to act upon them, or
- it is their own behaviour which is a cause for concern

In such cases where you feel you cannot talk to your line manager/Headteacher, or if you prefer to talk with someone outside your direct management you can do so as follows:

You can raise your concerns with the Trust, Headteacher/Principal, Chair of the Governing Board, or with the Trade Union.

For matters relating to the provision of care and protection of children you may contact the Statutory Complaints Officer or the Assistant Director of Learning Services who may allocate the matter to a Local Authority representative to investigate.

The person to whom your disclosure is made will ask you to formalise your concerns in writing either before or after the first meeting if you have not already done so. Your formal written disclosure will be acknowledged and the person dealing with it will keep a record of further action taken.

You are entitled to be accompanied by a work colleague or trade union representative at any meeting in relation to your disclosure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent disclosure.

## **8.0 How are Concerns Dealt With?**

### **Situations of Imminent Danger**

In the first place the Headteacher, the person whom you made the disclosure to needs to make sure that no one is at serious risk or in danger. If they are, concerns must be reported immediately so that the relevant people or external agencies are alerted, to ensure that prompt action is taken to protect them.

### **Initial Assessment/Meeting**

The person to whom the report is made should assess whether the issues raised are ones to which the confidential reporting procedure applies. If they are not they should refer you to the correct procedure to follow, for example the Grievance Procedure.

If the matter appears to be one to which the confidential reporting procedure applies, the person to whom you raised your complaint with will meet with you within a reasonable timeframe to discuss the issues raised and to obtain full details of your concerns.

Following your initial meeting, the person to whom the concerns have been raised will write to you providing you will the following:

- A copy of this procedure
- A written record of the meeting
- Confirmation as to whether the concerns will be investigated and if not, why not
- How the concerns will be dealt with in the short term
- Support available during the process
- A point of contact to be contacted during the investigation should you experience any detriment as a result of raising the concerns



The investigating officer will provide you with a written response within a reasonable timeframe (no more than 10 working days), confirming the points outlined in the section above (initial assessment/meeting).

## **Investigations**

Investigations may be undertaken by the Headteacher, internal management, a school governor, or the school's internal audit service. In some cases the matter will need to be referred to the police for an independent external inquiry. Depending on the nature of the concern, the matters raised may also be referred to an external auditor or Ombudsman or form the subject of an independent enquiry.

As far as possible the investigation will be endeavored to be completed within twenty-eight working days. However, complex investigations may take longer. Any investigation taking longer than twenty-eight working days will be reviewed and you will be kept informed of any delays.

Although you will be informed of when the investigation is concluded you may not necessarily be informed of the outcome or details regarding the investigation.

## **Anonymous Reporting**

Anonymous concerns are much more difficult to deal with and employees are encouraged to put their name to the allegation.

In deciding whether it is possible to deal with anonymous concerns the following will be take into account;

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of being able to confirm the allegation.

Anonymous allegations cannot be guaranteed to be investigated if the above criteria are not satisfied.

In addition proper investigation may prove difficult if the investigator cannot obtain further information from the individual, or give feedback, and the investigating officer is unable to ascertain whether the disclosure was made in the reasonable belief that the disclosure was in the public interest.

The individual should reveal his/her identify to the person with whom the concerns are raised and measures can then be taken to preserve confidentiality as appropriate.

## **Confidentiality**

Whistleblowing does not have to be directly to the employer. An employee can inform other bodies such as the police in cases of fraud and does not have to inform the employer. The Whistleblowing Act ensures that will be anonymous and confidentiality is protected unless the disclosure is proven to be vexatious.

Every effort must be made to keep the identity of an individual who makes a disclosure under this procedure confidential, at least until any formal investigation is under way.

In order not to jeopardise the investigation into the alleged malpractice, **the individual will also be expected to keep the fact that they have raised a concern, the nature of the concern and the identity of those involved confidential.** Although every effort will be made to preserve the anonymity of the individual raising the concern, there may be exceptional circumstances in which, because of the nature of the investigations or disclosure, it will be necessary to disclose the identity of the individual. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in the view of the investigating officer such circumstances exist, you will be informed that your identity is likely to be disclosed.

If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure.

We recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. We will not tolerate harassment or victimisation and will take action to protect the employee when s/he has raised a concern.

This does not mean that if the employee is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of whistle blowing.

### Record Keeping

The school will keep its own record of all concerns raised under this policy in a secure environment.

## 9.0 Support Available

Individuals who raise serious concerns will inevitably feel anxious or may experience shock if witnessing something unpleasant. The person receiving the information is responsible for ensuring support. Employees should feel confident that their concerns will be treated seriously and sensitively.

