

Whistleblowing Procedure.

Aims:

The Directors of the Warriner Multi Academy Trust are committed to ensuring that all its schools have whistleblowing procedures in place.

Objectives:

- To comply with statutory requirements
- To make clear procedures for whistleblowing

Roles and responsibilities:

- It is the responsibility of the WMAT Directors, to ensure this procedure is regularly reviewed.
- It is the responsibility of the head teacher in each school, to ensure all members of staff have read and have access to this procedure.

This policy was approved by The Personnel Committee of the Warriner Multi Academy Trust Board of Directors on 12th December 2018

Review Due; December 19

Whistleblowing Procedure

Introduction

1. All schools and academy trusts are required to have appropriate procedures in place for handling whistleblowing and for ensuring school staff know who they can contact if they wish to raise a concern.
2. This document explains the types of concerns that can be raised under this procedure, the legal protection for whistleblowers and how whistleblowing concerns will be handled.
3. This procedure should be followed for any whistleblowing matters raised by employees, workers, volunteers, contractors, supply staff, agency staff, members of the governing body and Trust Board.
4. The term 'head teacher' has been used throughout this procedure, however depending on the size and structure of the school the head teacher's role in the procedure may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to these procedures, it will be managed by the Chair of the governing body or WMAT Directors.

Policy Statement

5. The Trust is committed to the highest possible standards of:
 - openness and inclusiveness
 - accountability and
 - integrity.

Aim of procedure

- To encourage those working in any school within the Trust to report suspected wrongdoing promptly, in the knowledge that it will be taken seriously.
- To provide guidance on how to raise concerns.
- To reassure staff that they are able to raise genuine concerns made in the public interest without fear of reprisals, even if they turn out to be mistaken.

What is Whistleblowing?

6. Whistleblowing is when a worker reports certain types of wrongdoing or misconduct within an organisation.

7. The wrongdoing disclosed must be in the public interest. This means it must affect others, e.g. pupils, general public.
8. The wrongdoing must relate to or show one of the following:
 - a criminal offence
 - a failure to comply with a legal obligation
 - a possible miscarriage of justice
 - a Health & Safety risk
 - damaging the environment
 - misuse of public money
 - corruption or unethical conduct
 - abuse of pupils, students or other users
 - a safeguarding concern
 - deliberate concealment of any of these matters
 - any other substantial and relevant concern.
9. The concern could be about something that happened in the past, is currently happening or likely to happen in the future.
10. Concerns or complaints that employees wish to raise formally, about their own employment, should normally be raised using the Trust's Grievance Procedure, unless the employee believes the concern is in the public interest. This includes for example, concerns related to working conditions, working relations, employment rights or bullying or harassment.

Legal protection for whistleblowers

11. Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'.
12. Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.
13. The Trust's Directors will provide all reasonable protection for those who raise concerns made in the public interest.
14. The Trust's Directors will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure.

15. Although an employee has certain legal obligations of confidentiality to the Trust, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

Procedure for raising a whistleblowing concern

Whistleblowing anonymously or confidentially

16. Concerns can be raised anonymously, but the school or person receiving the allegation may not be able to take it further if they haven't been provided with all the information they need.
17. Whistleblowers can give their name but request confidentiality and in these circumstances, every effort will be made to protect their identity. Their identity will not be disclosed without consent.
18. All disclosures made under this procedure will be treated sensitively, consistently and fairly.
19. Before making a disclosure, employees are strongly advised to take advice from their trade union representative, or Protect, the Whistleblowing charity.

Step 1- Deciding who to report the concern to

20. Concerns can be raised verbally or in writing.
21. You should raise your concern with the Headteacher, Chair of Governors or one of the Trust Directors.
22. If you wish to report the matter to someone outside of the Trust you can contact the one of the external bodies/organisations listed in Annex 1.
23. It is extremely rarely, if ever, appropriate to make a disclosure to the media. Employees are strongly advised to take advice from their trade union before making a media disclosure. Reporting concerns to the media, in most cases will lead to the loss of your whistleblowing law rights.
24. Although you are not expected to prove beyond doubt the truth of your concerns, you will need to demonstrate that you have sufficient evidence or other reasonable belief to raise them.
25. You may wish to obtain advice from a trade union representative, the Citizen's Advice Bureau or Protect (formally -Public Concern at Work) on 020 3117 2520 and www.pcaw.org.uk

26. You can be accompanied by a trade union representative or colleague to any meetings that are required.

Step 2

27. The person with whom you have raised your concern, will decide what action is needed. They may ask you to provide further information. They will write to you within 10 days to let you know how your concern will be dealt with.

