



# Whistleblowing Policy

**Ref: A003**

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<b>Document Control</b>	
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CHS Learning Trust (*previously: Chorlton High School*) is a Cooperative Multi Academy Trust Registered in England and Wales number 08321679  
Registered Office: Nell Lane, Chorlton, Manchester, M21 7SL

The CHS Learning Trust has a number of Trust-wide policies which are adopted by all schools/academies in the Trust to ensure an equitable and consistent delivery of provision.

The Trust Board has responsibility for the operational of all schools/academies and the outcomes of all students however responsibility is delegated to the Local Governing Body of each school via the Scheme of Delegation.

Within our policies reference to:

- Governing Body / Governors relates to the members of the Local Governing Body representing the Trust Board.
- School includes a reference to school, academy or free school unless otherwise stated
- Headteacher includes a reference to Headteacher, Principal or Head of School of a school, academy or free school.

## **1. Introduction:**

The Public Interest Disclosure Act 1998 was enacted to bring about a climate of greater openness between employees and employers so that irregularities could be identified and addressed quickly and strengthen employment rights by protecting responsible workers who “blow the whistle” about wrongdoing or failures in the workplace. This Policy sets out the application of those statutory provisions to the administration of the school and the wider Trust.

Employees are often the first to realise that there may be something seriously wrong happening within the school / Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school / Trust. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

This Policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious concerns within the school/Trust rather than overlooking a problem or “blowing the whistle” outside.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees who have serious concerns about any aspect of the Trust’s work are expected to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

## **2. Aims and Scope of the Policy:**

This Policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to take the matter further if you are not satisfied with the Trust’s response.
- Reassure you that you will be protected from reprisals or victimisation for any disclosure that you have made in good faith.

This Policy is intended to cover any serious concerns that you may have about any aspect of the school / Trust in regard to malpractice and wrong doing which fall outside of the scope of other procedures. These include:

- A criminal offence or a breach of law (e.g. fraud, corruption, theft).
- A miscarriage of justice has been or is likely to occur.
- Health and safety risks, including risks to students, the public and other employees has been or is likely to occur.
- Damage to the environment has been or is likely to occur.
- The unauthorised use of public funds.
- Possible fraud and corruption.
- The Trust’s governance arrangements have been or are not being observed or are being breached by students or staff.
- Sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children).

- Unethical or improper action or conduct has been noted.
- Discrimination is occurring to any member of staff or service recipient on any grounds covered by equality legislation.
- Information relating to the above is being deliberately concealed or attempts are being made to conceal the same.

Whistle blowing is not appropriate for dealing with issues between an employee and the Trust, which relate to the employee's own employment or rights or employment conditions generally. Alternative dispute resolution procedures for that purpose are outlined in the employment terms and conditions.

Whistle blowing is not appropriate for dealing with general grievance issues, for example an employee's grievance against their manager regarding how they have been line managed or against general decisions made within their department.

Whistle blowing is not appropriate for dealing with student complaints, which will be dealt with under separately published procedures.

Whistle blowing is not appropriate to specific cases of child safety or safeguarding which will be dealt with under the school's safeguarding policies and procedures.

### **3. Safeguards**

The Trust is committed to good practice and high standards and wants to be supportive of employees. It recognises that the decision to report a concern can be a difficult one to make and will respond sensitively.

The Trust will take appropriate action to protect you when you raise a concern in good faith. It will not tolerate any harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

In making a disclosure you must:

- act in good faith when making such a disclosure; and
- not commit a criminal offence in so doing; or
- disclose such confidential information to any person outside the Trust (except your representative); and
- not expect any personal gain from making the revelation.

### **4. Confidentiality**

If you so wish, all concerns will be treated in confidence and every effort will be made not to reveal your identity. If however a situation arises where a concern cannot be resolved without revealing your identity (e.g. you are required as a witness in court) the Trust will discuss this further with you before proceeding.

### **5. Anonymous Allegations**

This Policy encourages you to put your name to your allegation whenever possible, as concerns expressed anonymously are much less powerful but will be considered by the Trust. In deciding whether to progress the investigation of an anonymous allegation the following will be taken into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources
- The school's / Trust's best interests
- The protection of the school's/ Trust's assets

You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and to provide you with feedback.

