

Whistleblowing Policy 2019

Marish Academy Trust



Approved by: Strategic Board

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Last reviewed on:

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1 Introduction

Marish Academy Trust is committed to the highest possible standards of openness, probity and accountability in the delivery of its services to the people who live and work within our community. Whilst the Trust, DFE and indeed the Local Authority, has put in place a wide range of rules, regulations, procedures and codes of practice to deliver this commitment, malpractice and/or wrongdoing unfortunately still may occur.

This policy sets out the principles within which the Trust will deal with whistle-blowing issues, subject to the understanding that each case may need to be treated on its own individual merits. Once adopted by the Governing Body, this policy applies to all school staff, teaching and non-teaching (including full-time, part-time, permanent, fixed term or temporary contract).

Employees are often the first to realise that there may be something seriously wrong within the school or the Trust. However, you may be worried about raising such issues or may want to keep the concerns to yourself because you may consider that it is none of your business or that it is only a suspicion. You may also feel that raising the matter would be disloyal to your colleagues, managers or to the Trust itself. Also, you may decide to say something but find that you have not spoken to the right person, or you have raised the issue in the wrong way and are not sure what to do next. It is worth remembering that your Trade Union, professional organisation or regulatory body can play a valuable role in assisting you raise your concerns under this policy.

The Governing Body and the leadership of both the Trust schools are not prepared to tolerate any such malpractice, abuse or wrongdoing and expect employees, and others that we deal with, who have concerns about what is happening at work to come forward and voice those concerns. This policy has been introduced by the Trust to enable you to raise your concerns about such malpractice or wrongdoing at an early stage and in the right way, without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable you to raise concerns within the Trust or if you feel that this is not appropriate then externally rather than overlooking a problem.

The Trust has particular responsibility for protecting the welfare of children and employees are under an obligation to raise concerns about any suspected abuse.

This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.

2 Independent Advice

If you are unsure whether to use this procedure or you want independent advice at any stage you may contact:

PROTECT (formerly PUBLIC CONCERN AT WORK)
The Green House
244-254 Cambridge Heath Road
London E2 9DA.

Protect Advice Line: Tel: 020 3117 2520 (* option 1)

Email: whistle@protect-advice.org.uk

Web: <https://protect-advice.org.uk/>

Protect is a registered charity who are leading experts in whistleblowing and can provide free, confidential advice at any stage about how to raise a concern about serious wrongdoings or malpractice at work.

Alternatively, you may wish to seek assistance from your Trade Union or professional organisation. The contact points for recognised Trade Unions within the locality are as set out in **Appendix A**.

3 What is Malpractice, Abuse or Wrongdoing?

Malpractice, abuse and wrongdoing can include a whole variety of issues and some are listed in **Appendix B**. However, this is not a comprehensive list but is intended to illustrate the sort of issues, which may be raised under this policy.

This policy is primarily for concerns where the interests of others or of the Trust itself are at risk. It is not for use if you are aggrieved as an employee about your personal position. In this situation you should use the Trust's existing Grievance Policy and procedure.

4 The Academy Trust's Assurances to Employees

If you raise a genuine concern under this policy you will not be at risk of losing your job or suffering any form of retribution as a result. If you are acting in good faith it does not matter if you are mistaken. However, the Trust will view very seriously any false and malicious allegations, which are made under this policy and will regard such allegations by any employee of the Trust as a serious disciplinary offence.

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

If you ask us to protect your identity by keeping your confidence we will not disclose it without your consent. However, it is possible that we will be unable to resolve the concern raised without revealing your identity (e.g. because your evidence is needed in Court) but if this occurs we will discuss with you how we should proceed.

5 Qualifying disclosures

If the employee makes a disclosure of information which they reasonably believe is in the public interest and that one or more of the following is either happening, has happened or is likely to happen in the future, this will be a "qualifying disclosure" and the employee will be offered protection as a whistle blower.

The disclosure must relate to the following:

- a criminal offence has been committed, is being committed or is likely to be committed
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which s/he is 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 indicating any matter falling within any one of the above has been, is being or is likely to be deliberately concealed.

In schools, this can include:

- a misuse of school funds and/or financial malpractice
- safeguarding concerns with respect to children or any action that negatively affects the welfare of children (See Appendix D)
- public examination fraud/SATs maladministration
- an unauthorised disclosure of confidential information
- any conduct likely to damage the school's reputation

6 How to Raise a Concern

Any concerns that you have may be raised orally or in writing and those who wish to make a written statement should set out the background and history of the concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. The earlier you express your concern the easier it will be to take action. **REMEMBER - IF IN DOUBT RAISE IT.**

The Trust will not expect you to prove that your concern is true, but you will need to demonstrate to the person contacted that there are reasonable grounds for you to raise the issue.

It is perfectly acceptable for you to discuss your concern with a colleague and you may find it more comforting to raise the matter if there are two (or more) of you who have had the same experience or concerns.

