

WHISTLEBLOWING POLICY

Version and Date		Action/Notes
1.0	Sept 2015	Reviewed and updated
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Signature of CEO: 	Signature of Chair of Trustees: 

Background

In these guidelines, the term 'whistleblowing' means the confidential raising of problems or concerns relating to any wrongdoing perceived or actual within an organisation. This is not 'leaking' information but refers to matters of impropriety, for example, a break of law, school procedures or ethics. Some Trusts cover 'whistleblowing' in another policy such as an anti-fraud and corruption policy, a bullying and harassment policy or through the child protection procedures. However, it is not appropriate for whistleblowing arrangements to be used for the raising of a grievance within an academy (which would be dealt with under the staff grievance procedures). This policy covers all employees, officers, workers and agency workers.

Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the Public Interest Disclosure Act 1998 and Employment Rights Act 1996. This policy has been created with regard to the following guidance documents:

- GOV.UK (2015) 'Whistleblowing for employees'
- DfE (2014) 'Whistleblowing procedures for maintained schools'
- Sir Robert Francis (2015) 'Freedom to speak up report'

And operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Records Management Policy
- Complaints Procedures Policy

Introduction

The staff and governors of The Dean Trust seek to run all aspects of Trust business in relation to all schools within the Trust and activity with full regard for high standards of conduct, honesty and integrity. If members of school staff, parents, governors or the school community at large become aware of activities which give cause for concern, we have this whistleblowing policy. This 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, including where appropriate under the school's disciplinary procedure.

We are committed to tackling fraud and other forms of malpractice and treat these issues seriously. We recognise that some concerns may be extremely sensitive and have therefore developed a system which allows for the confidential raising of concerns within the environment of each academy in the Trust.

A whistleblower is a person who raises a genuine concern relating to any of the circumstances below. If you have any genuine concerns related to suspected wrongdoing or danger affecting the Trust or any of our academies' activities (a whistleblowing concern) you should report it under this policy. The Public Interest Disclosure Act 1998 (PIDA) protects employees who "blow the whistle". Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure remain confidential. Any member of the school community or general public is able to "blow the whistle"; however, the PIDA only protects employees. If you are uncertain whether something is within the scope of this policy, you should seek advice from the HR Manager.

This policy does not form part of any employee's contract of employment and the Trust may amend it at any time.

The Headteacher of an individual school is the first point of contact for whistleblowing queries raised by staff at the School. If the allegation is related to the Headteacher, issues will be raised with the Chair of Governors.

For staff members with Trust wide responsibility the first point of contact for Whistleblowing queries raised by staff is the Chief Executive Officer. If the allegation is related to the Chief Executive Officer, issues will be raised with the Chair of Trustees.

Definitions

Whistleblowing: Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

Qualifying disclosures: As outlined by (PIDA) 1998, qualifying disclosures pertain to when any of the following take place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

In the public interests means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the suspected wrongdoing disclosed
- The nature of the suspected wrongdoing disclosed
- The identity of the alleged wrongdoer

Blacklisting refers to an individual who is being refused work as they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

Roles and responsibilities:

The Executive Team will be responsible for:

- The overall implementation of this policy.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the Headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where members of the school community can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.

The Executive Team will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by the school community.
- Being the first point of contact regarding whistleblowing.

The Chair of the Local Governing Body will be responsible for receiving any concerns about the Headteacher.

The Chair of Trustees will be responsible for receiving any concerns about any member of the Executive Team.

All members of the school community will be responsible for:

- Raising any concerns that meet the definitions
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

Scope

This policy will:

- Give confidence to members of the school community when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of the school community with avenues to raise concerns.
- Ensure that members of the school community receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.
- This policy will not be confused with the procedure on dealing with harassment at work or the school's Grievance and Disciplinary Policies and Procedures.

Under this policy, any of the following can raise a concern:

- Employees of the school
- Employees of contractors working for the school, for example, agency staff, builders and drivers
- Employees of suppliers
- Voluntary workers working with the school
- A trainee, such as a student teacher
- Pupils
- The wider community
- Governors

In reference to the above point, it is worth noting that the PIDA only protects the school's employees; however, the school will never harass or victimise a non-employee for raising concerns.

