



Public Interest Disclosure  
(Whistleblowing) Policy  
(incorporating Anti-Bribery  
Statement)

Communicating Love; Inspiring our  
Community to Flourish

**2022-2023**

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# Contents

1. Introduction
2. Definitions
3. Related Policies, Procedures and Documents
4. Rationale
5. Scope of the Policy
6. Core Principles
7. Equality Analysis
8. Implementation, Monitoring and Review

## Appendices

1. Confidential Reporting Procedures
2. Model Whistleblowing Form
3. Anti-Bribery Statement

## **1. Introduction**

1.1 It is important that any alleged abuse, fraud, misconduct or wrongdoing by employees or officers is reported and properly dealt with. All staff are encouraged to raise any genuine concerns that they may have about a risk, malpractice or wrongdoing at work which may affect pupils, the public or staff at the earliest reasonable opportunity. Within school, reporting of 'Low-level' concerns to the Headteacher at the earliest opportunity is an important element of the school's safeguarding procedures.

1.2 The aim of this Policy is to:

- i. make clear how employees raise genuine concerns and make disclosures in the public interest;
- ii. reassure those reporting concerns that they will be protected from reprisals or victimisation for confidential reporting;
- iii. put in place relevant support measures for individuals using the reporting procedures.

1.3 This Policy contains an anti-bribery statement at Appendix 3. Employees and associated persons (as defined in the statement) are expected to report any concerns regarding suspected bribery.

## **2. Definitions**

- 2.1 'Employee' means any person who has entered into and works under a contract of employment undertaking to do or perform personally any work or service for the Trust, other than a person who is genuinely self-employed;
- 2.2 'Worker' means any person who can be defined as an employee or who may be under a contractual obligation to a third party to undertake work or service for the Trust.
- 2.3 'Detrimental treatment' includes being disadvantaged, unfairly penalised, disciplined or subjected to any other detriment (including termination of contract).
- 2.4 'Protected disclosure' or 'Qualifying disclosure' means a disclosure which is made in the public interest by a worker who has a reasonable belief that:
- i. a criminal offence;
  - ii. a miscarriage of justice;
  - iii. an act creating risk to health and safety;
  - iv. an act causing damage to the environment;
  - v. a breach of any other legal obligation; or
  - vi. concealment of any of the above;
- is being, has been, or is likely to be, committed.
- 2.5 'Whistleblowing' means the making of a protected disclosure about conduct (suspected or confirmed) set out at 6.10 below. The Trust's preference is for such matters to be raised confidentially within the Trust in accordance with the provisions of this Policy. Such conduct will also include any illegal, immoral, irregular, dangerous or unethical activity under their employer's control. This can cover a broad range of matters, including mismanagement, bribery, fraud and health and safety failures.

### **3. Related Policies and Documents**

Staff Behaviour (Code of Conduct) Policy

Staff Disciplinary Policy;

Financial Regulations;

Staff Grievance Policy;

Safeguarding Policy;

### **4. Rationale**

- 4.1 The Trust is committed to the highest possible standards of openness, probity and accountability and to tackling wrongdoing. In line with that commitment the Trust encourages all of its employees/workers with concerns about any aspect of Trust to raise them without delay.
- 4.2 Whistleblowing is important as it encourages openness, transparency and public integrity. It is also important in respect of safeguarding health and safety and protecting against bribery and corruption.
- 4.3 Implementing good practice in the context of whistleblowing will help the Trust to comply with the legislation by protecting employees from dismissal and detriment short of dismissal for making a protected disclosure.
- 4.4 Whistleblowing is also critical to aid the Trust in preventing malpractice from occurring.
- 4.6 It is a key requirement of the Academy Trust Handbook that the Trust has appropriate Whistleblowing procedures in place.

### **5. Scope of the Policy**

- 5.1 This Policy has been adopted by the Trust and applies to all employees/workers and officers of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.
- 5.2 It is not necessary for an employee or individual to have proof that such an alleged act is being, has been, or is likely to be, committed, a reasonable belief is sufficient.

An employee has no responsibility for investigating the matter it is the responsibility of the Trust board to ensure that an investigation takes place.

