

**The Cam Academy Trust  
WHISTLE BLOWING POLICY**

<b>Approved in consultation with the Audit &amp; Risk Committee on behalf of the Trust Board:</b>	<b>March 2018 19<sup>th</sup> September 2018 following amendments suggested by the Unions</b>
<b>To be reviewed:</b>	<b>Every 3 years or as appropriate</b>
<b>Date of next review:</b>	<b>September 2021</b>
<b>Responsible Officer:</b>	<b>Trust HR Manager – M. Parker</b>
<b>Category – 1</b>	<b>Version - 2</b>

## 1. Introduction

This document explains the types of concerns that can be raised under this procedure, the legal protection for whistleblowers and how whistleblowing concerns will be managed. This procedure should be followed for any whistleblowing matters raised by employees within any of the schools or other establishments within the Trust. This can be used by all employees including those directly working with children such as teachers and teaching assistants, but also by support staff, supply staff and agency workers.

The term 'Head/ Principal' has been used throughout this procedure, however depending on the size and structure of the school the head teacher's role in the procedure may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the Head/Principal is subject to these procedures, it will be managed by the Chair of the governing body. Where the Chief Executive Officer is subject to these procedures this will be managed by the Chair of the Trust Board.

Staff must acknowledge their individual responsibilities to bring matters of concern to the attention of senior management at the earliest opportunity. Although this can be difficult this is particularly important where the welfare of children may be at risk.

An employee may be the first to recognise that something is wrong but may not feel able to express their concerns due to feelings of disloyalty to colleagues or fear of harassment or victimisation. It is important to recognise that if these concerns are not raised it could result in a child or young person continuing to be unnecessarily at risk.

An employee may also have concerns that do not directly affect children or young people but relate to the running of their school or a department. These concerns could relate to incorrect procedures or processes being used that could result in legal risks or financial loss or some other form of irregularity that could bring the school or Trust into disrepute. Again, it is important that these concerns are raised at the earliest opportunity.

Reasons for whistle blowing:

- Everyone has a responsibility for raising concerns about unacceptable practice or behaviour
- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated oneself

## **2. Purpose**

The Trust is committed to the highest possible standards of openness, accountability and integrity.

The purpose of this policy is to

- To encourage those working in the Trust to report suspected wrongdoing promptly, in the knowledge that it will be taken seriously.
- To provide guidance on how to raise concerns.
- To reassure staff that they can raise genuine concerns made in the public interest without fear of reprisals, even if they turn out to be mistaken

The procedure should not be used to express or resolve employee grievance or disputes the Trust Grievance Policy should be used in these circumstances. However there may be circumstances where the whistleblower feels that they have been bullied, harassed or victimised prior to or as part of this process and in this situation the Bullying and Harassment Policy should be used.

Implementation of this policy must be clear and transparent and not subject to any unfair discriminatory practices.

## **3. Further information & Support**

It is recognised that whistle blowing can be difficult and stressful. Advice and support are available from the following sources:

- The Principal/Head of the school or college
- The HR representative at the school or the Trust HR Manager.
- A trade union representative
- The free 24-hour confidential employee counselling service provided by Zurich Municipal on 0117 9342121
- Citizen's Advice Bureau
- Public Concern at Work (020 7404 6609 or [www.pcaw.co.uk](http://www.pcaw.co.uk) )

Each school, college or other facility within the Trust will publicly display the contact details of details of people who staff can contact in relation to whistleblowing concerns.

## **4. What is Whistleblowing?**

Whistleblowing is when a worker reports certain types of wrongdoing or misconduct within an organisation. The disclosure must be in the public interest. This means it must affect others, e.g. pupils, general public.

The wrongdoing must relate to or show one of the following:

- a criminal offence
- a failure to comply with a legal obligation
- a possible miscarriage of justice
- a Health & Safety risk (refer to relevant H&S Policies)

- damaging the environment
- misuse of public money
- corruption or unethical conduct
- abuse of pupils, students or other users (refer to Schools Safeguarding Policy)
- deliberate concealment of any of these matters
- any other substantial and relevant concern.

The concern could be about something that happened in the past, is currently happening or is anticipated will happen in the future.

Concerns or complaints that employees wish to raise formally, about their own employment, should normally be raised using the school's Grievance Procedure, unless the employee believes the concern is in the public interest. This includes for example, concerns related to working conditions, working relations, employment rights or bullying or harassment.

## **5. Legal protection for whistleblowers**

Whistleblowers are protected by law from being treated unfairly or losing their jobs because they 'blow the whistle'. Whistleblowers must hold a reasonable belief that the concern they are raising is in the public interest.

The Trust Board and local School Governing Body will provide all reasonable protection for those who raise concerns made in the public interest.

The school's governing body will be responsible for ensuring that appropriate personal support is offered both to a worker raising a concern and to any worker against whom allegations have been made under this procedure.

Although an employee has certain legal obligations of confidentiality to the school, in a limited set of circumstances, whistleblowing may override these obligations. This guidance sets out the circumstances under which these disclosures may lawfully be made.

## **6. Procedure for raising a whistleblowing concern**

### **Whistleblowing anonymously or confidentially**

- Concerns can be raised anonymously, but the school or person receiving the allegation may not be able to take it further if they haven't been provided with all the information they need.
- Whistleblowers can give their name but request confidentiality and in these circumstances, every effort will be made to protect their identity.
- All disclosures made under this procedure will be treated sensitively, consistently and fairly.

