



TrustEd CSAT Alliance Whistleblowing Policy 'Speaking up about Wrongdoing'

This policy has been consulted through the Trust Forum Group, which includes Support Staff and Teacher's representation for all schools within our Trust.

FREQUENCY OF REVIEW: Every two years

COMMITTEE: Personnel Committee

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AUTHOR: Shropshire HR

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Adopted by the Board of Trust-Ed Schools' Partnership

Signed _____
Chair of Trust Board

Dated _____

Signed _____
Chief Education Officer (CEO)

Dated _____

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TrustEd CSAT Alliance Whistleblowing Policy

1. Introduction

The Public Interest Disclosure Act provides employees and those undertaking duties and responsibilities on behalf of Trusted Schools' Partnership with protection when raising genuine concerns about wrongdoing in the workplace. It encourages disclosures to be made internally in the first instance but also allows for certain protected disclosures to be made to specific external bodies.

The Trust is committed to open and honest communication and the highest possible standards of integrity. Part of meeting that commitment is to encourage employees and others who have serious concerns about wrongdoing to speak up. This may need to be on a confidential basis and the Trust wishes to emphasise that if someone does "speak up" they can do so without fear of reprisals. Such actions are termed "blowing the whistle" and this phrase should be viewed as a positive action of speaking up. It is understandable that employees may not express concerns because they may feel that speaking up would be disloyal to colleagues or they fear harassment/victimisation. The Trust would encourage all employees not to ignore concerns and to report them positively and appropriately.

Disclosures made under this procedure are monitored, as required, by the Local Governing Body (LGB) of each school within the Trust under the Public Interest Disclosure Act. Details of any disclosure remain confidential. The LGBs should ensure that annual monitoring is reported to the Trust Board.

This procedure complies with the statutory guidance including "Keeping Children Safe in Education (KCSiE) from the Department for Education. This policy forms part of the KCSiE Framework to support schools to meet their responsibilities with regards to safeguarding and child protection.

Other KCSiE policies and guidance include:

- Safer Recruitment Policy for Schools,
- DBS Guidance for Schools,
- Single Central Record Guidance & Template for Schools,
- Whistle Blowing Procedure for Schools,
- Code of Conduct for School Based Staff,
- Dealing with Allegations of Abuse Against Staff in Schools,
- E-Safety Policy for Schools,
- Childcare (Disqualification) Guidance for Schools

2. Aims and Scope

This policy aims to:

- provide avenues for employees to raise concerns and receive feedback on any action taken
- allow employees to take the matter further if they are dissatisfied with the response
- reassure employees that they will be protected from reprisals or victimisation for whistleblowing in good faith.

Employees may be the first to see that something is seriously wrong within their school, such wrongdoings may relate to:

- fraud and corruption,
- discrimination (i.e., witnessing discrimination as a third party),
- abuse of vulnerable children / people,
- damage to the environment,
- health & safety breaches,
- failure to comply with legal proceedings.

It is the duty of employees to speak up when they have serious concerns, and it is the duty of staff within each school in the Trust to act on those concerns and protect and support employees when they do. A failure to report serious concerns could be construed as collusion. Difficult as it may be to speak up, employees should be aware of their special position and of their duty to make their concerns known.

This Policy is issued to employees, and those undertaking duties and responsibilities on behalf of the Trust, during induction to advise specifically on blowing the whistle on wrongdoing. It should not be confused with each Trust school's Complaints Procedure (where parents can complain about the school's staff), the Grievance Procedure (where employees complain about their treatment as an employee) or the Safeguarding and Child Protection Policy (specifically relating to working around children and young people). This policy is intended to cover concerns which fall outside the scope of such policies and procedures.

This Policy is also made available to business partners, contractors, voluntary agencies, partnerships and any others with whom a Trust school has dealings, for distribution to their employees.

Reference to Headteacher can also include the Executive Headteacher or Chief Education Officer (CEO).

3. Data Protection and GDPR

The Data Protection Act 2018 and GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.

