



## **1 INTRODUCTION**

- 1.1 This policy is intended to provide a means for workers to make serious allegations about standards, conduct, financial irregularity or possible unlawful action to be able to make those allegations in a way that will not be seen as being disloyal to their colleagues or to the Trust and will provide 'whistleblowers' with protection from being victimised, discriminated against or disadvantaged for having made an allegation in good faith. The procedure ensures that the Trust complies with its duty under the Public Interest Disclosure Act 1998.
- 1.2 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who wish to make serious allegations about any aspect of the Trust's work to come forward and voice those concerns. This policy recognises that employees may sometimes wish to make serious allegations about how the Trust conducts its business but feel unable to raise these in the normal way.
- 1.3 This Whistle Blowing Policy is intended to encourage and enable workers to make serious allegations within the Trust rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The procedure applies to all employees and those contractors working for the Trust or on the Trust's premises, for example, supply staff, agency staff, buildings, and drivers.
- 1.5 This procedure is in addition to the Trust's complaints procedures and other specifically laid down statutory reporting procedures applying to some departments e.g. Safe-Guarding procedures, Teachers' Regulations.
- 1.6 Wherever possible issues should be resolved through the usual management channels by discussion and open dialogue. It is anticipated that this Policy will only be used should the process of normal management interchange break down or be inappropriate.
- 1.7 This Policy has been discussed with the relevant trades unions and professional associations and has their support.

## **2. AIMS AND SCOPE OF THIS POLICY**

- 2.1 This Policy aims to:
  - Encourage workers to feel confident in coming forward with serious allegations;
  - Provide a means for workers to make serious allegations and receive feedback on any action taken;

- Ensure confidentiality if required;
- Reassure workers that they will be protected from possible reprisals or victimisation;
- Reassure employees that they will suffer no detriment or disadvantage from making allegations as long as they do so in good faith, genuinely believing their allegations to be valid.

2.2 This procedure does not replace other Trust policies. In particular, if employees have a grievance about their manager and/or their working conditions, they should use the Trust's Grievance Procedure or discuss the matter with their Trade Union representative. Similarly, if employees have concerns about the conduct of fellow employees in the working environment they should raise these with their line manager, Headteacher or, where the complaint is about the Headteacher, in the first instance the Chair of the Governing Body. This procedure is not intended to cover conduct which can be dealt with through the Trust's normal procedures. It is intended to cover serious allegations that fall outside the scope of other Trust procedures, or where employees may lack genuinely the confidence or be too fearful to use these procedures.

Whistle blowing is the disclosure of information that relates to suspected wrongdoings or dangers at work. This may include:

- Conduct which is an offence or a breach of law; i.e. criminal activity; alleged miscarriages of justice;
- Alleged miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- The unauthorised use of public funds;
- Possible fraud, bribery and corruption;
- Sexual or physical or verbal abuse, or bullying or intimidation of service users;
- Other unethical conduct;
- Where authority is being abused.
- Conduct likely to damage reputation;
- Unauthorised disclosure of confidential information;
- The deliberate concealment of any of the above matters;

These are examples; the list is not exhaustive.

2.3 Thus, any serious allegation that you have about any aspect of service provision or the conduct of employees or others acting on behalf of the Trust can be reported under the Whistle Blowing Procedure. This may be about something that:

- A significant and serious departure from accepted standards, or the standards the Trust subscribes to; or
- Where someone appears to be vulnerable, or at risk; or
- Amounts to serious improper conduct.

### **3. SAFEGUARDS**

#### **3.1 Harassment or Victimisation**

- 3.1.1 The Trust is committed to good practice and high standards and wants to be supportive of employees. It aims to encourage openness and will support staff that raises genuine concerns under this policy, even if they turn out to be a mistaken.
- 3.1.2 The Trust recognises that the decision to make a serious allegation can be a difficult one to make. If, however, employees who make serious allegations that are in the public interest will have nothing to fear because they are doing their duty to the employer and those for whom you are providing a service.
- 3.1.3 The Trust will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect an employee who makes a serious allegation in good faith, from any reprisals, harassment or victimisation.
- 3.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any employment procedures to which the employee making the allegation may be subject, or may have instigated.

#### **4. CONFIDENTIALITY**

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal an employee's identity if they so wish. However, if the matter is subsequently dealt with through the Trust's procedures, e.g. the Disciplinary Procedure, the complainant's identity may have to be revealed in accordance with that procedure, if the matter is to be dealt with effectively.

#### **5. ANONYMOUS ALLEGATIONS**

- 5.1 This procedure, and the Trust, encourages employees to put your name to your allegation whenever possible as anonymous allegations may often be difficult to substantiate/prove.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Headteacher. In order to help you decide whether or not an issue should be raised, you may, in the first instance wish to discuss it with a trades union or professional association, or with someone who you feel that you have trust in their judgement. It may be that whomever you confide in may feel more comfortable taking the matter forward on your behalf. You may also find it easier to raise the matter if there are two (or more) of you who have had the same experience(s).
- 5.3 In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised;
  - The credibility of the allegation;
  - Whether the allegation can be realistically investigated from facts or sources other than the complainant.

