

ST BARTHOLOMEW'S SCHOOL

WHISTLEBLOWING POLICY

Approved by People Committee Summer 2018

Approved by Trust Board Summer 2018

To be reviewed Summer 2021

<u>Contents</u>	<u>Page</u>
1. Purpose	1
2. Scope	2
3. What Is Whistleblowing?	2
4. Who To Make A Disclosure To	2
5. How To Make A Disclosure	3
6. Anonymous Allegations	3
7. Dealing With Disclosures	3
8. Safeguards Against Harassment Or Victimisation	4
9. Confidentiality	4
10. Unfounded Disclosures	5
11. Whistleblowing To A Third Party (Prescribed People and Bodies)	5
12. Advice and Guidance	6
13. Media	6
14. Unfair Treatment	6
15. Evaluation	6
16. Data Protection	6

1. Purpose

1.1 The Trust is committed to creating an open, transparent and safe working environment where employees feel they are able to speak up in the knowledge that the Trust is committed to listening to their concerns.

1.2 Employees are often the first to realise that there may be something seriously wrong within the Trust and the Leadership Team and Governors welcome this information being brought to their attention.

1.3 This policy makes it clear that employees can do so without fear of victimisation, subsequent discrimination or disadvantage.

1.4 The Trust recognises that employees are valuable eyes and ears and the information that they may uncover could prevent wrongdoing which may damage the Trust's reputation and or performance and could even save people from harm, by enabling the Trust to:

- deal with a whistleblowing disclosure through prompt investigation,
- to make decisions and control any risk, and
- be able to resolve the wrongdoing quickly internally rather than going to a third party.

1.5 This Whistleblowing Policy aims to:

- encourage and enable employees to raise serious concerns within the Trust rather than overlooking a problem or “blowing the whistle” outside;
- provide avenues for you to raise concerns and receive appropriate feedback;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2. Scope

2.1 This policy applies to all employees, casual staff, trainees and contactors working within the Trust.

3. What Is Whistleblowing?

3.1 Whistleblowing is the term used when an employee passes on information concerning wrongdoing. This policy will refer to this as “making a disclosure” or “blowing the whistle”.

3.2 To be covered by whistleblowing law, an employee who makes a disclosure must reasonably believe two things:

Firstly, that they are acting in the public interest. This means that personal grievances and complaints are not covered by this policy and the whistleblowing law. (For personal grievances please refer to the Grievance Procedure.)

Secondly, that the employee reasonably believes that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences (this may include, for example, types of financial impropriety such as fraud, bribery or corruption)
- failure to comply with an obligation set out in law
- miscarriages of justice
- endangering of someone’s health and safety
- damage to the environment
- covering up wrongdoing in the above categories.

3.3 Further guidance on whistleblowing can be found on the ACAS website: www.acas.org.uk

4. Who To Make A Disclosure To

4.1 Where an employee feels able to do so they may make a disclosure to a member of the Leadership Team, who will be able to decide whether they can take forward the disclosure or whether it will require escalation.

4.2 The Headteacher should be approached if it is not applicable to make the disclosure to other members of the Leadership Team.

4.3 The Chair of Trustees should be approached if it is not applicable to make the disclosure to the Leadership Team or Headteacher. The Chair of Trustees may delegate any investigation to another member of the Trust Board.

5. How To Make A Disclosure

5.1 Concerns may be raised verbally or in writing.

5.2 The earlier you express the concern the easier it will be to take action.

5.3 Employees who wish to make a written report are invited to use the following format:

- Explain the background and history of the concern (giving relevant names and dates);
- Give the reason why you are particularly concerned about the situation.

5.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for your concern.

5.5 You may be able to obtain advice/guidance from within the Trust on how to pursue matters of concern from:

- the Headteacher
- the Leadership Team
- your Line Manager
- Trade Union Representatives
- the Human Resources Officer.

5.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

6. Anonymous Allegations

6.1 You are encouraged to put your name to your allegations whenever possible. This is because concerns expressed anonymously are less powerful and are also more difficult to investigate.

6.2 Anonymous allegations will be considered and investigated, taking the following factors into account:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

7. Dealing With Disclosures

7.1 Once a disclosure has been made normal practice will be to hold a meeting with you, as soon as possible and within 10 working days, to gather all the information and facts needed to understand the situation.