It is important that Headteachers/ LGB and Trustees are aware of their obligations under the Data Protection Act 2018 and the GDPR to process personal information fairly and lawfully and to keep the information they hold safe and secure.

Relevant staff should have due regard to data protection principles, which allow them to share personal information, as provided for in the Data Protection Act 2018 and the GDPR and be confident of the processing conditions that allows practitioners to store and share information for safeguarding purposes, including information that is sensitive and personal, and should be treated as 'special category personal data.' This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

In addition to this policy, Headteachers/LGB/ board of Trustees will be made aware of Shropshire Safeguarding Community Partnership's (SSCP) local arrangements for action together with the

processes and principles for sharing information within the school and with the three safeguarding partners, other organisations, agencies and practitioners as required.

4. Serious Concerns

Serious concern may be related to something that:

- is unlawful,
- is against financial rules, contract rules or other policies,
- does not meet established standards or working practices,
- amounts to improper conduct.

Theft, bribery and corruption, safeguarding/child protection issues, abusive behaviour and environmental misuse are all the type of things which would fall into these categories.

Concerns in education settings may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:

- deliberately ignoring the best interests of the child or young person.
- teasing, harassing or touching a child or young person inappropriately.
- threatening a child, young person or a parent or distressing them in some way,
- neglecting a child by not giving them the support they need, including medical attention or care,
- hitting or restraining a child inappropriately,
- using a child or young person's money or possessions in an inappropriate way.

There is a specific procedure for Low Level Safeguarding Concerns called 'Dealing with Allegations of Abuse against Staff in Schools', which deals with allegations or concerns about child abuse. The named person in a Trust school to whom such issues can be referred is the Designated Safeguarding Lead (DSL) and this will vary in each school within the Trust. This Whistleblowing policy supplements the school's Safeguarding and Child Protection policy.

There are existing procedures to enable employees to lodge a grievance relating to their employment.

5. Safeguards

5.1 Harassment or Victimisation

The Trust recognises that deciding to report a concern can be difficult, not least because of the fear of reprisal from those responsible for the malpractice.

The Trust will not tolerate harassment or victimisation and will take action to protect employees when concerns are raised in good faith. However, if an employee is already the subject of disciplinary or redundancy procedures, those procedures will not be halted as a result of the whistleblowing.

5.2 Confidentiality

Each school will do their best to protect employee's identity when concerns are raised, and an employee does not want their name to be disclosed. It must, however, be appreciated that the

investigation process may reveal the source of the information and a statement may be required as part of the evidence.

5.3 Anonymous Allegations

Each school will encourage employees to put their name to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Headteacher, in conjunction with the LGB of the individual school. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised,
- the validity of the concern,
- the likelihood of confirming the allegation from other sources.

Allegations which do not appear to be motivated by personal animosity and which, if true, would have serious implications for the school, are more likely to be considered, even though made anonymously. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

5.4 Untrue Allegations

If allegations are made in good faith, but it is not confirmed by the investigation, no action will be taken against an employee. In such circumstances employees will be supported. If, however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken. The matter would be referred to an appropriate committee before any action is taken.

5.5 Support to Employees

Throughout and after this difficult process, employees will be given full support from senior management, concerns will be taken seriously, and the school will do all it can to help employees. If possible, redeployment opportunities will be considered. Employees may also wish to seek confidential support from their trade union / professional association.

6. How to raise a concern

Concerns should normally be raised with an employee's immediate Headteacher/line manager. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing.

If the Headteacher/line manager or other school management is involved, an employee may wish to report concerns to the Chair of the LGB or Trust's CEO as appropriate.

Where the employee feels unable to raise a concern as outlined above, they may raise a concern as outlined below.

Where a concern involves Trust matters rather than school matters, direct contact with the Trust CEO would all be acceptable routes of communication. Alternatively, employees can invite their trade union or professional association to raise the matter on their behalf.

The earlier concerns are expressed the better and the easier it will be to take action. Concerns are better raised in writing and should set out:

- the background and history to the concern,
- dates and places where possible,
- the reasons for the concern.