### **Step 1- Deciding who to report the concern to**

Concerns can be raised verbally or in writing. Concerns can be raised with a line manager or with the

Head/Principal or the Chair of Governors at the school or another appropriate Trust Officer. Alternatively, concerns can be raised with the Trust CEO or the Chair of the Trust Board. Reporting concerns to the media, in most cases will lead to the loss of one's whistleblowing law rights.

Although not expected to prove beyond doubt the truth of any concerns, there is a need to demonstrate that there is sufficient evidence or other reasonable grounds to raise them. A complainant may wish to seek support advice internally or externally, please see the list of support contacts in section 3 of this policy and the list of external contacts in appendix 1. they can be accompanied by a trade union representative or colleague to any meetings that are required.

### **Step 2- How a concern will be responded to**

The person with whom a concern has been raised, will decide what action is needed. They may ask for further information. They will write to the complainant within 10 working days to advise how the concern will be dealt with.

The information one can expect to receive is:

- an indication of how the concern will be dealt with
- an estimate of how long it will take to provide a final response
- whether any initial enquiries have been made
- whether further investigations will take place, and if not why not
- information about support available for the complainant.

The person with whom the concern has been raised, will at the same time notify the Trust HR Manager that a whistleblowing allegation has been made.

Advice on dealing with concerns is available from the Trust HR Manager.

### **Step 3- How a concern will be managed**

Initial enquiries will be made to decide whether an investigation is appropriate.

An investigation may be carried out, depending on the nature of the allegations and the evidence/information presented. Full details of the investigation may be withheld from the complainant to protect the confidentiality of other people.

Information will need to be passed on to those with a legitimate need to have this information and it may be necessary for the complainant to provide a written statement and act as a witness in any subsequent disciplinary proceedings or enquiry. This will be discussed with them first.

Where an investigation is necessary, it may take the form of one or more of the following:

- an internal investigation by the head teacher or a governor, which may, for example, take the form of a disciplinary investigation
- an investigation by Auditors
- a referral to the Police
- the setting up of an external independent inquiry.
- In some circumstances to ensure a fully independent investigation an external investigator may be used

#### **Step 4- Investigation outcome**

The complainant will be informed of the outcome of any investigation, in writing, and/or of any action taken, subject to the constraints of confidentiality and the law.

If they do not feel their concern has been addressed adequately they may raise it with an independent body such as one of the following as appropriate:

- trade union
- the Citizens Advice Bureau
- a relevant professional body or regulatory organisation
- a relevant voluntary organisation
- the Police
- the Local Government Ombudsman
- Equality and Human Rights Commission

If there is an issue of an exceptionally serious nature which the complainant believes to be substantially true, then they may disclose the issue to someone other than those listed above. Disclosures to anyone outside of the recognised bodies listed above and Appendix 1 may not be protected disclosures under the Public Interest Disclosure Act.

#### **7. Confidentiality**

Confidentiality and discretion should be maintained by all parties, this is particularly important in whistleblowing situations as the whistleblower should be protected from any undue negative effect wherever possible.

All employees have a duty to the Trust and their school not to disclose confidential information. This does not prevent an employee from seeking independent advice at any stage or from discussing the issue with the charity Public Concern at Work on 020 7404 6609 and [www.pcaw.co.uk](http://www.pcaw.co.uk) in accordance with the provisions of the Public Interest Disclosure Act 1998.

Any related notes and records will be handled confidentially and will be stored securely.

### **APPENDICES**

#### **APPENDIX 1- External bodies and organisations**

A complainant can blow the whistle to an external organisation rather than their employer. There is a list of prescribed people or bodies that they can go to. A full list can be found online at Gov.Uk:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf)

**Some of the bodies that may be relevant for school staff are:**

Ofsted	Piccadilly Gate, Store Street, Manchester, M1 2WD Tel: 0300 123 3155 Email: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>
Office of Qualifications and Examinations Regulation	Casework Manager, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry CV5 6UB Tel: 0300 303 3346 <a href="mailto:Public.Enquiries@ofqual.gov.uk">Public.Enquiries@ofqual.gov.uk</a>  Online reform form: <a href="http://www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/">www.ofqual.gov.uk/complaints-and-appeals/whistleblowing/</a>
National Society for the Prevention of Cruelty to Children (NSPCC)	The NSPCC Whistleblowing Advice Line is for anyone with child protection concerns in the workplace. The helpline provides support and advice to those who feel unable to get a child protection issue addressed by their employer. It can be contacted anonymously on 0800 028 0285.
Health and Safety Executive	Tel: 0300 003 1647  Online form: <a href="http://www.hse.gov.uk/contact/raising-your-concern.htm">http://www.hse.gov.uk/contact/raising-your-concern.htm</a>  <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
The Local Government Ombudsman	Address: PO Box 4771, Coventry. CV4 0EH  Web: <a href="http://www.lgo.org.uk">www.lgo.org.uk</a>
Data Protection and Freedom of Information	The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF  Tel: 0303 123 1113 Email: <a href="mailto:casework@ico.gsi.gov.uk">casework@ico.gsi.gov.uk</a>