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Trust	✓
Southwark	
Arnbrook	



## ***Whistle- Blowing***

*This policy outlines the process for employees to follow if they wish to raise concerns about trust wide issues that should be in the public interest to disclose*

## **1. Purpose**

- 1.1 This policy and subsequent procedures are intended to encourage employees and others to make good faith reports of suspected fraud, corruption, or other improper activity, or health and safety concerns which relate to suspected wrongdoing or dangers at work (see paragraph 3). Allegations of child abuse against teachers and other staff and volunteers are to be dealt with in accordance with Keeping Children Safe in Education statutory guidance for schools and colleges 2020 (as amended) and Trust-wide Allegations of Abuse Policy. In all instances the Disciplinary Policy may be initiated if evidence highlights that there is need to do so.

## **2. Background**

- 2.1 As employees are often the first to realise that there may be something wrong within the school, it is important that they feel able to express their concerns without fear of harassment or victimisation. Otherwise they may find it easier to ignore the concern rather than report it. The Public Interest Disclosure Act published May 2013 recognises this fact and is designed to protect employees, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.
- 2.2 The Trust is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, employees, officers, consultants, contractors, volunteers, casual workers and agency workers with serious concerns are encouraged to come forward and voice those concerns. This policy document makes it clear that employees can do so without fear of reprisals; it is intended to encourage and enable employees to raise serious concerns within the school rather than overlooking a problem or alerting anyone external to the school.
- 2.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## **3. Aims of the Policy**

- 3.1 This policy aims to:
- provide avenues for employees to raise concerns internally as a matter of course, and receive feedback on any action taken;
  - provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously and treated consistently and fairly;
  - reassure employees that they will be protected from reprisals or victimisation for whistle-blowing where they have a genuine concern;
  - allow employees to take the matter further if they are dissatisfied with

the Trusts response.

3.3 A **whistleblower** is a person who raises a genuine concern relating to the matters below. If employees have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) he/she should report it under this policy. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- a. concerns over the ability to effectively safeguard pupils, including where it alleged anyone working in school (including volunteers and supply teacher) has:
  - i) behaved in a way that has harmed a child, or may have harmed a child;
  - ii) possibly committed a criminal offence against or related to a child;
  - iii) behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
  - iv) behaved or may have behaved in a way that indicates they may not be suitable to work with children.
- b. criminal activity;
- c. miscarriages of justice;
- d. danger to health and safety;
- e. damage to the environment;
- f. failure to comply with any legal or professional obligation or regulatory requirements;
- g. bribery;
- h. financial fraud or mismanagement;
- i. negligence;
- j. Breach of our internal policies and procedures
- k. conduct likely to damage our reputation;
- l. unauthorised disclosure of confidential information;
- m. public examination fraud
- n. the deliberate concealment of any of the above matters.

3.4 Before initiating the procedure employees should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all employees;
- employees should use line manager or team meetings and other opportunities to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, employees must take action to prevent an escalation of the problem and to prevent themselves being potentially implicated.

3.5 This policy should not be used for complaints about an employee's personal circumstances, such as the way he/she has been treated at work. In these cases an employee should use the school's Grievance Procedure (or anti-

harassment and bullying policy as appropriate); if the matter relates to salary, the salary review procedures documented in the Trust's pay policy.

## **4. Safeguards**

### **4.1 Harassment or Victimisation**

4.1.1 The Trust Board recognises that the decision to report a concern can be a difficult one to make, 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 they have a genuine concern.

4.1.2 This does not mean that if an employee is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that employee raising a concern under the whistleblowing policy.

### **4.2 Confidentiality**

4.2.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. The Trust will make every effort to protect an employee's identity if confidentiality is requested.

4.2.2 As indicated above, identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;

### **4.3 Anonymous Allegations**

4.3.1 Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is also more difficult to establish whether allegations are credible. Anonymous allegations will be considered at the discretion of the Trust Board. In exercising the discretion, the factors to be taken into account would include:

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

### **4.4 Untrue Allegations**

4.4.1 If an employee makes an allegation where he/she has a genuine concern, but it is not confirmed by the investigation, no action will be taken against that employee. If, however, we conclude that an employee has made malicious or vexatious allegations, or with a view to personal gain, disciplinary action may be taken against that employee.

#### 4.5 Unfounded Allegations

- 4.5.1 Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the employee who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it must not be raised again unless new evidence becomes available.

#### 4.6 Support to Employees

- 4.6.1 It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the employee(s) raising the concerns and any employee(s) subject to investigation.

