

## WHISTLE BLOWING POLICY

### Introduction

Tandridge Learning Trust is committed to the highest possible standards of honesty, openness, probity and accountability. It seeks to conduct its affairs in a responsible manner, to ensure that all Trust activities are open and effectively managed, and that the Trust's integrity and principles of public interest disclosure are sustained.

In line with that commitment we encourage employees, those working on behalf of the Trust and others that we deal with, who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns as follows:

- a) with their immediate manager and/or more senior managers. Where any member of staff decides to report a serious incident, whether anonymous or not, this will be treated as a 'protected, internal disclosure' ie there will be no adverse repercussions for the member of staff.
- b) if for any reason you feel unable to report a situation to a manager, you may wish to use [Public Concern at Work](#).

### Purpose of the policy

Staff are often the first to realise that there may be something seriously wrong within a School. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation. Each person working for the Tandridge Learning Trust needs to realise that they not only have the right, but also a duty to report any improper actions or omissions.

The Tandridge Learning Trust also recognises and appreciates that staff who raise concerns regarding malpractice or wrongdoing are an asset to the Trust, and not a threat. This policy makes it clear that they can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The Whistle Blowing Policy is intended to encourage and enable staff to raise serious concerns within the Trust.

This policy aims to:

- encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues to raise those concerns and receive feedback on any action taken
- ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- reassure staff that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

### Who is covered by the policy?

The Trust Board is mindful of its obligations under the Equality Act 2010 and this policy will be applied fairly and consistently to all staff employed at the school as well as those carrying out work for the School, for example, governors, volunteers, agency workers, contractors or consultants. The term 'member(s) of staff' is used in this document for simplicity but is intended to include this broader range of individuals covered by this policy.

## Scope of the policy

There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Whistle Blowing Policy is intended to cover serious concerns that fall outside the scope of other procedures, in accordance with the Public Interest Disclosure Act 1998. These include:

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees/staff
- Damage to the environment
- Information relating to the above issues that has been or is likely to be deliberately concealed.

Examples of the above categories are likely to include:

- The unauthorised use or misuse of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse of service users
- Harassment and bullying of staff
- Breaches of codes of conduct
- Malpractice in examinations and assessments.

Therefore, any serious concerns that a member of staff has about any aspect of service provision or the conduct of Tandridge Learning Trust staff or Members of each School, others acting on behalf of the School, service users or residents, can be reported under the Whistle Blowing Policy where the member of staff has a reasonable belief in the validity of those concerns and they relate to one of the specified areas set out above.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because he/she has made a disclosure.

*All whistleblowers are afforded the same protection, and members of staff must not threaten others who have raised concerns or carry out reprisals against them. The School may take disciplinary action, which could include dismissal for gross misconduct, against any members of staff taking such action. Such members of staff may also face legal action from the whistleblower in these circumstances.*

*If a member of staff has a complaint about the way people are behaving towards them then they should refer to the School's Complaints Policy for guidance on how to proceed.*

## Links with other policies

In investigating financial irregularities, this policy should be read in conjunction with the [Anti-Fraud, Bribery and Corruption Policy](#) which sets out how the financial irregularities should be investigated.

This policy does not replace each Schools complaints procedures. Other forms of concern or complaint are dealt with under separate School procedures, such as Bullying and Harassment Staff Policy (including discrimination and victimisation); Grievance Procedure; Disciplinary and Capability Procedure (inappropriate conduct or behaviour/performance related issues) and Child Protection and Safeguarding Policy.

As this policy is in addition to each School's complaints procedures, and other statutory reporting procedures applying to some services, managers are responsible for making service users aware of the existence of these procedures.

### **Safeguarding against harassment or victimisation**

The Trust is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If a member of staff has a reasonable belief that what they are saying is true, they have nothing to fear because they will be doing their duty to their employer and/or those for whom they are providing a service.

