



Cleveland
LEARNING TRUST

WHISTLEBLOWING POLICY

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WHISTLEBLOWING POLICY

1.0 PURPOSE

- 1.1 The Clevedon Learning Trust (the 'Trust') is committed to the highest possible standards of openness, probity and accountability. In line with this, any individual working within a Trust school who has serious concerns about malpractice, risk or wrongdoing is encouraged through this policy, to feel confident to disclose those concerns without fear of harassment or victimisation.
- 1.2 This policy aims to:
- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns;
 - Provide members of staff with avenues to raise concerns;
 - Ensure that members of staff 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 Public Interest Disclosure Act (PIDA) 1998.

2.0 DEFINITION AND EXPLANATION OF WHISTLEBLOWING

- 2.1 Someone is 'whistleblowing' when they tell their employer, a regulator, the police, or the media about a wrongdoing, risk or malpractice that they are aware of through their work. (*Source: Public Concern at Work*)
- 2.2 The person blowing the whistle is usually not directly affected by the danger or illegality and therefore rarely has any personal interest in the outcome of the investigation into their concern. For this reason the whistleblower should not be expected to prove their concern, rather they are the messenger alerting others to their concern so they can address it. They are a witness rather than a complainant.
- 2.3 Whistleblowing is different from a complaint, where the person is saying that they have been poorly treated and therefore will have a vested interest in the outcome of any investigation and would be expected to provide supporting evidence in relation to their concern. In these circumstances the Trust's Grievance Procedure should be used where a worker wishes to raise a concern relating to their own employment. The Trust's Complaint's Procedure is available to those who wish to raise a concern but who are not directly employed by the Trust.

3.0 APPLICABILITY

- 3.1 This policy applies to all employees of the Trust, and to those contractors working for the school or Trust on our premises, for example agency staff, trainees on vocation/work experience, consultants, builders, drivers. Throughout, the term 'worker' will be used to describe all those covered by the policy.

4.0 LEGISLATION

- 4.1 The Public Interest Disclosure Act is designed to protect 'whistleblowers' from detriment and unfair dismissal. Workers are eligible for protection under the Act if:
- They honestly think that what they are reporting is true
 - They think they are telling the right person
 - They believe their disclosure is in the public interest.
- 4.2 The PIDA sets out the full statutory rights and obligations of workers wishing to whistleblow.

5.0 TYPES OF CONCERNS COVERED

- 5.1 This policy is intended to cover whistleblowing relating to alleged:
- Unlawful conduct
 - miscarriages of justice in the conduct of statutory or other processes
 - failure to comply with a statutory or legal process
 - breached of financial regulations or policies

- health and safety issues, including action likely to cause physical danger to any person (pupils, staff and public) and/or to give risk of serious damage to property
- action likely to cause or which has caused damage to the environment
- the unauthorised use of public funds
- fraud and corruption
- sexual or physical abuse or emotional abuse of pupils or members of staff
- unfair discrimination or favouritism
- other unethical conduct
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to significant, avoidable cost or loss of income to the school/ Trust or would otherwise seriously prejudice the school/Trust
- abuse of authority or the use of Trust and/or school authority for any unauthorised or ulterior purpose
- concealment of, or attempt to, prevent disclosure of any of these matters.

5.2 This is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this policy.

5.3 If a worker raises a concern related to a child protection issue, the Headteacher or Chair of Governors (if the concern is about the Headteacher) should urgently consult the LEA officer designated child protection lead. However, in relation to child protection issues, it is open to the worker to make a direct referral to the social services designated manager either before raising their concern with the governing body or, where the Headteacher or chair of governors fails to do so, after raising their concern and the member of staff remains concerned about the situation

6.0 ANONYMOUS ALLEGATIONS

6.1 You are encouraged to put your name to your allegation whenever possible. Concerns expressed anonymously or through a third party will be considered at the discretion of the school Headteacher in consultation with the Trust Executive Headteacher, taking account of:

- the seriousness of the issues raised;
- the creditability of the concern; and
- the likelihood of confirming the allegation from attributable sources.

7.0 FALSE OR MALICIOUS ALLEGATIONS

7.1 If a worker makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, further inquiry shows that untrue allegations were malicious and/ or vexatious, the School/Trust will consider taking action under the Trust's Disciplinary Policy.

8.0 ALLEGATIONS MADE IN GOOD FAITH

8.1 Where a worker makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against the worker.

9.0 HARASSMENT OR VICTIMISATION

9.1 The Trust will not tolerate harassment or victimisation of workers when matters are raised in accordance with the PIDA provisions. Any employee who victimizes or harasses a member of staff as a result of them having raised a concern in accordance with this policy will be dealt with under the trust's Disciplinary Policy.

10.0 CONFIDENTIALITY

10.1 All concerns will be treated in confidence and every effort will be made not to reveal the identity of the worker raising the concern, where this is their wish. However, investigation into the concern may reveal the source of the information and statements may be required from the worker as part of the evidence, which could be seen by all parties involved. If the investigation leads to prosecution the whistleblower is likely to be required to be called to court to give evidence. Where it is necessary to disclose your identity you will be informed of the reasons.

10.2 All records relating to the procedure will be marked 'private and confidential' and stored securely in accordance with the Data Protection Act 1998 and Freedom of Information Act 2000, which require the release of certain data to individuals on their request.

11.0 PROCEDURE

11.1 How to raise a concern

11.1.1 Concerns should be expressed in writing to the Headteacher. If the concern involves the Headteacher then the Chair of Governors should be the first point of contact. If, due to the nature of the concern, neither of these channels are appropriate then the following contacts may be used:

- The Trust Executive Headteacher
- The Chair of the Trust Board

11.1.2 The person with whom you raise your concerns will be the investigating officer. However, it is at the discretion of this person to delegate the investigation to another person if they feel this is appropriate.