28. The information you can expect to receive is:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not why not
- information about support available for you.

29. The person with whom you have raised your concern will at the same time notify the Trust's HR Adviser that a whistleblowing allegation has been made.

30. Advice on dealing with concerns is available from the Trust's HR Adviser, legal or financial adviser.

Step 3

31. Initial enquiries will be made to decide whether an investigation is appropriate.

32. An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Full details of the investigation may be withheld from you to protect the confidentiality of other people.

33. Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for you to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with you first.

34. Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the head teacher or a governor, from another school within the Trust where necessary, which may, for example, take the form of a disciplinary investigation
- the appointment of an external investigator

- a referral to the Police
- the setting up of an external independent inquiry.

Step 4

35. You will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

36. If you do not feel your concern has been addressed adequately you may raise it with an independent body such as one of the following as appropriate:

- your trade union
- the Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police
- the Local Government Ombudsman
- Equality and Human Rights Commission

(See Annex 1 for further details).

37. If there is an issue of an exceptionally serious nature which you believe to be substantially true, then you may disclose the issue to someone other than those listed in paragraph 21. In determining whether it is reasonable for you to have made a disclosure the identity of the person to whom the disclosure is made will be taken into account. Disclosures to anyone outside of the recognised bodies listed in paragraphs 36 and Annex 1 may not be protected disclosures under the Act.

38. You have a duty to the Trust not to disclose confidential information. This does not prevent you from seeking independent advice at any stage or from discussing the issue with the charity Protect (formally -Public Concern at Work) on 020 3117 2520 and www.pcaw.org.uk in accordance with the provisions of the Public Interest Disclosure Act 1998.

Review and Reporting of the Procedure

39. This procedure has been reviewed with reference to equalities, human rights and discrimination legislation. Confidential monitoring of the procedures is undertaken in order to gather data to help establish whether the procedure is operated in a fair and consistent manner. In undertaking monitoring the Trust will not identify individuals.

Annex 1 - External bodies and organisations

You can blow the whistle to an external organisation rather than your employer. There is a list of prescribed people or bodies that you can go to. Choose the correct one for your issue. A full list can be found online at Gov.Uk:

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

Some of the bodies that may be relevant for schools staff are:

Local Authority Designated Officer for Safeguarding Children	Oxfordshire; Alison.beasley@oxfordshire.gov.uk 01865 815956 Northamptonshire; CYork@childrenfirstnorthamptonshire.co.uk AndSmith@childrenfirstnorthamptonshire.co.uk
Ofsted	Piccadilly Gate, Store Street, Manchester, M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk
Office of Qualifications and Examinations Regulation	Complaints investigation manager, Ofqual, Earlsdon Park , 53-55 Butts Road, Coventry, CV1 3BH Tel: 0300 303 3344 whistleblowing@ofqual.gov.uk
National Society for the Prevention of Cruelty to Children (NSPCC)	The NSPCC Whistleblowing Advice Line is for anyone with child protection concerns in the workplace. The helpline provides support and advice to those who feel unable to get a child protection issue addressed by their employer. It can be contacted anonymously on 0800 028 0285.
Health and Safety Executive	Tel: 0300 003 1647 Online form: http://www.hse.gov.uk/contact/raising-your-concern.htm www.hse.gov.uk
The Local Government Ombudsman	Address: PO Box 4771, Coventry. CV4 0EH Web: www.lgo.org.uk Tel no. 0300 061 0614

Data Protection and Freedom of Information

The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF
Tel: 0303 123 1113 Email: casework@ico.gsi.gov.uk