In order to ensure confidentiality, concerns should be sent in writing in a sealed envelope addressed to the relevant person and clearly marked "Strictly Private and Confidential - to be opened by the addressee only".

It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching an appropriate contact or to impede any investigation which he/she or anyone on her/his behalf may make.

Although employees are not expected to prove the truth of an allegation, employees will need to demonstrate to those appointed to investigate the matter, that there are sufficient grounds to the concern.

7. How the Trust will respond

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by the school, but independently of those directly involved (most matters),
- be investigated internally by the Trust but independently of those directly involved (Trust matters)
- be investigated by Shropshire Council,
- be referred to the Police,
- be referred to an external Auditor,
- form the subject of an independent inquiry.

In order to protect individuals and the Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. These will be made confidentially, and every attempt made to protect the employee. Concerns or allegations which fall within the scope of specific procedures (for example, child protection issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, the Trust will respond in writing to the individual raising a concern:

- acknowledging that the concern has been received,
- indicating how the Trust propose to deal with the matter,
- giving an estimate of how long it will take to provide a final response,
- confirming any initial enquiries already made,
- confirming whether further investigations will take place and, if not, why not.

The amount of contact between those considering the issues and an employee raising a concern 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 the employee. When any meeting is arranged, an employee will have the right, if they so wish, to be accompanied by a trade union or professional association representative or a friend who is not

involved in the area of work to which the concern relates. The meeting may be held at a mutually agreeable location.

If the employee should become involved in further investigations or procedures (e.g., disciplinary proceedings or a criminal trial) as a result of using this procedure, they will be given every proper support and assistance. The Trust will ensure that employees using this procedure are not disadvantaged or unfairly treated.

The Trust accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, employees will receive information about the outcomes of any investigations and any changes to working practices as far as is reasonably practicable.

8. How the matter can be taken further

This policy is intended to provide employees with avenues to raise serious concerns within their school, or with the Trust. Each school hopes employees will find the procedure a satisfactory way of dealing with concerns. An employee does have the right to take the matter outside of each individual school. If so, the following are possible contact points:

- The CEO or Chair of the Trust Board,
- Shropshire Council Whistleblowing Hotline (01743 252627), where confidential disclosures can be made,
- an external auditor,
- relevant professional bodies who regulate organisations (including the Ombudsman),
- a solicitor,
- the police,
- Protect (Whistleblowing Charity) whistle@protect-advice.org.uk Telephone: 020 3117 2520
- the NSPCC's 'what you can do to report abuse' dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or Trust. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk. Weblink - www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line

The disclosure of confidential information would normally constitute a serious disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if an employee did take the matter outside of their school or Trust, they would need to ensure that either no confidential information is disclosed or that there are wholly exceptional circumstances which the school/Trust would consider justified in the circumstances.

9. Standards of Conduct

Employees of each Trust school are bound by their own school's Code of Conduct. Professional bodies also have Professional Standards of Conduct which their members must adhere to. Teachers must adhere to the Teachers' Standards.

Staff should also be aware of the Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.

All employees will be made aware of the standards which apply during induction and should ensure they make themselves aware of such standards of conduct and follow them at all times.

10. Follow Proper Procedures

One of the best ways of guarding against corruption is to ensure that proper procedures are followed in the way decisions are taken, in the way contracts are awarded and, in the way, employees conduct themselves.

The most important of these procedures are described in the following procedural documents / school processes:

- Professional Code of Conduct (which includes Gifts and Hospitality),
- E-Safety processes,
- Safer Recruitment processes,
- Harassment and Bullying Procedure,
- Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings,
- School's Complaints Procedure,
- Safeguarding and Child Protection Policy

Actions which breach these procedures are not only unauthorised but will lead to loss of public confidence and even to corruption.

As with any other concerns on standards, you should report breaches of these procedures.

11. Monitoring and Review

Trustees will monitor the outcomes and impact of this policy on an a bi-annual basis in conjunction with school representatives and will discuss revisions with their HR provider.