



SPECIALIST SCHOOLS TRUST

Title: Whistle Blowing Policy

Lead Reviewer: Human Resources and Administration
Manager

Who this is aimed at: All Staff

Version	Reason for Change
V1 2012	New Policy
V2 2015	Amendments to reflect philosophy of school
V3 2019	Review
V4 2022	Review
V5 2023	Review and amendments to become a Trust Policy

Date Initially Implemented	September 2012
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Policy Statement

The Trust seeks to run all aspects of business and activity with full regard for high standards of conduct and integrity. If members of Trust staff, parents, governors, or the Trust community at large become aware of activities which give cause for concern, the Trust has in place a Whistle Blowing Policy and Procedure.

The Policy is a statutory requirement. It acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion, under the Trust's Disciplinary Policy and Procedure.

The Trust is committed to tackling fraud and other forms of malpractice and treat these issues seriously. The Trust recognises that some concerns may be extremely sensitive. The Trust has therefore developed a system which allows for the confidential raising of concerns within each school environment, but which also has recourse to an external party outside the management structure of the school. All concerns raised by whistle blowers will be responded to properly and fairly.

All staff are made aware of the Whistle Blowing process and how it will be managed, as outlined below, through regular briefings and through each school's Staff Handbook.

This Policy does not form part of any employee's contract of employment and it may be amended at any time.

Application

This Policy applies to all employees directly employed by the Trust, including Headteachers.

Appropriate Circumstances for Whistle Blowing

Individuals are encouraged to come forward with genuine concerns, knowing they will be taken seriously. A whistle blower should ask themselves a few questions about their concern before acting:

- Is it in the public interest?
- Is it, or do you believe it to be, illegal?

- Is it a criminal offence?
- Is the environment damaged or likely to be damaged?
- Is it, or do you believe it to be, against codes of practice issued by the Trust, School, the Local Authority (LA), the DFE or a professional body?
- Does it contradict what the employee has been taught, or should have been taught?
- Is it about an individual's behaviour or is it about general working practices?
- Has the whistle blower witnessed the incident?
- Does it constitute the covering up of wrongdoing?
- Does it concern actions that negatively affect the welfare of children?

If any individual raises malicious unfounded concerns or attempts to make mischief, this will also be taken seriously and may constitute a disciplinary offence or require some other form of penalty appropriate to the circumstances. The headteacher will consider whether any disciplinary action is appropriate against the individual who made it. The police may be asked to consider whether any action might be appropriate against the person responsible, even if s/he was not a learner or employee.

Examples of issues include:

- Manipulation of accounting records and finances.
- Inappropriate use of Trust assets or funds.
- Gross mismanagement of funds.
- Decision making for personal gain.
- Any criminal activity.

- Damage to the environment of the Trust Schools, to property belonging to a Trust School, or to a member of the Trust community.
- Dangerous practices.
- Child protection issues including sexual, emotional, or physical abuse of learners or others.
- Abuse of position.
- Serious misuse or abuse of authority.
- A miscarriage of justice.
- Fraud and deceit or corrupt practices.
- Serious breaches of Trust school procedures which may advantage a particular party (for example, tampering with tender documentation, failure to register a personal interest).
- Other unethical conduct, including the circulation of inappropriate e-mails.
- A breach of any legal obligation.
- Suppressing information about anything listed above.

Whistle blowers are encouraged to put their name to an allegation. If confidentiality is requested, the Headteacher of each Trust School will do their best to protect the identity of any member of staff who raises concerns. They will not disclose the identity of the whistle blower to the person who is the subject of the disclosure or to others not involved in the investigation unless it is absolutely necessary to do so and only with the prior consent of the individual concerned.

There are, however, circumstances under which complete confidentiality may be difficult for the Headteacher to maintain. For example:

- If the matter leads to a legal procedure and evidence is required by the court.
- If the issue raised comes within the remit of another School procedure and the whistle blower is asked to provide a signed statement as part of the evidence, thus revealing their identity.
- When the safeguarding of children is the issue.

Anonymous allegations will only be considered if the issues raised are:

- Profoundly serious.
- The credibility of the allegation is considered to be high.
- The likelihood of confirming the allegation is high.

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. 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, your school's Headteacher should be approached.
- 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 association 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. They may be able to take the appropriate steps to investigate the matter raised. Alternatively, they may refer the matter to a member of the School's Senior Leadership Team, the Headteacher or to the Chair of Governors.
- Once the issue has been raised, you will be contacted within five working days by the Headteacher 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 Headteacher 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 Trust's Disciplinary Policy and Procedure or even a matter for the police. The Headteacher should always inform the Chair of Governors.
- 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.
- The Line Manager/Headteacher will also notify the person who is 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 Headteacher.

Stage 2

- If you are dissatisfied with the School's response, you can raise the matter within ten working days of the date of the School's response by writing to the Headteacher or Chair of Governors.
- The Headteacher/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/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 ten 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.

In taking your concern outside the School, you should ensure that, as far as possible, the matter is raised without confidential information being divulged.

You are protected by law from dismissal, harassment, bullying or other detriment by the School or other members of staff with whom you work. If this occurs, you have the right to take your case to an employment tribunal.

Allegations Against the Headteacher

If an employee is concerned that the Headteacher is the wrongdoer or involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, this should be reported to the Chair of Governors. The Governors may investigate the allegation themselves in the first instance but are recommended to involve an external legal team.

If the employee feels the Governors have not dealt appropriately with the issue, then they may wish to appeal direct to an external legal team.

Employees who feel unable to follow this route have the option of contacting one of the prescribed persons as in Stage 3 above or one of the following government departments as appropriate:

- HM Revenue and Customs.
- The Financial Conduct Authority.
- The Office of Fair Trading.
- The Health and Safety Executive.
- The Environment Agency.
- The Director of Public Prosecutions.
- The Serious Fraud Office.
- The Education and Skills Funding Agency.
- The Department for Education.
- The National College for Teaching and Leadership.

Related Documents

This document should be read in conjunction with other Trust Policies, including those relating to Disciplinary Policy and Procedure.

Complaints

Any employee is entitled to make a complaint in respect of any aspect of the Whistle Blowing Policy through the Trust's Grievance Policy and Procedure.