

# SASH Education Trust

Name of Policy:

Whistle Blowing Policy

Effective From:

November 2017

Next Review Date:	Ownership:	Approved By:	Date Approved:	Signature:
November 2018	SASH Education Trust	Jo Rockall	8 Nov 2017	<i>Rockall</i>

**This policy version supersedes all previous issues**

## Introduction

- 1.1 The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly: strengthening employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace.
- 1.2 The policy set out in this document applies those statutory provisions to the administration of The SASH Education Trust.
- 1.3 This policy applies to the Governors and all staff of all schools in the trust.

## Purpose

- 2.1 What is Whistle-blowing? Whistle-blowing encourages and enables staff to raise serious concerns within the school rather than overlooking a problem or 'blowing the whistle' outside.
- 2.2 Staff are often the first to realise that something seriously wrong may be happening within the workplace. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the school or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.
- 2.3 This policy applies to all staff, (including those designated as casual, temporary, agency, authorised volunteers or work experience), and those contractors working for the Trust, and associated schools on school premises and grounds, for example, agency staff, builders, etc.

## Aims

- 3.1 The Trust and schools are committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it encourages staff and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within the school, rather than overlooking a problem or publicly disclosing the matter.
- 3.2 This policy aims to:
  - provide avenues for staff to raise concerns and receive feedback on any action taken;
  - allows staff to take the matter further if they are dissatisfied with the school's response
  - re-assure staff that they will be protected from possible reprisals or victimisation if they have made a disclosure in good faith.
- 3.3 This policy covers concerns that fall outside the scope of other procedures. It is not intended as recourse against financial or business decisions made by the Trust or schools. Nor is it an alternative to well-established disciplinary or grievance procedures. It may however overlap with other Trust and school policies for dealing with complaints, with SASH Education Trust Board or school management Codes of Conduct and with protocols for good working relationships within the school.

## Policy in practice

### Types of Concern

- 4.1 Concerns raised under this Whistle-blowing Policy are likely to be about something that is, or may be:
  - unlawful or a criminal offence
  - a breach of a legal obligation
  - a miscarriage of justice
  - mistreatment or abuse of a service user or a member of the public for whom the school has a responsibility
  - in disregard of legislation governing health and safety at work

- seeking undue favour over a contractual matter or a job application
- against the school or Financial Regulations
- fraud and corruption
- amounting to improper conduct or unauthorised use of public funds
- leading to, or has led to damage to the environment
- a deliberate cover up of information regarding any of the above
- other unethical conduct.

### Safeguards: Harassment or Victimisation

- 5.1 The Trust and schools 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. If a member of staff firmly believes their statements are correct, they should have nothing to fear because they will be doing a duty to the Trust, the schools, school pupils and other members of staff.
- 5.2 The Trust and schools will take action to protect staff when a concern is raised in good faith. The Trust and schools will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the proper procedures.
- 5.3 Any investigation into an allegation of malpractice will not influence or be influenced by any disciplinary or redundancy procedures which already affect the member of staff reporting it.

### Confidentiality

- 6.1 All concerns will be treated in confidence and the Trust and schools will do its best to protect the identity of the whistle blower if he or she does not want their name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement, then staff evidence may be important. Names will not be released as possible witnesses until the reasons for disclosure have been fully discussed with the member of staff who raised the concern. This policy encourages staff to put their name to a concern wherever possible.
- 6.2 Staff must:
- disclose in good faith
  - believe it to be substantially true
  - not act maliciously or make false allegation
  - not seek personal gain

### Anonymous Allegations

- 7.1 This policy encourages staff to put their names to allegations. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the school against the following criteria:
- the seriousness of the issues raised particularly with regard to safeguarding and child protection
  - the likelihood of confirming the allegation from attributable sources
  - the school's best interests
  - the protection of school assets
- 7.2 It should be borne in mind that choosing to raise a concern anonymously means will be more difficult for the matter to be investigated and for feedback to be provided to the member of staff who raised the concern.

### Untrue Allegations

- 8.1 If staff make an allegation in good faith but it is not confirmed by the investigation, no reprisals will be taken. If, however, allegations are proved to be malicious or vexatious, disciplinary action may be taken.

### How to Raise a Concern

- 9.1 Staff should raise their concerns with their line manager in the first instance. If this first step is not appropriate, then the concern should be raised at a senior leader level or with the Principal in some circumstances, concerns may be raised directly with the Governing Body, for example if it concerns the Principal or the Trust if it involves the Local Governing Body.

- 9.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage, to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reasons why there are concerns.
- 9.3 It is preferable for staff to personally record this in writing. However, where the person to whom these concerns are shared writes these down, a copy of these notes will be sent to a home address or handed directly to the member of staff to confirm this as a true record.
- 9.4 The earlier a concern is raised, the easier it is to take action.
- 9.5 The whistle blower is not expected to prove the truth of an allegation, but simply demonstrate to the person contacted that there are sufficient grounds for concern.