### **5. How to raise a Concern**

- 5.1 As a first step, an employee should normally raise concerns with their immediate line manager or their manager's superior. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an employee believes that their immediate manager or their manager's superior is involved, s/he should approach the Trust Head of HR. An employee (including the CEO and members of the leadership team) can by-pass the direct management line and the Trust Board if s/he feels the overall management and Trust Board of a school is engaged in an improper course of action. In this case please refer to section 7 below.
- 5.2 Concerns are better raised in writing. The employee should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why s/he is particularly concerned about the situation. If an employee does not feel able to put the concern in writing, s/he should telephone or meet the appropriate person. It is important that, however the concern is raised, the employee makes it clear that s/he is raising the issue via the whistle-blowing procedure.
- 5.3 The earlier an employee expresses the concern, the easier it is to take action.
- 5.4 Although an employee is not expected to prove the truth of an allegation, s/he will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 5.5 At each meeting under this policy the employee may bring a colleague or trade union representative. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

### **The Role of Senior Managers**

- 6.1 A senior manager may be informed by an employee about concern(s) and that s/he is "blowing the whistle" within the procedure in person; or in writing or over the phone.

6.2 The senior manager should respond immediately by arranging to meet with the employee to discuss the concern(s) as soon as possible and also notify the Trust HR team for further advice and support.

6.3 Stage One:

6.3.1 At the initial meeting the senior manager should establish if:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-blowing Policy.

6.3.2 The senior manager should ask the employee, to put their concern(s) in writing, if s/he has not already done so. If the employee is unable to do this the senior manager will take down a written summary of his/her concern/s and provide him/her with a copy after the meeting. The senior manager should make notes of the discussions with the employee. The employee's letter and/or senior manager's notes should make it clear that the employee is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the employee is particularly concerned about the situation.

6.3.3 The employee should be asked to date and sign their letter and/or the notes of any discussion. The senior manager should positively encourage the employee to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

6.3.4 The senior manager should follow the policy as set out above and in particular explain to the employee:

- who he/she will need to speak to, to determine the next steps (e.g. Trust Senior management)
- what steps s/he intends to take to address the concern;
- how s/he will communicate with the employee during and at the end of the process. It should be noted that the need for confidentiality may prevent the school giving the employee specific details of any necessary investigation or any necessary disciplinary action taken as a result;

- that the employee will receive a written response within ten working days;
- that their identity will be protected as far as possible, but should the investigation into the concern require the employee to be named as the source of the information, that this will be discussed with the employee before their name is disclosed;
- that the Trust will do all that it can to protect the employee from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately;
- that if the employee's concern, though raised as a genuine concern, is not confirmed by the investigation, no punitive action will be taken against them;
- if clear evidence is uncovered during the investigation that s/he has made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case the Trust will deem the matter to be concluded unless new evidence becomes available.

#### 6.4 Stage Two:

6.4.1 Following the initial meeting with the employee, the senior manager should consult with the Trust HR Team/Senior Trust Management determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

6.4.2 It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, senior managers should take the following factors into account:

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

6.4.3 In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred directly to the Trust Board or a delegated committee;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

- 6.4.4 Senior Managers should have a working knowledge and understanding of other school policies and procedures, e.g. grievance, disciplinary, harassment, child protection procedures, to ensure that concerns raised by employees are addressed via the appropriate procedure/process.

## 6.5 Stage Three

- 6.5.1 Within ten working days of a concern being received, the manager receiving the concern (at paragraph 5.1 above) must write to the employee:
- acknowledging that the concern has been received;
  - indicating how they propose to deal with the matter;
  - giving an estimate of how long it will take to provide a final response; and/or
  - telling the employee whether any initial enquiries have been made; and
  - telling the employee whether further investigations will take place, and if not why not; and/or
  - letting the employee know when s/he will receive further details if the situation is not yet resolved.

## 7. **Raising Concerns Outside the School**

- 7.1 The aim of this policy is to provide an internal mechanism for reporting, investigation and remedying any wrongdoing in the workplace. In most cases the employee should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for the employee to report his/her concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. Employees are strongly encouraged to seek advice before reporting a concern to anyone external.
- 7.2 Where a staff member feels unable to raise an issue regarding the welfare of pupils with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:
- general guidance on whistleblowing can be found via: [Advice on Whistleblowing](#); and
  - 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 college. 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](mailto:help@nspcc.org.uk). 1



7.3 If an employee is not satisfied with the Governing Body's response, the manager should ensure that s/he is made aware with whom s/he may raise the matter externally:

- Protect\* (formely: 'Public Concern at Work)  
tel no: 020 3117 2520; web: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)
- recognised trade union representatives;
- a senior LA officer ;
- the external Auditor;
- relevant professional bodies or regulatory organisations;
- a solicitor;

7.2 The manager should stress to the employee that if s/he chooses to take a concern outside the School, it is the employee's responsibility to ensure that confidential information is not disclosed or that they do not breach GDPR, i.e. confidential information, in whatever format, is not handed over to a third party.

