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independence together

# Whistleblowing Policy

Statutory

Reviewed: Yearly

Signed by:  (Chair of the Trust)

Date: September 2023

Date of next review: September 2024

## 1. Introduction

Rivermead Inclusive Trust (RIT) schools are dedicated to providing the utmost care for their pupils and staff. The Trust is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter. We aim to ensure that all members of our community and visitors feel safe in the knowledge that they can voice any concerns in confidence and that they will be taken seriously and dealt with appropriately.

In line with the Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with the school or Trust. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up. This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern and feel comfortable that they can voice their concerns no matter what the circumstances.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of school staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

Under this policy, any of the following can raise a concern:

- Staff of the school
- Voluntary workers working with the school.
- Trainees, such as student teachers
- Visitors to the school including parents and carers.

## 2. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to,

the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ESFA (2023) 'Academy Trust Handbook 2023'
- DfE (2023) 'Keeping children safe in education 2023'
- GOV.UK (2012) 'Whistleblowing for employees' (Due to be reviewed at the end of 2023)
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy operates in conjunction with the following RIT policies:

- Disciplinary Policy and Procedure
- Complaints Procedures Policy
- Data Protection Policy

### 3. The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes. The details of any disclosure will remain confidential.

The headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the headteacher, the concern will be raised with the chair of governors. Any member of the school community or the general public is able to “blow the whistle.”

### 4. Definitions

**Whistleblowing** is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

As outlined by the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed.
- A person has failed, is failing or is likely to fail to comply with any legal or professional obligation to which they are subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- The health or safety of any individual has been, is being or is likely to be endangered.

- The environment has been, is being or is likely to be damaged.
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed.

**A whistleblowing action** is the act of reporting wrongdoing in the workplace that affects others, such as the general public. Legally, this is known as 'making a disclosure in the public interest'. The action of whistleblowing is sometimes called 'blowing the whistle'. Whistleblowers are protected by law from unfair dismissal or detriment if they make a qualifying disclosure.

**In the public interests** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public but must be in the public interest. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served.
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed.
- The nature of the wrongdoing disclosed.
- The identity of the alleged wrongdoer.

**Blacklisting** refers to an individual who is being refused work because they are viewed as a whistleblower.

**Grievances** involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

## 5. Roles and responsibilities

The Board of Trustees is responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the trust's website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.

The governing board for each school will be responsible for:

- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the headteacher, any concerns that are raised.

- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the governing board include a record of the school's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.

The headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.

The Chair of Governors will be responsible for receiving any concerns raised about the headteacher.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions in the [Definitions](#) section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## 6. Harassment and victimisation of staff

Every Trust school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives staff protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

## 7. Good practice principles

Each Trust school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and

consistent.

The schools will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the [Procedure](#) section of this policy, the school will ensure that all cases are efficiently handled.

This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

Each school will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff.
- Providing the necessary support to staff.
- Providing support to staff who are seeking alternative employment.
- Being transparent.
- Being accountable.
- Conducting an external review of any concerns raised, where necessary.
- Undertaking regulatory action as required

The Trust and the schools will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff.
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns.
- Ensuring staff are empowered and protected, enabling them to raise concerns freely.

## 8. Procedure

When raising concerns, individuals should express them in writing to the headteacher. If an

individual is raising a concern about the headteacher, they should express their concerns in writing to the chair of governors. Where this is the case, the chair of governors will take on the headteacher's duties outlined in the [Interview and investigation](#) section of this policy. If the complaint is about the chair of governors, then this should be expressed in writing to the chair of the Trust.

When individuals raise their concern, they should include the following information as far as possible:

- The background and history of the concern.
- Any relevant names, dates and places.
- The reasons for the concern.

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate. If anonymity is requested, we will make every effort to keep your identity secret but if it becomes necessary for you to be identified this will be discussed with you.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

If a member of staff feels they should report a concern to either Ofsted or the DFE then this should be done through appropriate channels.

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the Medway LADO.

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

## 9. Interview and investigation

The headteacher will write to the individual within 10 working days of receipt of the initial concern to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter. This process can be delegated to a senior member of the school SLT (investigating officer) if they feel it is appropriate or a team of investigators may be appropriate.

The initial stage may require an interview(s) with the whistleblower, and then an assessment of further action will be determined, and the outcome discussed with the whistleblower. During this initial stage, the headteacher / Investigating officer will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial investigation/interview(s), the headteacher / investigating officer will request the individual puts their concern in writing, if they have not already done so. The headteacher / investigating officer will write a summary of the concern if the individual is unable to put it in writing.

The headteacher / investigating officer will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That, where possible, the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the governing board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the final outcome. A record will be kept of the seriousness of the issues raised and the credibility of the concern and any recommendations for change. All records will be kept confidential and will be stored in line with the Trust's Schools Disposal of Documents Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or



explaining procedures to the alleged wrongdoer or the actions that will be taken; however, depending on the severity and nature of the concern, either the initial investigation or following an initial internal investigation it may:

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

If the investigating officer needs to talk to the whistleblower, at the discretion of the investigating officer they may be permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

## **10. What the school asks of whistleblowers**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LADO, DFE, ESFA, Ofsted
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **11. Appeal process**

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Procedure Policy.

## **12. Useful contact details.**

The following details may be useful for any members of staff in relation to contacting

the most appropriate person:

### Local Authority Whistleblowing Officers

The whistleblowing officers are as follows for issues relating to:

*Children – issues relating to the care and welfare of children*

If you suspect a child is being neglected or abused please contact the local authority designated Officer (LADO) Tel: 01634 331 065

*Information Technology – dealing with abuse of information systems, data protection issues, misuse of the internet or e-mail facilities*

**Moira Bragg**, Corporate Projects Manager Tel: 01634 332087

*The conduct of employees in general and specific issues of discrimination, harassment etc.*

**Nicola Smith**, Head of HR Services (Schools) Tel: 01634 331090

### Regulatory and professional bodies

Health & Safety Executive [www.hse.gov.uk](http://www.hse.gov.uk) Tel. 0845 345 0055

Care Quality Commission [www.cqc.org.uk](http://www.cqc.org.uk) Tel. 03000 616161

Health Professions Council (HPC) [www.hpc-uk.org](http://www.hpc-uk.org) Tel. 0800 328 4218

Audit Commission [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk) Tel. 0844 7983131

Local Government Ombudsman [www.lgo.org.uk](http://www.lgo.org.uk) Tel. 0300 061 0614

Equality and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com) Tel. 0845 604 6610

Ofsted [www.ofsted.gov.uk](http://www.ofsted.gov.uk) Tel. 0300 123 4666

## 13. Monitoring and review

The Trust board will review this policy annually, ensuring that all procedures are up to date.

Any changes made to this policy will be communicated to all members of staff.