The Trust will take a zero tolerance approach to any act of harassment or victimisation (including informal pressures). Each School will take appropriate action to protect staff when they raise a concern, by supporting the member of staff and consider action under the appropriate procedure (for example Disciplinary) against the person or persons responsible for the reported acts, provided the member of staff:

- Discloses the information in good faith
- Believes the concern to be true
- Does not act maliciously or make false allegations
- Does not seek any personal gain

and provided the allegations relate to one of the categories covered by the scope of the policy and referred to above.

There are national guidelines to help you as a whistleblower. Here is a link to further information on the protection of complainants disclosing information to the [Information Commissioners Office \(ICO\)](#) .

### **Unsubstantiated allegations**

If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

### **Confidentiality**

All concerns will be treated in confidence but at the appropriate time, the whistle blower may be asked to come forward as a witness, and this will be discussed with them.

### **Anonymous allegations**

This policy encourages staff to put their name to their allegation whenever possible. This enables feedback to be given.

The Trust/School will take all concerns raised seriously. However, concerns expressed anonymously are much less powerful but will be considered at the discretion of the Trust/School. In exercising this 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.

## How to raise concerns

**(NB: Head teacher/Head of School, and school referring to the academy establishment within which the incident/situation potentially exists)**

There are two ways in which to raise a concern: (ie making it more balanced between reporting internally or externally).

1. Staff may raise concerns with their immediate manager or another manager or, if it is believed that such managers are involved, the Head Teacher, the Director of Finance and Operations or HR Manager should be approached.

Any concern regarding the conduct of staff at the School should always be referred to the Head Teacher, who is the School's Monitoring Officer, for consideration as to whether the matter should be referred further for advice. If the concern raised is significant then it will be dealt with at Trust level.

2. While concerns will usually be raised internally, the School recognises that staff may feel unable to do this, and that they may wish to contact an independent, external organisation to report the concern to be reviewed internally. In this eventuality it is suggested that [Public Concern at Work](#) can be contacted for advice and support. The Public Concern at Work helpline is: 020 7404 6609. They provide independent and confidential advice to workers who are unsure whether or how to raise a public interest concern.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates);
- The reason why they are particularly concerned about the situation.

When a concern is raised verbally, the person hearing it must ensure that a written account of it is made to assist with any subsequent investigation. Trust Management will take all concerns raised within the scope of this policy seriously and identify the appropriate level of investigation. Advice and guidance will be obtained as necessary from the Central Trust Team..

The earlier the concern is expressed, the easier it is to take action. In order to assist with the investigation, staff should provide as much detail and supporting evidence as possible regarding their concern. Although staff are not expected to prove beyond doubt the truth of an allegation, it will need to be demonstrated to the person contacted that there are sufficient grounds for concern for the person who raises them to have a reasonable belief that they exist.

The whistle blower may invite a recognised Trade Union representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

## How the Trust will respond

The Trust will investigate and respond to all concerns raised by staff or service users through any channel.

While it is not essential that the concerns be provided in writing, the person receiving the concern will, however, ensure that a written account of it is made. This will help with the subsequent investigation by making sure that everyone involved is clear about what is being raised.

When a concern is raised, managers should undertake the following actions:

- Take the concern seriously
- Consider the concerns fully and objectively

- Recognise that raising a concern can be a difficult experience for employees
- Ensure confidentiality
- Refer to the Head Teacher or relevant Trust Manager to agree the level at which the concern will be investigated and identify an appropriate manager to co-ordinate .

### **Initial enquiry**

In order to protect the individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the School will have in mind, is that of the public interest. If urgent action is required, this will be taken before any investigation is conducted.

Purpose of the initial inquiry is to ascertain if the conduct or behaviour involves a Member of the School, a senior manager or a member of staff, so that further enquiries and investigation can be progressed accordingly.