## **6. UNTRUE ALLEGATIONS AND OR VEXATIOUS ALLEGATIONS**

- 6.1 If an employee makes an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, the Trust will be informed and may invoke disciplinary action against them.

## **7 HOW TO MAKE A SERIOUS ALLEGATION**

- 7.1 As a first step, an employee should, if possible, raise a serious allegation with their line manager, Headteacher or Chair of Governors. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved it would be inappropriate for you to raise the matter directly with your Headteacher. For these reasons a range of alternative reporting methods have been put in place to enable you to raise the matter through the source that you feel most comfortable with.

The range of alternative contacts you can make therefore embrace:

- Chair of the Board of Trustees
- HR Manager for Trust
- Trades Union or Professional Association Representative;
- Diocesan Vicar for Education at NORES.

- 7.2 Serious allegations may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information includes:

- The name of the person making the allegation and a contact point. As referred to above it will be more difficult for the Trust to pursue issues if concerns have been expressed anonymously;
- The background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation);
- The particular reason for the allegation.

- 7.3 The earlier the allegation is made, the easier it is to take action.

- 7.4 Although someone making the allegation will not be expected to prove the truth of any allegations, in order to assist management in any investigation to be carried out, they will need to provide information to the person contacted that there are reasonable grounds for the allegation.

- 7.5 The employee may invite their trades' union, professional association representative or a friend to be present during any meetings or interviews in connection with the allegation.

- 7.6 The aim of the policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.

7.7 The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as

## **8. HOW THE TRUST WILL RESPOND**

8.1 The Trust will respond in every case to an allegation made under this procedure.

8.2 Where the allegation is made to the Trust, the person with whom the allegation is first raised (e.g. line manager, headteacher, chair of governors) is the 'receiving officer'. The receiving officer will discuss the allegation with the complainant. If, following discussion, the complainant wants to proceed with the allegation, the receiving officer will take the following steps:

- 1) The receiving officer will notify the Headteacher that the allegation has been made, and give details to the Headteacher. This is so that the allegation can be registered in the Register of Whistleblowing Complaints. The Register is confidential.
- 2) The Headteacher will discuss with the receiving officer the best way of investigating the allegation. If the allegation relates to fraud, or potential fraud or other financial irregularity, Headteacher will also discuss this with the Chief Finance Officer.
- 3) The Headteacher and the receiving officer will agree on the method of investigation. If the Headteacher and the receiving officer cannot agree on the method of investigation, the Headteacher's decision will prevail. In the case of fraud, potential fraud or financial irregularity, the method of investigation will be determined by the Chief Finance Officer after discussions with the receiving officer and the Headteacher.

8.3 Where the complaint is made direct to the Headteacher, then the Headteacher, after liaison with any other appropriate officer(s) will decide if, and how, the matter should be investigated and will follow the steps below.

8.4 If the allegation discloses evidence of a criminal offence, the Headteacher or the Chair of the Board of Directors may decide to inform the police.

8.5 Some of the allegations may be resolved by internal action, without the need for investigation.

8.6 Within 14 calendar days of an allegation being made, the Headteacher will write to the person who raised the allegation (unless they have requested not to be contacted or to be contacted in a different way, other than by letter):

- Acknowledging the allegation has been received;
- Indicating how the Trust proposes to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Indicating whether any initial enquiries have been made;

- Supplying information or employee support mechanisms; and
- Indicating whether further investigations will take place and, if not, why not.

8.7 Where the allegation has been made internally and anonymously, obviously the Trust will be unable to communicate what action has been taken.

8.8 The amount of contact between officers considering the issues and the person making the allegation will depend on the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from the person making the allegation.

8.9 The Trust will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the Trust will arrange for them to receive advice about the procedure, and ensure that support mechanisms are made available where needed or desired.

8.10 The Trust accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, those making allegations will be informed of the outcome of any investigation.

8.11 The Trust will ensure that the support is provided to those making allegations.

## **9. CONFIDENTIALITY**

9.1 The Trust will keep the identity of the complainant confidential at all times, unless the complainant requests otherwise.

9.2 A receiving officer will disclose the complainant's identity to the Headteacher, but to no other person. A receiving officer and the Headteacher will not reveal any facts which could lead to the disclosure of the complainant's identity. These may, depending on the circumstances, include the complainant's gender or position in the Trust.

## **10 REGISTER OF ALLEGATIONS**

10.1 The Trust Secretary has overall responsibility for the maintenance and operation of the procedure. Each Headteacher will maintain a Register of Allegations made under this procedure, and the outcomes, and will report as necessary to the Trust. The recording and reporting procedure will be in a form which ensures confidentiality.