Harassment and victimisation of staff

- The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.
- Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.
- Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

Non-employees

- The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. PIDA does not therefore protect self-employed professionals and voluntary workers.
- Irrespective of 7.1, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.
- Where an individual feels that they have been unfairly treated following blowing the whistle, they should use the school's Complaints Procedures Policy.
- Governors are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

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, the Headteacher or Chair of Governors of The Dean Trust academy in which you work should be approached.
- If the complaint is such that you do not feel able to raise it with someone connected to the Trust or any one of its academies, the Trust should ensure that you are made aware of how and with whom the matter can be raised externally. Please see Stage 3 for further information.
- 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. 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 and every effort will be made to keep your identity secret.
- 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 the Headteacher or to the Chair of Governors of The Dean Trust academy in which you work, or other suitable person.
- Once the issue has been raised, you will be contacted usually **within five working days** by the Headteacher or the Chair of Governors or other suitable person, who will arrange to meet to discuss the matter. You may bring a friend, colleague or trade union/professional association representative with you for the purposes of giving support. Your companion must respect the confidentiality of your disclosure and any subsequent investigation and will not have a voice in the proceedings.
- 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 or Chair of Governors of the Dean Trust academy in which you work 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.
- An initial response will be given usually **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/Chair of Governors of the Dean Trust academy in which you work will, where appropriate, also notify the person who is the subject of the disclosure usually within five working days of the meeting.
- **Stage 2**
- If you are dissatisfied with the response, you can raise the matter **within 10 working days** of the date of the Trust's response by writing to the Headteacher or Chair of Governors of the Dean Trust academy in which you work. Alternatively, you may contact the Chair of the Audit Committee.
- The Headteacher/Chair of Governors of the Dean Trust academy in which you work or other appropriate person will then write to you usually **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, colleague or representative of your trade union/professional association, who can provide support to you but will not have a voice in the proceedings.

- The Headteacher/Chair of Governors of the Dean Trust academy in which you work 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 usually **within five working days**.

Stage 3

- The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any suspected wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone internally.
- However, the law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their website address is below.
- 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 following, as appropriate.
 - The Chair of the Trustees.
 - The relevant professional bodies, regulatory organisations or a recognised trade union.
 - A solicitor.
 - The auditor.
 - A county councillor or your local member of parliament.
 - The local government ombudsman.
 - The police.
 - Public concern at work <http://www.pcaw.co.uk>.
- In taking your concern outside the Trust, you should ensure that, as far as possible, the matter is raised without confidential information being divulged.

Next steps

- The Chair of Trustees (or other relevant professional listed above) will write to the individual **within 10 working days** of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.
- The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Chair of Trustees (or other relevant professional listed above) will establish if:
 - There are grounds for a concern and that it is genuine.
 - The concern was raised in accordance with this policy.
- During the initial interview, the Chair of Trustees (or other relevant professional listed above) will request the individual puts their concern in writing, if they have not already done so. The Chair of Trustees (or other relevant professional listed above) will write a summary of the concern if the individual is unable to put it in writing.
- The Chair of Trustees (or other relevant professional listed above) will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the governing board will do everything in their power to protect the complainant from discrimination.
- That, if the concern is not confirmed, no disciplinary action will be taken against the complainant, if the concern is genuine.
- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.
- If an investigation is carried out, the whistleblower will be informed of the final outcome.
- A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's retention procedures.
- It may be possible for the concern to be resolved simply, by agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:
 - Be investigated by management, an internal audit or through the disciplinary process.
 - Be referred to the police or an external auditor.
 - Form the subject of an independent inquiry.
- If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.
- A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept, which can be cross-referenced with other complaints, to monitor any patterns of concern across the school and to assist in monitoring the procedure.
- The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

What the school asks of you

- The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:
 - Do not take the concern outside the school, e.g. gossiping.
 - Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

Appeal process

If no action is to be taken, and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Procedure Policy.

Unfair treatment

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

Further information can be sought from the [Citizen's Advice Bureau](#), the whistleblowing charity [Protect](#), or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

WHISTLEBLOWING PROCEDURE

	Academy Level	Trust Level
STAGE 1	Raise with HT/Chair of Governors	Executive Team/Chair of Trustees
Within 5 working days	Letter to arrange meeting	
Within 5 working days	Initial response; with progress and details of if confidentiality an issue Followed by written notification of outcome	
Within 5 working days	Notify subject of disclosure	
	IF NOT SATISFIED	
STAGE 2		
Within 10 working days	Notify HT/Chair of Governors	Executive Team/Chair of Trustees
Within 5 working days	Letter to arrange meeting	
Within 5 working days	Initial response with progress	
	IF NOT SATISFIED	
STAGE 3 - EXTERNAL		
Within 10 working days	Raise with : <ul style="list-style-type: none"> • The Chair of the Trustees. • The relevant professional bodies, regulatory organisations or a recognised trade union. • A solicitor. • The auditor. • A county councillor or your local member of parliament. • The local government ombudsman. • The police. • Public concern at work http://www.pcaw.co.uk. 	
Within 10 working days	Letter to confirm concern received and indicate measures being taken. This will include:- <ul style="list-style-type: none"> - Interview with whistleblower - Assessment of further action - Investigation 	
	Whistleblower kept informed of results and actions taken	
APPEAL	If no action taken and whistleblower still unsatisfied, can raise a complaint under the Complaints Procedure	