7.2 You may invite your trade union representative or a workplace colleague to be present during any meetings or interviews in connection with the disclosure you have raised.

7.3 An appropriate note taker may also be present at the meeting to take minutes.

7.4 At the meeting the following areas may be discussed, as appropriate:

- the grounds for the belief of malpractice,
- what action needs to be taken,
- suggestions as to how the Trust may deal with the matter,
- what form of investigation may take place,
- what feedback you can expect,
- timescales for providing updates to you,
- supplying you with information on staff support mechanisms,
- in addition to any concerns you may have about confidentiality.

7.5 The meeting will be followed up in writing to you, acknowledging receipt of your disclosure, detailing any decisions or actions to be taken, any relevant timeframes and enclosing the minutes of the meeting.

7.6 In some cases a suitable conclusion may be reached through an initial conversation with the Leadership Team/Headteacher/Governor.

7.7 In more serious cases there may be a need for the Leadership Team/ Headteacher /Governor to:

- instigate a formal internal investigation,
- instigate an independent inquiry by an external person appointed by the Trust,
- report the matter to the Department for Education,
- refer the matter to the Police.

7.8 Concerns over allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures.

8. Safeguards Against Harassment Or Victimisation

8.1 The Trust recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true, you should have nothing to fear because you will be doing your duty to the Trust and those for whom you are providing a service.

8.2 The Trust is committed to good practice and high standards and wants to be supportive of employees during what can be a difficult or anxious time, with access to mentoring advice and counselling.

8.3 Making a disclosure will not affect your position at the Trust.

8.4 The Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you make a disclosure in good faith.

9. Confidentiality

9.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish, unless there is a legal requirement to do so. At the appropriate time, however, you may need to come forward as a witness in order to help resolve the matter and this will be discussed with you.

9.2 The Trust accepts that you need to be assured that the matter has been properly addressed and, therefore, we will aim to give you as much feedback as we properly can and subject to legal constraints we will inform you of the outcome of any investigation.

10. Unfounded Disclosures

10.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

10.2 If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action will be taken against you.

11. Whistleblowing To A Third Party (Prescribed People and Bodies)

11.1 This policy is intended to provide you with an avenue within the Trust to raise concerns. However, there may be circumstances where you feel unable to. If you are not *able to make the disclosure within the Trust* and you feel it is right to take the matter outside of the Trust, the following website provides a list of **Prescribed People and Bodies**, who are regulators for Education establishments to whom you can make a disclosure and your employment rights will still be protected:

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

11.2 Other specific organisations to whom you can make a relevant disclosure and your employment rights will be protected are:

Organisation	Area of Concern	Other Contact Details
Thames Valley Police	Criminal Law, Fraud & Corruption	www.thamesvalley.police.uk
Member of Parliament	Treated unfairly by a Government office or agency. A problem affecting people in your local area.	http://www.parliament.uk/get-involved/contact-your-mp/

12. Advice and Guidance

12.1 These are organisations who will provide advice and guidance to individuals on whistleblowing dilemmas. If you do seek advice outside the Trust, you should ensure that you do not disclose confidential information.

Organisation	Other Contact Details
Public Concern at Work	www.pcaaw.org.uk
ACAS	www.acas.org.uk
GOV.UK	www.gov.uk/whistleblowing
Trade Union Representative	Contact your relevant representative or branch.
Relevant Professional Bodies	Contact your relevant professional body.

13. Media

13.1 Please be aware that if you go to the media with your disclosure you can expect in most cases to lose your whistleblowing law rights.

14. Unfair Treatment

14.1 If you believe that you have been treated unfairly because you have blown the whistle you may decide to take your case to an employment tribunal. The process for this would involve attempted resolution through the Advisory, Conciliation and Arbitration Service (ACAS) early conciliation service. (See contact details above.)

15. Evaluation

15.1 The Headteacher will report the number of whistleblowing disclosures received and their nature to the People Committee for monitoring purposes.

15.2 The Trust Board will review this policy every three years.

16. Data Protection

16.1 The Trust respects your right to privacy and has put in place adequate policies and safeguards to protect your information and comply with the General Data Protection Regulations (GDPR) 2016 and the Trust's Data Protection Policy. Full details of how we use your information can be found on the Staff Privacy Notice on the Trust's website. If you require more information, please contact the Data Protection Officer, Email: DPO@stbarts.co.uk.

Signed by Chair of Trustees

Date