If you are an employee and have a concern about any malpractice, abuse or wrongdoing we hope you will feel able to raise it first with your Line Manager or team leader. If you feel unable to raise the matter with your team leader, then please raise the matter with the Associate or Executive Headteacher.

If the above channels have been followed and you still have concerns or if you feel that the matter is so serious that you cannot discuss it with your Team leader or Head Teacher; or you consider that it is not appropriate to do so then you can contact a member of the Trust's Governing Body.

7 How the Trust Will Handle the Matter

Once you have told us of your concern we will look into it to assess initially what action should be taken. This may involve an internal enquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it.

It may be necessary to arrange a meeting with you and if you so wish you can be accompanied by a Trade Union representative or a work colleague.

Where it is considered appropriate, the matters raised may be referred to external agencies to investigate, e.g. the Police, external auditor or through some other form of independent inquiry. We will of course, tell you if this is going to happen.

Within 10 working days of a concern being raised by you, the person handling the matter will write to you

- a. acknowledging that the concern has been received;
- b. indicating how we propose to deal with the matter;
- c. giving an estimate of how long it will take to provide a final response;
- d. telling you whether any initial enquiries are being made;
- e. supplying you with information on staff support mechanisms;
- f. telling you whether further investigations will take place, and if not, why not.

Whilst the purpose of this policy is to enable us to investigate your concerns of malpractice, abuse or wrongdoing and take appropriate steps to deal with it, we will give you as much feedback as we properly can. Please note that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

The Trust will take steps to minimise any difficulties which you may experience as a result of raising the concern. Thus, if you are required to give evidence in criminal or disciplinary proceedings the Trust will arrange for you to receive advice about the procedure.

8 Support to those raising concerns

The school is committed to good practice and high standards and will be supportive of employees raising genuine concerns. The school recognises that the decision to report a concern can be a difficult one to make. Where the employee raises a genuine concern under this policy, they should have nothing to fear as they will be considered as discharging their duty to the school. An investigation into concerns raised under this policy will not influence or be influenced by any formal procedures (e.g. disciplinary or redundancy) that the employee may already be subject to.

Confidentiality

All concerns will be treated in confidence and all reasonable efforts will be made to avoid revealing the employee's (whistle blower's) identity if requested by them. It may not be possible to keep an employee's identity confidential whilst carrying out a thorough investigation and they may need to be identified as a witness at an appropriate time. If it becomes necessary to reveal the employee's identity, they will be informed in writing and of the reasons why it is necessary to identify them.

Untrue or Malicious Allegations

If an employee makes a disclosure which they reasonably believe to be in the public interest, which is not confirmed by the investigation, no action will be taken against them. The outcome will be notified to the employee. The school will deem the matter to be concluded and that it should not be raised again unless new evidence comes to light. If, however, an employee makes an allegation frivolously, maliciously, vexatiously or for personal gain, disciplinary procedures will apply.

9 Anonymous Allegations

You are encouraged to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Governing Body. In exercising this discretion, the factors to be taken into account will include:

- a. the seriousness of the issues raised
- b. the credibility of the concern
- c. the likelihood of confirming the allegation from attributable sources.

If you do raise a concern anonymously and it is considered, then it will not be possible for you to be contacted, for instance to inform you of the outcome of your concern or to discuss any aspect of your concern.

10 How to Raise a Concern – Externally

This section explains how to raise a concern external to the Trust and Governing Body with the Local Authority. Whilst we hope this policy gives you the reassurance you need to raise such matters internally, some circumstances may require an external approach.

Thus, you are completely at liberty to raise any concern externally at any time with any of the external agencies set out in **Appendix C**. The telephone numbers are general contact numbers so you will need to explain the nature of your concern and ask to be put through to the appropriate Department and/or person.

These external agencies are aware of and have endorsed this policy.

11 Publicising the policy

The school will ensure:

- that staff receive appropriate training in respect of this policy
- that this policy is communicated to all staff and is readily accessible
- for all new staff, the policy is available upon commencement of employment with a declaration form to be signed by them (See Appendix E)

Appendix A

List of Recognised Trade Unions

NAME OF UNION	ADDRESS	CONTACT POINT
GMB Southern (Regional) Office	Cooper House 205 Hook Road Chessington Surrey KT9 1EA Phone: 020 8397 8881	Regional Officer
Unite the Union South East Region	Chalvey Road East, Slough, SL1 2LS T: 01753 313843	Debbie Watson
UNISON Central & East Berks UNISON South East	Civic Offices, Bridge Street, Reading, Berkshire, RG1 2LU Telephone: 0118 937 2890 Ranger House Walnut Tree Close Guildford Surrey GU1 4UL Call: 0800 0 857 857 Text Tel: 0800 0 967 968 southeast@unison.co.uk	Secretary Name Ms MA Palfrey s
National Education Union (NUT and ATL) South East Regional Office	Britton House, College Road, Ardingly, Haywards Heath, West Sussex RH17 6TT Tel: 01444 894500.	Slough District secretary Aaron Oliva aaron.oliva@neu.org.uk

