

PUBLIC INTEREST DISCLOSURES "WHISTLEBLOWING" POLICY

Staff of South Lincolnshire Academies Trust staff are protected, like all other employees, from being victimised by employers if they reveal any wrongdoing in the school. (***Public Interest Disclosure Act 1998***).

All Trust staff are covered, including part-time and temporary staff, supply teachers, peripatetic workers and visitors to the Trust schools, such as health workers.

The Executive Headteacher and Governors of the Trust have developed this policy (called by some a 'whistleblowing policy').

RATIONALE

The Governing Body aims to be a good employer and is committed to high standards of probity and good practice in employer/employee relations.

The *Public Interest Disclosure Act 1998* protects employees from any victimisation by employers if they reveal any wrong-doing in the workplace, and fear that they might be victimised in so doing. This policy is designed to ensure that employees can follow simple procedures, and to reassure everyone within the Trust that their concerns will be taken seriously.

Aims and Scope of Policy

The Governing Body is committed to high standards in all aspects within the Trust and will treat whistleblowing as a serious matter. In line with the Governing Body's commitment to openness, probity and accountability, members of staff are encouraged to report concerns which will be taken seriously, investigated and appropriate action taken in response.

This policy aims to:

- Give confidence to members of staff about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with school standards and policies so that s/he is encouraged to act on those concerns;
- Provide members of 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 Public Interest Disclosure Act (PIDA).

This policy covers whistleblowing relating to alleged:

- Unlawful conduct;
- Miscarriages of justice in the conduct of statutory or other processes;
- Failure to comply with a statutory or legal obligation;
- Potential maladministration, misconduct or malpractice;
- Health and safety issues including risks to the public as well as risks to students and members of staff;
- Action that has caused or is likely to cause danger to the environment;
- Abuse of authority;
- Unauthorised use of public or other funds;
- Fraud or corruption;
- Breaches of financial regulations or policies;
- Mistreatment of any person;
- Action that has caused or is likely to cause physical danger to any person or risk serious damage to school property;
- Sexual, physical or emotional abuse of members of staff or students;
- Unfair discrimination or favouritism;
- Racist incidents or acts, or racial harassment; and
- Any attempt to prevent disclosure of any of the issues listed.

Responsibilities

The Executive Headteacher has overall responsibility for the procedures and for ensuring that:

- Appropriate procedures are in place;
- They are implemented;
- Any concerns and any action taken are reported to the Governing Body; and
- All staff are aware of their rights and duties under the Act.

Rights

Any worker within the Trust is entitled, without any fear of reprisal, to disclose any action which he/she reasonably considers:

- Potentially or actually unlawful;
- Involves a miscarriage of justice;
- Compromises an individual's health and safety;
- Might cause environmental damage;
- Contravenes any Trust policy;
- Might be considered improper;
- Falls below the normal standards of conduct within the Trust;
- Or any concealment of such action.

This right is guaranteed by the Governing Body, so long as the individual has acted in good faith.

Duties

The member of staff must:

- Act in good faith when making such a disclosure;
- Must not commit a criminal offence in so doing;
- Disclose such confidential information to any person outside the Trust; and
- Not expect any personal gain from making the revelation

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 Governing Body's guarantee.

Confidential Reporting

In addition, any member of staff who has a reasonable concern about the probity of any action taken within the Trust can also choose to follow the 'confidential reporting route'.

In the first instance, he/she should take the matter up in confidence with the Executive Headteacher, or, if the concern is about any action taken by the Executive Headteacher, with the Chair of the Governing Body.

The Executive Headteacher, or Chair of the Governing Body, must attempt to resolve the matter with the member of staff within a reasonable time, and in any case must report progress to the member of staff within ten days of the making of the complaint.

If the member of staff is not satisfied with the Executive Headteacher's or Governing Body's response to the complaint, or the time being taken to resolve it, the member of staff may take the matter up formally and promptly with the governing body.

The Governing Body must appoint no fewer than three of its members to consider the formal complaint, and to attempt a resolution within ten working days of receiving the complaint.

If the member of staff is still not satisfied he/she can formally take the matter to the Full Governing Body.

Victimisation

At all times the Governing Body guarantees the member of staff will be protected from any reprisals or victimisation.

However, any member of staff taking such a course must not make malicious or vexatious allegations which are shown to be untrue. In such circumstances the member of staff's conduct could lead to disciplinary action.

Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Governing Body will consider taking disciplinary action against the member of staff making the allegation.

