



## Whistleblowing (Speak Up) Policy

| Trust Policy                       |                                  |
|------------------------------------|----------------------------------|
| <b>Monitoring</b>                  | <b>Frame of engagement</b>       |
| <b>Member of Staff Responsible</b> | Executive Principal              |
| <b>Consultation Parameters</b>     | Trust Board (through HR Trustee) |
| <b>Date of Policy</b>              | September 2018                   |
| <b>Review Cycle</b>                | 3 years                          |
| <b>Date of Review</b>              | September 2021                   |
| <b>Website</b>                     | Yes                              |

| School Level Policy                |   |
|------------------------------------|---|
| <b>Statutory</b>                   |   |
| <b>Member of Staff Responsible</b> | Headteacher   |
| <b>Review Cycle</b>                | 3 Years (statutory review cycle)                                |
| <b>Approval</b>                    | LGB free to delegate to individual Governor or Headteacher      |
| <b>Legislation</b>                 | Equality Act 2010<br>Disability Discrimination Regulations 2005 |

## 1. Introduction

This procedure has been drawn up following consultations with the recognised trade unions and teachers' professional associations. Other policies that may be read in conjunction with this policy are:-

- Grievance
- Code of Conduct

The Chair, Principal and governing body are recommended to seek professional advice at all times.

- 1.1 Employees, members, volunteers, school governors, partners, contractors and suppliers are often the first to realise that there may be something wrong within the school. However, it is possible they may not express their concerns because they may feel that speaking up would be disloyal to their colleagues or to the School. They may also fear harassment or victimisation. This policy has been written to support them in that context.
- 1.2 The School prides itself on having an open and honest culture and is committed to the highest possible standards of probity and accountability. In line with that commitment we encourage employees, members, volunteers, governors, partners, contractors and suppliers with any concerns about any aspects of the School's work to come forward and voice those concerns. The School will take steps to try and minimise any difficulties, which you may experience as a result of raising a concern (see paragraphs 4.7 and 5.3). If something is troubling an individual or group which it is felt we should know about or look into, they should use this procedure. If, however, you wish to make a complaint about your employment or how you have been treated, please use the Grievance policy
- 1.3 This policy makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees, members, volunteers, governors, partners, contractors and suppliers to raise concerns within the School, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.

## 2. AIMS AND SCOPE OF THIS POLICY

- 2.1 The policy aims to:
  - \* Provide avenues for you to raise concerns **within** the School and receive feedback on any action taken;
  - \* Allows you to take the matter further if you are dissatisfied with the School's response; and

- \* Reassure you that endeavours will be taken to protect you from reprisals or victimisation for speaking up in good faith.

2.2 There are existing procedures in place to enable employees to lodge a grievance relating to their employment. Each member of staff has a responsibility to report wrongdoing using the procedures designed to manage such information. It is important that employees recognise the distinction between work-related issues and those external to their employment. Whilst the Speak Up process can be used to raise possible wrongdoing outside the employee's immediate work area, it should not be used to promote particular campaigns, nor should it be expected that the school will investigate, nor act on behalf of the employer. Similarly, if the process is activated employees should not publicise allegations to other staff as this may restrict investigation or be viewed as a malicious act.

2.3 If your concern relates to any internal procedure or act which affects your employment directly, then this should be raised through the School's grievance procedure.

2.4 This policy is intended to cover concerns that fall outside the scope of other procedures

2.5 Concerns must be raised when employees reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:

- \* A criminal offence\*
- \* A failure to comply with a statutory or legal obligation\*
- \* Improper unauthorised use of public funds or other funds
- \* A miscarriage of justice\*
- \* Maladministration, misconduct or malpractice
- \* Endangering of an individual's health and safety\*
- \* Damage to the environment\*
- \* Deliberate concealment of any of the above\*

2.6 Examples of concerns about malpractice may include possible fraud and corruption, financial irregularities, dangerous procedures risking health and safety, abuse of clients/pupils, evasion of statutory responsibilities, damage to the environment, discriminatory behaviour or other unethical conduct. The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

2.7 The policy is subject to any relevant legislation

2.8 This policy provides a general outline of the governing legislation in this area for guidance purposes only and should not be regarded as a complete or authoritative statement of the law.

### 3. HOW TO RAISE A CONCERN

3.1 Concerns raised within the School should be with either:-

- a) Your Head of Department
- b) Your SLT line manager
- c) The Principal
- d) The Operations Manager

- e) Your Trade Union representative
- f) The Chair of Governors, via the Clerk
- g) HR Manager

3.2 Contractors and suppliers should raise concerns with the Site Manager or School Business Manager.

3.3 Concerns are better raised in writing<sup>1</sup>. You will need to set out the background and history of the concern giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

3.4 The earlier you inform us of your concern and the more detail you give us; the easier it will be for action to be taken.