The process of investigating concerns can be lengthy. The employee will be kept informed of developments and supported throughout. Employees who have genuine concerns should not be put off either raising them in the first place or seeing them through the investigation process because of a lack of support. The school will ensure that you are not left feeling vulnerable and isolated.

Members of staff who raise genuinely held concerns in good faith under this procedure should not be subjected to any detriment as a result of their disclosure. Detriment includes unwarranted disciplinary action, victimisation or threats. If the individual believes they have been subjected to a detriment within the workplace as a result of raising concerns under this procedure they should inform the person to whom the disclosure was made immediately. If the matter is not remedied the employee may raise a grievance under the Grievance Procedure.

In all circumstances you (the employee) may wish to contact the Headteacher, line manager or a Trade Union representative for support. You may also seek advice and support from the Dove counselling service (tel: 01782 683155) and/or the Teacher Support Network (tel: 08000 562 561). A referral to Occupational Health can also be made.

## 10.0 What happens if the concerns are not founded?

If the employee has acted in the public interest they will not be penalised in any way. In such cases the school will do what it can to support both parties.

However, the school must protect the organisation and its staff from false and malicious claims. Disciplinary action will be considered where any member of staff is found to have raised concerns frivolously, maliciously or for personal gain.

If the employee has acted in the public interest and their identity has become known, mediation is available for persons involved in the investigation.

## 11.0 How to Take the Matter Further

Although every attempt should be made to deal with serious concerns internally in the first instance, if you believe that the concerns you have raised have not been dealt with satisfactorily, or, you reasonably believe that you might be victimised or vital evidence stolen or destroyed, you can make an “external disclosure”.

To make an external disclosure you must:

- Make the disclosure in the reasonable belief that the disclosure is in the public interest.
- Reasonably believe that the information disclosed, and any allegation contained in it, are true;
- Ensure the disclosure is not for personal gain;
- Ensure that in all circumstances of the case it is reasonable to make the disclosure.

Examples of organisations that you can make an external disclosure to are:

- The school’s Audit department
- An elected member of the City Council
- A member of school’s Governing Board
- OFSTED
- Stoke on Trent Safeguarding Children Board
- The Police
- A professional body such as the Trade Union
- The Health & Safety Executive
- The Information Commissioner

If you do raise matters outside the school you must not disclose confidential information, for example individual’s names or personal circumstances.

## 12.0 External Contacts List

### Trade Unions

#### **NEU – Martin Ogilvie**

Regional Officer

Telephone: 0121 6474397

Email: [martin.ogilvie@neu.org.uk](mailto:martin.ogilvie@neu.org.uk)

#### **NASUWT – Wayne Bates**

National Negotiating Official

Telephone: 0121 4576295

Email: [Wayne.Bates@mail.nasuwt.org.uk](mailto:Wayne.Bates@mail.nasuwt.org.uk)

#### **NAHT – Emdad Noor**

Telephone:

Email: [emdadn@naht.org.uk](mailto:emdadn@naht.org.uk)

#### **UNISON – Kate McLeod**

Regional Organiser Schools Lead

Telephone:

Email: [K.McLeod@unison.co.uk](mailto:K.McLeod@unison.co.uk)

#### **GMB – Mark Bergman**

Telephone: 01827 66001

Email: [Mark.Bergman@gmb.org.uk](mailto:Mark.Bergman@gmb.org.uk)

#### **UNITE – Mick Stevens**

Regional Officer

Telephone: 01782 219800

Email: [mick.stevens@unitetheunion.org](mailto:mick.stevens@unitetheunion.org)

### Governance Services

Fiona Ledden (Assistant Director of Governance Services)

Civic Centre Glebe Street, Stoke-on-Trent ST4 1RG

## Safeguarding Children Boards

If you think a child is in immediate danger telephone 999

### Stoke-on-Trent

[www.safeguardingchildren.stoke.gov.uk](http://www.safeguardingchildren.stoke.gov.uk)

Safeguarding Referral Team 01782 235100 (office hours)

Emergency Duty Team 01782 234234 (outside of office hours 5pm to 8.30am)

### Staffordshire

[www.staffsscb.org.uk](http://www.staffsscb.org.uk) Phone: 01785 277151

First Response Service 0800 1313 126 (office hours)

First Response Service 0345 604 2886 (outside of office hours 5pm to 8.30am)

### Cheshire

[www.cheshireeastlscb.org.uk](http://www.cheshireeastlscb.org.uk) Phone: 01606 271566

Cheshire East Consultation Service 0300 123 5012 (office hours)

Emergency Duty Team 0300 123 5022 (outside of office hours 5pm to 8.30am)

## Keeping Children Safe in Education document

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