11.1.3 If you feel that you cannot express your concerns within the school/ Trust, it is open to you to raise your concern with someone outside of the school/Trust setting from the list of organisations in the section in this policy: 'Taking the Matter Further'.

11.1.4 Your concern should be in writing for the avoidance of doubt. You should set out the background and history of the concern(s) (giving relevant details, e.g. names, date) and the reason why you are particularly concerned about the situation. You must also declare any personal interest you have in the matter.

11.1.5 If you feel unable to put your concern in writing you can still raise your concern verbally and should telephone or arrange to meet the appropriate person. You can also ask your trade union representative or professional association to raise your concern on your behalf or to support you in raising the concern.

11.1.6 The earlier you express the concern, the easier it is to take action.

11.1.7 You are not expected to prove beyond doubt the truth of an allegation, however you will need to demonstrate that there are reasonable grounds for a concern. You must not attempt to investigate a concern or accuse individuals directly.

11.1.8 Advice and guidance on how to pursue matters of concern may be obtained from:

- The Schools HR provider
- Officers with Internal Audit or
- Your trade union/professional association representative

11.1.9 Advice may also be obtained from Public Concern at Work, an independent charity which provides confidential advice for employees. Their telephone number is 020 7404 6609.

11.1.10 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.

11.1.11 You may invite your trade union/professional association representative or work colleague to be present during any meetings or interviews in connection with the concern(s) you have raised. Meetings can be arranged off school site if you wish.

11.2. How the School/Trust will respond

11.2.1 The action taken by the School/Trust will depend on the nature of the concern. In order to protect individuals and those accused of malpractice, initial enquiries will be made to decide whether an investigation is appropriate. Some concerns can be resolved by agreed action without the need for investigation. The overriding principle which the School/Trust will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or financial irregularities) will normally be referred for consideration under those procedures.

11.2.2 Possible courses of action under this policy include:

- Inquiry internal to the school/Trust;
- Referral to the Police if it relates to alleged criminal activity;
- Referral to the LEA who deals with complaints about financial management or financial propriety within schools;
- Referral to the LEA officer designated to lead on child protection, or where not available the local authority's designated social services manager for child protection; and
- Dealing under a more appropriate School/Trust procedure

11.2.3 If urgent action is required this will be taken before any investigation is conducted.

11.2.4 Within ten working days, the person with whom you raised the concern will write to you:

- acknowledging that the concern has been received;
- indicating how it is propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made
- informing you of support available whilst matters are being looked into; and
- informing you whether further investigations will take place, and if not, why not.

11.3 **The Inquiry Process**

11.3.1 The amount of contact between the investigating officer and you 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 from you. You will be able to be accompanied by your trade union, professional association or a fellow member of staff not involved in the area of work to which the concern relates. The investigating officer will:

- look into the allegation/concern seeking evidence and interviewing witnesses as necessary;
- maintain confidentiality wherever possible but will be mindful that no guarantee can be given to the whistleblower that they will remain anonymous;
- if appropriate, bring the matter to the attention of the LEA person dealing with complaints about financial management of schools;
- if appropriate, bring the matter to the police where matters of alleged criminal conduct are concerned; and
- if appropriate bring the matter to the attention of the LEA safeguarding lead for child protection/social services designated manager.

11.3.2 The investigating officer will aim to complete the inquiry within 15 working days from the date of the initial written disclosure, although the inquiry may extend beyond this timescale.

11.3.3 Where a referral is made to a statutory authority, e.g. police, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue the whistleblowing process.

11.3.4 The School/Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For example, if you are required to give evidence the School/Trust will arrange for you to receive advice about the procedure.

11.4 **The Inquiry Report**

11.4.1 Following the completion of the inquiry, the investigating officer will make a written report setting out his/her findings in relation to the concern/allegation, the evidence upon which these are based and any recommendation as to appropriate action to take. The report will not contain the whistleblower's name unless you have expressly stated that you want to be named.

11.4.2 Where the investigation is carried out by a person other than the Headteacher or Chair of Governors, the report will be submitted to the person who commissioned the report. This will normally be the Headteacher and Chair of Governors (unless implicated in the concern/allegation). If the Headteacher and Chair of Governors cannot reach agreement on appropriate action, the matter should be referred to the Trust Executive Headteacher.

11.4.3 The School/Trust acknowledges that you need to be assured that the matter has been properly addressed and you will be informed of the steps taken to resolve the matter. In some circumstances, however, it may not be possible to reveal the full details of the outcome of the inquiry, where, for example, this relates to personal issues involving a third party or legal constraints.

11.5 **Taking the matter further**

11.5.1 Hopefully you will be satisfied with any action taken in response to you raising a concern under this policy. If you are not, then you can raise a grievance/complaint under the Trust's appropriate policies or raise your concerns with other organisations as listed below:

- the local authority
- your trade union/professional association
- relevant professional bodies or regulatory organisations (for example Health and Safety Executive)
- the Police - for concerns of criminal behaviour
- a solicitor
- Public Concern at Work – an independent charity providing free advice (Tel: 020 7404 6609 or www.pcaaw.co.uk)

11.5.2 If you do take your concern(s) outside the School/Trust, you should ensure that you do not disclose confidential information. You should not take concerns directly to the media e.g. newspapers, radio.

12.0 **POLICY MONITORING AND REVIEW**

12.1 The Executive Headteacher has overall responsibility for monitoring this policy and will report to the Personnel and Staffing Committee Governing Body on an annual basis.