3.5 At this stage you are not expected to prove the allegation but you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

3.6 You may prefer, in order to protect yourself or to maintain your anonymity, invite your trade union or representative to raise a matter on your behalf. Your representative may be required to obtain additional information from you in order that a proper investigation can be undertaken.

#### 4. HOW THE SCHOOL WILL RESPOND

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

- \* Be investigated internally
- \* Be referred to the Police;
- \* Be referred to the Trust's HR Manager

4.2 In order to protect individuals and the School, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

4.3 Some concerns may be resolved by agreed action without the need for further investigation.

4.4 Within ten working days of a concern being received (excluding anonymous concerns), the individual with whom you raised the matter will write to you:

- a) Acknowledging that the concern has been received;
- b) Indicating how it is proposed to deal with the matter;
- c) Giving an estimate as to how long it will take to provide a final response;
- d) Indicating whether any initial enquiries have been made, and

---

<sup>1</sup> This can be written or by e-mail. If using e-mail you must consider the security and confidentiality aspects of this method.

e) Indicating whether further investigations will take place, and if not, the reason why.

- 4.5 The level of contact between the person investigating the issues and you will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be requested from you.. We will attempt to do this in as discreet a manner as possible.
- 4.6 When any meeting is arranged, you have the right, if you wish, to be accompanied by a trade union or other representative. The meeting can be off site, if requested.
- 4.7 The School 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 disciplinary or criminal proceedings, the School may advise you about the procedure. Within internal proceedings you will have the option of asking someone else to represent you.
- 4.8 The School accepts that you need to be assured that the issues you have raised have been properly dealt with. We will therefore try, subject to any legal constraints, to keep you informed in connection with the outcome of any investigation. In addition you will be informed as to any action taken to rectify working practices where irregularities have been identified as a consequence of an investigation.
- 4.9 You may withdraw from the process at any stage, although your involvement may still be required in certain circumstances such as ongoing disciplinary or legal proceedings relating to the matter concerned. If you do wish to withdraw, you or your representative must inform the person with whom you raised the initial concern and the investigating officer. You will be requested to provide a reason/(s) for your withdrawal.
- 4.10 If you withdraw from the process, then any on-going investigations into the issues arising from your concern will continue dependent on the nature of the issues and the results of the investigation findings at that time.
- 4.11 The person against whom the concern has been raised will be informed following the initial investigations if it is considered that there is an issue to be investigated further, subject to current HR procedures.

## 5. SAFEGUARDS

### **Harassment or Victimisation**

- 5.1 The School 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. The School will not tolerate harassment or victimisation and will take action to protect an individual when a concern is raised in good faith.
- 5.2 This does not mean that if you are already the subject of disciplinary, capability or redundancy procedures, that those procedures will be halted as a result of speaking up.

5.3 The School will endeavour to maintain confidentiality where possible, but this cannot be guaranteed. Depending on the nature of the concern, in order to undertake a thorough investigation, confidential information may have to be shared with a third party, including the party or parties who are the subject of the concern. You will be informed if this is necessary.

5.3 In addition, depending on the nature of the concern the police may need to be involved. Any statement made by you may be required as part of the evidence in internal or external proceedings and there may be circumstances where this could be submitted anonymously, if requested.

### **Anonymous Allegations**

5.5 The best way to raise a concern is openly and this policy encourages you to put your name to your concern. Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position nor, obviously to give feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

Generally we would recommend that concerns are not raised anonymously because:

- It is harder to investigate the concern effectively if follow up questions cannot be asked; and
- It is easier for the School to provide appropriate support, and if appropriate to get protection under the Public Interest Disclosure Act 1998, if the concern is raised openly.

5.6 However, concerns which are expressed anonymously will be considered.

5.7 In such circumstances the School will take the following factors into account when establishing the scope and depth of the investigation:-

- \* The seriousness of the issues raised;
- \* The credibility of the concern;
- \* The likelihood of confirming the allegation from recognised sources and information available.

### **Untrue Allegations**

5.8 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.

5.9 If, however, as an employee, volunteer or partner you make malicious or vexatious allegations, action (including disciplinary<sup>2</sup>) may be taken against you. Equally, if you use evidence from a third party who is ultimately found to be acting maliciously, vexatiously, and/or without evidence, then action (including disciplinary<sup>2</sup>) may be taken against the third party

5.10 In addition, where an allegation is not confirmed, the employee(s) against whom the concern was raised will be supported by their manager and/or Human Resources.

---

<sup>2</sup> If disciplinary action is taken then dependent upon the circumstances of the malicious/vexatious allegation a charge of gross misconduct may be deemed appropriate.

## 6. HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide you with a mechanism by which you can raise your concerns **within** the School. The School hopes you will be satisfied with the response you receive. If you are not satisfied with the response you receive you may contact the Chair of Governor, via the Clerk.