<p>NASUWT South East Region</p>	<p>Milestone House Portsmouth Road Woking Surrey GU23 7JZ</p> <p>Email: rc- southeast@mail.nasuwt.org.uk</p>	<p>Regional Officer</p>
<p>NAHT</p>	<p>1 Heath Square Boltro Road Haywards Heath West Sussex RH16 1BL</p> <p>info@naht.org.uk</p> <p>Tel: 0300 30 30 333</p>	<p>Regional Officer</p>
<p>AEP (Association of Educational of Psychologists)</p>	<p>4 Riverside Centre Frankland Lane Durham DH1 5TA</p> <p>Tel. 0191 384 9512</p> <p>enquiries@aep.org.uk</p>	<p>Regional Officer</p>

Appendix B

Illustrative List of Malpractice, Abuse or Wrongdoing

- Any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel).
- Maladministration (e.g. unjustified delay, incompetence, neglect advice).
- Breach of any statutory Code of Practice (e.g. National Code of Local Government Conduct).
- Health and safety risks, including risks to the public as well as other employees (e.g. faulty electrical equipment).
- Abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect).
- Damage to the environment (e.g. pollution).
- The unauthorised use of public funds (e.g. expenditure for improper purpose).
- Fraud and corruption (e.g. housing benefit fraud, to solicit or receive any gift/reward as a bribe).
- Breach of the Employee Code of Conduct.
- Abuse of power (e.g. bullying/harassment).
- Other unethical conduct.

Appendix C

List of External Bodies

NAME & ADDRESS	AREA OF CONCERN
<p>PROTECT (formerly PUBLIC CONCERN AT WORK) The Green House 244-254 Cambridge Heath Road London E2 9DA. Protect Advice Line: Tel:020 3117 2520 (* option 1) Email: whistle@protect-advice.org.uk Web: https://protect-advice.org.uk/)</p>	<p>All matters of malpractice and/or wrongdoing.</p>
<p>Local Government Ombudsman https://www.lgo.org.uk/contact-us Tel. No: 0300 061 0614</p>	<p>Maladministration - causing injustice to a member of the public.</p>
<p>Thames Valley Police Windsor Road SLOUGH, Berkshire SL1 2HH Tel. No. 01753 506000 CRIMESTOPPERS Tel. 0800 555111</p>	<p>Breach of the Criminal Law</p>
<p>The Environment Agency Thames Regional Office Kings Meadow House Kings Meadow Road Reading, RG1 8DQ. Tel: General Enquiries: 0370 8506506 Hazardous Waste Registration: 08708 502 858 Agricultural Waste Registration: 0845 6033113 Flood line: 0845 988 1188 Incident Hotline : 0800 807060</p>	<p>Environmental dangers.</p>
<p>The Health & Safety Executive Priestley House Priestley Road Basingstoke RG24 9NW (Tel. No. – 01256 404000)</p>	<p>Health & Safety dangers.</p>

Appendix D

Whistleblowing & Safeguarding

Safeguarding children at risk requires everyone to be committed to the highest possible standards of openness, integrity and accountability. The school is committed to encouraging and maintaining a culture where staff feel able to raise a genuine safeguarding concern and are confident that it will be taken seriously.

In the context of safeguarding, “whistleblowing” is when someone raises a concern about the wellbeing of a child at risk. This whistleblowing policy therefore has a key role to play in safeguarding children. When raising a safeguarding concern, the following policies may be relevant:

- School’s Child Protection Policy
- School’s Policy on Dealing with allegations of abuse against teachers and other staff
- School’s Code of Conduct
- Guidance for Safer Working Practice for those working with children & young people in education settings (May 2019) [or latest version]
- Keeping Children Safe in Education (2019) DfE Guidance [or latest version]
- Working Together to Safeguard Children (2018) DfE Guidance [or latest version]
- London Child Protection Procedures and Practice Guidance (5th Edition) [or latest edition].

It is the clear responsibility of all to act on any concerns or information that gives them concern about the safety and wellbeing of a child or children within the school or within the care of the school or arising from circumstances or events out of school. Such a concern in a whistleblowing context may be related to:

- conduct or behaviour of an employee towards an individual child or children that causes concern
- information that suggests an employee is unsuitable to work with children
- a belief that the Designated Safeguarding Lead, Senior Managers or Governors have failed to take appropriate action in response to safeguarding concerns raised.

This policy outlines to whom those concerns may be reported. In dealing with concerns around safeguarding/child protection matters in particular, the London Child Protection Procedures and Practice Guidance state that if a member of staff believes that a reported allegation is not being dealt with appropriately by the school, they should report the matter to their Local Authority’s Multi Agency Safeguarding Hub (MASH) or Local Authority Designated Officer (LADO)

Appendix E

Signed Declaration Form

I confirm I have received a copy of the school's Whistleblowing Policy (Confidential Reporting), and that I have read and understood the Policy and am aware of the reporting procedures contained therein.

Name of Employee: _____

Signature of Employee: _____

Date: _____

Revision History

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