## **6. Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation which the investigation indicates may have been made frivolously, maliciously or for personal gain, disciplinary action will be considered and may be taken against you.

## **7. Complaints Procedures:**

Members of staff should consider whether the Trust's grievance or complaints procedure should be followed in the first instance.

Any disclosure of a lack of probity during these procedures is protected by the 'whistleblowing' legislation, and the Trust Board's guarantee.

## **8. How to Raise a Concern**

As a first step, you should normally raise concerns with your immediate manager (unless s/he is the potential transgressor, in which case you should contact the Headteacher or School Business Manager).

Alternatively, if your concern is that something seriously wrong is occurring at a senior level within the school / Trust, you may prefer to approach the Chair of Governors / Chair of Trust Board. In the event that you believe the governors / trustees are also implicated, you should raise your concern with one of the bodies referenced in section 10, however staff members are strongly encouraged to raise concerns within the Trust in the first instance.

Concerns may be raised verbally, but it is good practice to record any concerns in writing at an early stage to ensure that all details are correct. A written report should be in the following format:

- The background and history of the concern (giving relevant names, dates and places where possible).
- The reason why you are particularly concerned about the situation.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient and reasonable grounds for your concern.

You may invite your trade union / professional association representative or a friend to be

present during any meetings or interviews in connection with the concerns you have raised.

### **9. How the Trust will respond**

If the concern is raised verbally, you will be asked to put it in writing as soon as is practicable. You will be asked to indicate if the concern is to be treated in confidence.

The person receiving the information will ensure that, in the most serious of concerns, at least the Headteacher and if necessary the Governing Body receives adequate details of the employees using this policy, for the purpose of corporate recording and monitoring.

Once you have informed your line manager of your concern, they will initially assess what action should be taken. This may involve an internal inquiry or a more formal investigation. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made on a sensitive basis and confidentially where possible. If your concern falls within another policy of the Trust (for example the Grievance Policy) or within specific procedures (for example Child Protection) they will be referred to the relevant Policy or procedures.

You will be informed of who will be handling the inquiry, how you can contact them and whether your further assistance may be required.

After initial enquiries to assess the seriousness of the matter, the matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process.
- Be referred to the police.
- Be referred to the external auditor.
- Form the subject of an independent enquiry.

Some concerns may be resolved by agreed action with you without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the person looking into the concern will write to you:

- Acknowledging that the concern has been received.
- Indicating how the Trust Board proposes to deal with the matter.
- Giving an estimate of how long it will take to provide a final response.
- Telling you whether any initial enquiries have been made.
- Telling you whether further investigations will take place and if not, why not.
- Supplying you with information on support available to you.

The amount of contact between the person considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Trust will seek further information from you. The Trust will keep you informed of what is happening as far as is practical.

If any meeting is arranged, you can be accompanied by a trade union or professional association representative or a friend, and you have the right to request that this be away from your place of work.

The Trust will take steps to minimise any difficulties which you may experience as a result of

raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Trust will arrange for you to receive advice about the procedure.

The Trust accepts that you need to be reassured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

### **10. How can the Concern be taken Further?**

If you are unsure whether to use the Trust's Whistle Blowing Policy or you want independent advice at any stage, you can contact:

- Your relevant trade union or professional association.
- The independent charity Public Concern at Work. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

This policy is intended to provide you with a way within the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to question the matter further, in the first instance you should address your concerns to the Headteacher. If this response is not satisfactory, you may wish to take the matter outside the Trust. The following are possible contact points:

- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police
- A solicitor or legal adviser
- The Local Government Ombudsman
- The Health and Safety Executive
- The charity Public Concern at Work

Prior to discussing your concerns with an outside agency, it should be noted that within the Trust all staff have a duty of confidentiality. The duty of confidentiality is implied by the law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Trust fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

### **11. Monitoring and Review:**

The Headteacher will report all complaints of this nature to the next Governing Body meeting, without revealing the name of the complainant or any unnecessary details. The Headteacher will report on the nature of any complaint and the action taken, and the resolution of it.

The Trust Board will review the working of the procedures from time to time.