### **Preliminary enquiry**

Preliminary enquiry establishes need to carry out an investigation. Further to the results of the initial and preliminary enquiries, and at the discretion of the Head Teacher or Trust Manager, the following steps will then need to be considered:

- Concerns or allegations, which fall within the scope of specific procedures, eg child protection or discrimination issues, will normally be referred for consideration under those procedures
- Where there is any financial impropriety, the concern should be referred to the Director of Finance and Operations, before taking any other action
- Inform the Head Teacher/Trust Manager if the concerns indicate unlawful activity
- Ensure that matters of a criminal nature are reported to the Police, after consultation with the Head Teacher/Trust Manager, who will communicate with the Chief Executive Officer
- Whether the disciplinary or other relevant management policies, procedures and processes of the School need to be applied
- Suspected incidents of malpractice relating to examinations will be reported to the appropriate awarding body at the earliest opportunity
- Appointment of an appropriate officer to carry out the investigation under these procedures.

### **Investigation**

Depending on the nature of concerns, investigation may be carried out under the Bullying and Harassment Staff Policy, Disciplinary and Capability Policy, Child Protection and Safeguarding Policy or the Strategy against Fraud, Bribery and Corruption.

### **Investigation Timescales**

Within ten working days of a concern being raised, the person who is dealing with the concern that has been raised will respond in writing either to the employee directly, or to Public Concern at Work, where this was the reporting route:

- 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

- Advising whether any initial enquiries have been made
- Supplying information on staff support mechanisms, and
- Advising whether further investigations or action is required and, if not, why not.

Where Public Concern at Work was the reporting route the manager dealing with the concern will provide an additional update to Public Concern at Work at 28 calendar days after the report was received, advising of additional progress made and the estimated date a final response will be available.

### **Investigation process**

The impartial investigating manager appointed to undertake the investigation would establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. Other people may need to be interviewed to provide further information and/or clarification concerning the issue(s) raised.

It is essential that written records of all interviews be kept throughout the investigation, together with written details of any action taken. The investigation will result in a written report and recommendations for corrective action which will be passed to the appropriate Trust Manager to decide whether formal action shall be taken.

Where any meeting is arranged involving an individual member of staff, which can be offsite, a recognised Trade Union representative or a work colleague may also attend. The School will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if a member of staff is required to give evidence in criminal or disciplinary proceedings, the School will arrange for them to receive appropriate procedural and/or legal advice.

The member of staff raising the concern with a manager will be, subject to legal constraints, advised in writing of the outcome of the investigation and, where appropriate, what action is being taken. This may include changes to working practices to ensure that a similar situation does not occur again.

### **Taking the Matter Further**

This policy is intended to provide members of staff with an avenue to raise concerns internally. If the member of staff feels that it is right to take the matter outside the School, contact can be made with a recognised trade union, local Citizens Advice Bureau, relevant voluntary or independent organisation or legal advisor. The Public Interest Disclosure Act also sets out a number of bodies to which protected disclosures can be made, including HM Revenue & Customs, the Health and Safety Executive and the Serious Fraud Office. Employees should be aware that going directly to the press may limit their protection under the Public Interest Disclosure Act and they could therefore be subject to disciplinary action. An employee considering such a course of action is strongly advised to seek prior advice from their trade union or an independent organisation such as Public Concern at Work ([www.pcaaw.co.uk](http://www.pcaaw.co.uk))

### **Data Protection**

When an individual makes a disclosure, the School will process any personal data collected in accordance with its data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

### Monitoring arrangements

The Director of Finance and Operations, in consultation with the Monitoring Officer, Chief Executive Officer, has overall responsibility for the maintenance and operation of this policy. The Director of Finance and Operations maintains a record of concerns raised and the outcomes (but in a form which does not compromise confidentiality), and will report as necessary to the School.

The whistle blowing procedures will be defined each year during the annual review that aligns with the Finance Policy schedule of review. It will be documented, widely circulated and reviewed if required, in consultation with the Chief Executive Officer. The Headteacher in each school will take responsibility for ensuring that all staff in their school have access to the Whistleblowing Policy together with the Strategy against Fraud, Bribery and Corruption.

The practical aspects of monitoring are to assess whether:

- The policy is being used appropriately
- Concerns are being handled and investigated properly
- There are any discernible patterns of concern across the School
- The policy has been effective in identifying and deterring malpractice, and
- If more needs to be done to raise awareness of the policy.

Responsible for Policy:	Director of Finance and Operations
Date:	Autumn Term 2020
Approved:	Trust Board
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