Allegations Concerning Child Protection Issues

If a member of staff raises a concern related to a child protection issue, the Executive Headteacher or Chair of Governors (if the concern is about the Executive Headteacher) should urgently consult the School's Child Protection Officer designated to lead on child protection. However, in relation to child protection issues, it is open to the member of staff to make a direct referral to the social services designated manager either before raising their concern with the Governing Body or where the Executive Headteacher or Chair of Governors fails to do so after raising their concern and the member of staff remains concerned about the situation.

Monitoring and Review

The Executive 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 Executive Headteacher will report on the nature of any complaint and the action taken, and the resolution of it. The Governing Body will review the working of the procedures from time to time.

Staff Concerns about Malpractice

For those staff concerned about malpractice within the Trust, the organisation Public Concern at Work has issued the following tips and guidelines:

- Find out your options. Is there a trusted co-worker or manager you can speak to? Are there other workers who also wish to raise the concern?
- Be a witness not a complainant. As a whistleblower you are a witness, communicating a risk about the interests of others to those who can address it - either within the Trust or to the appropriate authority. It should not be a grievance. If, however, you are aggrieved about your personal position, use the grievance procedure and keep this separate to a whistleblowing concern;
- Let the facts speak for themselves. Communicate the concern in a professional, calm and factual manner. Think about the 'who, what, how where and when'. If you know how to resolve the problem, suggest a solution;
- Taking a careful contemporary note of any conversations or key documents is advisable, though keeping documentation, or removing it from the workplace, can be problematic. Though this is frustrating, you need to be very careful not to cross the line and take matters into your own hands. The law may not protect you and taking documentation allows the employer to attack your conduct. As a witness you should not have to prove your concern and it is important you do not delay by acting as a private detective;

- Going outside. If you have raised your concern and believe the risk has not been addressed, or the matter is serious and you are unable to raise it internally you can contact an appropriate regulator such as Ofsted or the Health and Safety Executive;
- Get advice. If you are in any doubt about what to do at any stage, seek confidential advice from either your professional body, union or for free from Public Concern at Work (0207 404 6609 or www.pcaaw.org.uk);
- Legal protection. If you raise a genuine concern in an honest and reasonable way and you suffer reprisals, you are likely to be protected by the whistleblowers' legislation, the *Public Interest Disclosure Act 1998*. The law most readily protects you for raising a concern with your employer, and it is also relatively easy to be protected for going to a regulator, such as Ofsted. It may also protect you if you raise a concern wider to the media or an MP. PCaW would suggest seeking advice if you are considering this last step.

Timescale for Response

You will normally receive a written response to a formal complaint within 5 working days (except in the case of anonymous allegations):

- Acknowledging that the concern has been received;
- Indicating how it is proposed to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Advising whether any enquiries have been made;
- Advising whether further enquiries will take place;
- Informing you of support available whilst matters are looked into;
- Maintaining confidentiality wherever possible, but also explaining that it may not be possible that you can remain anonymous.

The Inquiry Process

If the investigating officer needs to talk to you, you are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates. The target is to complete the inquiry within 15 working days from the date of the initial written response, although the enquiry may extend beyond this timescale.

The Inquiry Report

Following completion of the inquiry process the investigating officer will make a written report and if necessary action will be taken. This may result in a trigger for the grievance and/or disciplinary procedure to be implemented against the person reported. The whistleblower will also be notified of the outcome. The report will not contain the whistleblower's name unless you have expressly stated that you wish to be named.

If the investigation was carried out by a person other than the Executive Headteacher or Chair of Governors the written report must be submitted to the Executive Headteacher and Chair of Governors to determine what further action (if any) is required. When considering further actions, the Executive Headteacher and Chair of Governors **must** act on any recommendations made in the report. If the Executive Headteacher and Chair of Governors cannot agree on further actions, a

panel of three governors (excluding the Executive Headteacher, Chair of Governors and any governors employed within the Trust) will be convened to consider the report and agreed further actions.

Following completion of the investigation, and any actions arising from the investigation, a copy of the report (anonomised) will be made available to all governors.

TAKING THE MATTER FURTHER

If no action is to be taken and/or you are not satisfied with the way the matter has been dealt with, you can make a complaint under the Governing Body's complaints procedure or raise your concerns with other organisations as listed below:

- The local authority;
- A relevant professional body or regulatory organisation (eg GTCW);
- The Public Services Ombudsman;
- The Care and Social Services Inspectorate;
- A solicitor;
- The Police - for concerns of criminal behaviour;
- A trade union or professional association;
- Public Concern at Work (an independent charity that provides free advice for persons who wish to express concern about fraud and other serious malpractice.