### How the School Will Respond

- 10.1 The action taken by the Trust and schools will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter, it may be investigated internally or referred to another agency, if more appropriate.
- 10.2 If urgent action is required in response to a concern, this may well be taken before a full investigation is conducted.
- 10.3 Some concerns may be resolved by actions agreed with the whistle blower, without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.
- 10.4 In any event, within ten working days of a concern being received, the school will write to the whistle blower at their home address:
- acknowledging that the concern has been received;
  - indicating how it proposes to deal with the matter;
  - giving an estimate of how long it may take to provide a final response;
  - giving the outcomes of any initial enquiries;
  - highlighting the need for further investigations, if needed and,
  - naming an independent person to support the whistle blower during any investigation, e.g. a trade union official
- 10.5 This named person will make contact immediately to explain his/her role, deal with all confidentiality issues, agree frequency of contact and keep the staff member informed about the progress of the investigation and the investigating officer(s) informed of any further issues which the whistle blower subsequently thinks are also relevant. Any concerns about the conduct of the investigation should also be raised with this support officer
- 10.6 This officer will take appropriate steps to give support in the workplace and at any criminal or disciplinary proceedings which may eventually result and at which the whistle blower is asked to give evidence.
- 10.7 Where full anonymity is requested, the whistle blower will nominate a representative to whom correspondence may be directed.
- 10.8 The amount of contact between investigating officers and the whistle blower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.
- 10.9 When any meeting is arranged, the whistle blower has the right to be accompanied by a trade union or professional association representative or a friend (who need not be associated with the school).

- 10.10 The school accepts that the whistle blower needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, he/she will receive information about the outcome of any investigations and/or proceedings.

### Detriment

- 11.1 The SASH Education Trust is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

### How the Matter Can be Taken Further?

- 12.1 This policy is intended to provide a secure and confidential way to raise concerns within the Trust and schools. The Trust and schools hope that all issues raised will be satisfied by its response. If not, the matter could be raised with trade union officials, who in return will liaise with the schools.
- 12.2 Alternatively, the matter could be taken outside the school and, if so, advice should be taken from an appropriate person with specialist knowledge of these types of issues, which a trade union official could advise on.

### Roles and responsibilities

- 13.1 The Trust has overall responsibility for the maintenance and operation of this policy. Within her/ his duty to ensure that the school acts lawfully, s/he will maintain a record of all concerns raised under this policy and the outcomes of any investigations.

### Monitoring and evaluation

The Trust is responsible for monitoring the implementation of this policy. The Principal's are responsible for making an annual report to Governors regarding any changes to the policy or serious staff infringements

### Monitoring and review

This policy will be reviewed following a whistle blowing case.

**PROCEDURE**

## Stage 1

- As the first step, you should raise the matter with an appropriate level of line management which would normally be your own line manager or the member of staff designated to deal with initial whistle blowing. Much depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. If you believe that your immediate manager(s) is involved, the principal or chair of governors should be approached. If you work at small primary or special school, you would probably go straight to the principal.
- Concerns may be raised orally or in writing, but it is preferable for an allegation to be set out in writing. An allegation may also be made by phone or email. It is important, however, that when the concern is raised, you make it clear that the issue is being raised under the Whistle Blowing Policy.
- You will be asked to demonstrate to the person that you contact that there are sufficient grounds for concern.
- If the allegation is written, the background and history should be set out, giving names, dates and places wherever possible, and the reasons why the situation is a cause for concern. You should date and sign this statement.
- If the allegation is made orally, you can invite a friend or representative of a trade union/professional associate to be present. It is also permissible for a trade union or professional association representative to raise the matter on your behalf.
- If you wish to raise the concern confidentially, this must be made clear to the person who is initially contacted.
- If you have raised the issue orally, you will be asked to put your concerns into writing, which you should date and sign.
- You will be told what steps the line manager intends to take to address the concern. He/she may be able to take the appropriate steps to investigate the matter raised. Alternatively, he/she may refer the matter to a member of the senior leadership team, the principal or to the chair of governors.
- Once the issue has been raised, you will be contacted within five working days by the principal or the chair of governors who will arrange to meet to discuss the matter. Again a friend or trade union/professional association representative may accompany you for the purposes of giving support.
- Notes will be taken of the details of the concern and you will be asked to sign a copy of these notes.
- Depending on the gravity of the allegation, the principal will consult with the appropriate body. It is at this point that it may become impossible to retain complete confidentiality, should the matter become an issue, for example for the school's disciplinary policy or even a matter for the police. The principal should always inform the LA's head of legal services (for a maintained school) or equivalent official in the case of an academy or free school.
- An initial response will be given within five working days. You will be informed of the progress of the investigation and if continued confidentiality is an issue.
- When the matter has been fully investigated and a conclusion reached, a formal written response will be sent to you.

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- The line manager/principal will also notify the person who the subject of the disclosure within five working days of the meeting. Upon receipt of the information, the individual will be able to appeal against any decisions by writing to the principal or governing board.

### Stage 2

- If you are dissatisfied with the school's response, you can raise the matter within 10 working days of the date of the school's response by writing to the principal or chair of governors.
- The headteacher/principal/chair of governors will then write to you within five working days of receiving the letter to arrange a meeting to discuss the continuing concerns and why you are dissatisfied with stage 1. This meeting should take place promptly. Again, you may be accompanied by a friend or representative of your trade union/professional association.
- The headteacher/principal/chair of governors may then decide to investigate further and will need to decide what action to take. You will be updated with the outcome of the meeting within five working days.

### Stage 3

- If you are dissatisfied with the outcome of stage 2, you may opt to take the matter to stage 3, by raising the matter externally within 10 working days of the date of the decision letter at stage 2, with any of the prescribed people or bodies recommended in the government publication "Blowing the whistle to a prescribed person: a list of prescribed people and bodies" available from [www.gov.uk](http://www.gov.uk).