- 5.3 An employee who makes a protected disclosure has the right not to be dismissed or to be subjected to any other detriment or victimised, because he/she has made a disclosure.
- 5.4 The Trust encourages employees to raise their concerns using the procedures set out in this Policy in the first instance. If an employee is not sure whether or not to raise a concern, he/she should discuss the issue with the Headteacher.
- 5.5 This Policy should not be used to raise issues relating to employment terms and conditions. Grievances relating to employment can be lodged using the Grievance policy.
- 6.5 This policy should not be used to raise parental complaints. The Trust has a complaints procedure available.

## **6. Core Principles**

- 6.1 Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 6.2 Any matter raised under the procedures contained within this Policy will be investigated thoroughly, promptly and confidentially and the outcome of the investigation reported back to the employee who raised the issue.
- 6.3 No employee will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- 6.4 Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.
- 6.5 Maliciously making a false allegation will be a disciplinary offence i.e. unfounded allegations where there is no supporting proof and no evidence that shows that the matter actually occurred and that it was made in a way which is motivated by wrongful, vicious, or mischievous purposes.
- 6.6 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, an employee should not agree to remain silent.
- 6.7 If misconduct is discovered as a result of any investigation under the procedures contained within this Policy, the Trusts' disciplinary procedure will be used, in addition to any appropriate external measures.
- 6.8 The confidential reporting procedure is intended primarily to cover concerns that fall outside the scope of Staff Grievance or Capability procedures and provides a clear and speedy route for investigation of issues that may inform the disciplinary procedure.
- 6.9 Any employee who makes an allegation that turns out to be unfounded will not be penalised for being genuinely mistaken; if, however, the allegation is proven to have

been made with malicious intent, as defined above in 6.5, then it should be understood that this is a disciplinary offence.

6.10 Particular instances of misconduct or wrongdoing may relate to:

- i. any unlawful act, whether criminal or a breach of civil law;
- ii. maladministration, as defined by the Local Government Ombudsman;
- iii. breach of any statutory Code of Practice;
- iv. breach of, or failure to implement or comply with the Financial Regulations;
- v. breach of contract;
- vi. any failure to comply with appropriate professional standards;
- vii. fraud, corruption, dishonesty or the abuse of public funds;
- viii. actions which are likely to cause physical danger to any person, or to give rise to a risk of significant damage to property;
- ix. abuse of pupils or members of staff;
- x. loss of income to the Trust;
- xi. abuse of power, or the use of the Trust powers and authority for any unauthorised or ulterior purpose;
- xii. discrimination in employment or in the provision of education;
- xiii. any other matter which cannot be raised under any other procedure;
- xiv. an attempt to cover up any of the above.

6.11 The above list is not exhaustive and further advice can be taken from Public Concern at Work, (see Appendix 1 paragraph 7.5) if an employee is unclear as to whether the use of this Policy is appropriate to their particular circumstances.

6.12 Where an employee wishes to make a disclosure about possible misconduct they should follow the procedures laid down in Appendix 1 to this Policy.

6.13 Where an employee wishes to make an allegation about safeguarding issues concerning a child, young person or vulnerable adult, they should follow the procedures laid down in the Safeguarding Policy.



## **7. Equality Analysis**

- 7.1 By virtue of the provisions of the Equality Act 2010, the Trust has a duty to have due regard to the need to:
- i. eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
  - ii. advance equality of opportunity between people of different groups;
  - iii. foster good relations between people from different groups.
- 7.2 In implementing this Policy and associated procedures, the Trust will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken.
- 7.3 Where necessary a full equality impact assessment will be undertaken.

## **8. Implementation, Monitoring and Review**

- 9.1 The Trust Board has responsibility for this Policy and for ensuring that:
- i. appropriate procedures are in place and are implemented;
  - ii. any concerns and any action taken are reported to the Chair of Governors; and
  - iii. all Trust employees are aware of their rights and duties under the Public Interest Disclosure Act.
- 9.2 The Chair of Trustees will report to the Trust Board at the first meeting of each academic year whether any disclosures were made during the previous year.
- 9.3 At the end of the investigation, the Chair of Trustees will, as far as is possible and with due regard to third party rights, inform the employee making the allegation of the outcome. If the decision is that no action be taken, the reasons for this decision will be made known to the employee making the allegation.
- 9.4 This Policy will be reviewed every two years and updated, as applicable, to ensure that it remains appropriate in the light of any relevant changes to the law, organisational policies or contractual obligations.