*\*Protect at Work is a registered charity that employees can contact for advice to assist them in raising concerns about poor practice at work. The charity also provides advice to employers as to the possible ways to address these concerns.*

## **8. Monitoring and Review**

8.1 The CEO will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The policy/procedure will be reviewed by the Trust Board as necessary.

## Whistleblowing addendum during COVID-19 epidemic

Covid-19 has drastically changed the way in which we work. We hope that the combined, heightened awareness and alertness to safe working practice will support people with whistleblowing, that in this time of public emergency the whole school community will work together to keep colleagues, volunteers and children safe.

Whistleblowing is the best early-warning system and employees across the organisation now, more than ever, need to feel safe and supported when they speak up and that issues are properly investigated and resolved.

Believe has considered the following steps in its approach to this policy update to ensure that staff can blow the whistle properly:

- **Building a positive speak up culture:** Schools who have staff working from home/remotely have made sure that managers regularly touch base with staff and encourage them to raise any concerns that they have. Managers are equally accessible to staff during working hours (via phone, email or video). Senior leaders lead by example and drive the culture.
- **Communication channels:** With differing approaches to the 'norm' staff may feel isolated. Each individual school has a number of ways by which staff can access appropriate individuals
- **Trust:** By establishing an approach to transparency in terms of key documentation and also involvement in the decision-making process Believe is aiming to achieve 'organisational trust' in relation to approaches taken in respect of the COVID-19 pandemic. The objective is for all employees to have trust and confidence in the organisation's ability to handle concerns raised.
- **Awareness:** By creating this addendum to the Whistleblowing policy and raising its profile staff will understand what whistleblowing is; how and where to raise and escalate concerns, the difference between whistleblowing and grievances and where they can get independent advice as a whistleblower..

Speak up, to stop harm

### Specifics

Where genuine concerns are raised relating to suspected wrongdoings or danger at work by an employee outlined in section 3.3 above he/she should report it under this policy. During the reopening of schools or national/localised reactions/guidance further concerns may link specifically to areas of heightened awareness as a result of coronavirus. Examples of these instances may include:

- Absence or lack of clear guidance to staff/pupils about actions to follow if they suspect they have/suspected of having symptoms of coronavirus.
- Deliberate avoidance/lack of adherence to guidance (including Government guidance) on the management and control of the virus through personal hygiene – e.g. not washing hands thoroughly, not abiding by social distancing controls
- Poor stock control levels of the adequate PPE
- Use of incorrect cleaning products and poor cleaning regimes
- Disregard to Government guidance linked to the 'reopening of schools' during the coronavirus outbreak

- Absence of appropriate policy and risk assessments to support the safe reopening of schools

*Note: This is not an exhaustive list*

### **Process**

Whilst schools reopen it is planned that staffing levels within schools will be adequate to safely provide an educational provision for the pupil numbers present. Believe Academy Trust promotes staff working from home if they are not required in school and are able to achieve their duties away from the school site. Line managers and senior leaders must make staff aware that they can still raise confidential concerns through this policy, regardless of the means in which this is communicated.

The process, outlined in Sections 5 and 7 above, still applies to all staff during this period of reopening and possible reaction to national/local changes. Where face to face (adhering to social distancing) is not possible staff may wish to use email, phone or other video conferencing platforms such as MS Teams. No member of staff should be disadvantaged by technology available to them so should use the most readily available means.

### **Monitor and Review**

Plans, procedures and practise are continually evolving due to such factors as: establishing school-based routines and ways of working, new scientific evidence and government guidance. As a result of this ever-changing landscape the Trust keeps all policies, procedures and risk assessments under continued review. Information is shared appropriately with the Trust Board.

## Annex A: Table of substantive changes from September 2020

Where	What
<b>Aims of the policy</b>	
Pg 3	Updated reference to Keeping Children Safe in Education 2020 (para 211) whereby staff have a duty to report any behaviour towards a child or behaviour that may be deemed unsuitable for an individual to work with children.
<b>Raising Concerns Outside the School</b>	
Pg 8	Introduction of new paragraph 7.2 making individuals aware of gov.uk advice on whistleblowing as well as possible use of NSPCC's helpline to report concerns.
<b>Whistleblowing addendum during COVID-19 epidemic</b>	
Pg 10 and 11	Updated guidance for staff during coronavirus