## Appendix 1

### Confidential Reporting Procedures

#### 1. Disclosure

- 1.1 Any employee knowing or suspecting that another employee, a contractor or any other person connected with the school is responsible for malpractice or misconduct, must use the procedures set out in this appendix.
- 1.2 Under no circumstances should an employee suspecting malpractice or misconduct inappropriately make the matter public; such an action may itself be considered to be misconduct and expose the employee concerned to disciplinary action.
- 1.3 Concerns should be raised with the **Headteacher only** - The Model Whistleblowing Form (Yellow Form) may be used to record this before, during or after contact with the Headteacher.
- 1.4 If the allegation concerns the Headteacher, the employee should contact the Chair of Governors.
- 1.5 Where allegations of abuse of or harm to children, young people and vulnerable adults the Trust's safeguarding procedures are to be followed, including initially reporting all such allegations to the Local Authority Designated Officer (LADO) via the designated safeguarding lead, deputies or (if concern is about those individuals) the Chair of Governors.

#### 2. Initial meeting

- 2.1 The Headteacher (or Chair of Governors where the allegation concerns the Headteacher) will arrange a private forum for the concern to be discussed and noted.
- 2.2 The Headteacher/Chair of Governors will notify the Chair of Trustees that a concern has been received and the nature of that concern.
- 2.4 Within three clear working days of the interview the Chair of Trustees, will write to the employee raising the concern:
  - i. acknowledging that the allegation has been received;
  - ii. providing a summary of the concern raised;
  - iii. outlining whether any initial enquiries have been made;
  - iv. clarifying whether further investigations will take place, and, if not, why not;
  - v. where an investigation is to be made, indicating how it will be dealt with and where possible who the investigating officer will be.

### 3. Investigation

- 3.1 The Chair of Trustees will arrange an investigation into the allegation, at the earliest opportunity, but certainly within three working days except where:
- i. the disclosure suggests criminal activity may be involved, in which case paragraph 4.1.i of this procedure will apply;
  - ii. the allegation concerns weak performance rather than malpractice. In this case, the matter will be handled through performance management and capability procedures.
  - iii. the concerns appear unsubstantiated.
- 3.2 The nature of the investigation will depend on the type of allegation i.e. police matter (with potential criminal allegations) breach of safeguarding or professional conduct and disciplinary proceedings. The Chair of Trustees will seek guidance from their HR Provider.
- 3.3 The Chair of Trustees may, at their discretion seek an external auditor (or appropriately trained or experienced professional) to conduct the investigation or may appoint an appropriate investigative officer from the Trust to undertake the investigation.
- 3.4 In some cases, the Chair of Trustees may suspend the employee, who may be the subject of allegations 'without prejudice' to allow the impurity of the evidence being investigated or there is a possible risk of harm to children posed by an accused person needs, which needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. **Suspension must not be an automatic response when an allegation is reported.**
- Trusts must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved, and should seek advice from their HR provider.
- 3.5 The length of time over which the investigation will be carried out will vary, but should be as short as is consistent with a thorough approach. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation.

#### **4. Action**

4.1 Where the investigation shows there is wrongdoing either:

- i. if the Chair of Trustees suspects that a criminal offence has taken place, he/she will inform the police, having taken advice as necessary. In this case, any internal investigation will be postponed until the police investigation and any criminal proceedings which may arise, have been completed;

**or**

- ii. A breach of the Staff Behaviour policy will result in action being taken in accordance with the Disciplinary Policy

#### **5. Response**

5.1 At the end of the investigation, the Chair of Trustees will, as far as is possible and with due regard to third party rights, inform the employee making the allegation of the outcome. If the decision is that no action be taken, either because the allegation has not been made out or it concerns weak practice, (see paragraph 3.1ii of the procedure), the reasons for this decision will be made known to the employee making the allegation.

5.2 The response to the employee/worker against whom the allegation was made will be in line with the Staff Disciplinary policy.

## 6. Appeal

- 6.1 If an employee/worker raising a concern feels appropriate action has not been taken, they may appeal to a panel made up of three Trustees to review the response to the concern.
- 6.2 upon review, the appeal panel may **advise** the Chair of Trustees to:
- i. Uphold the decision
  - ii. Request further investigation
  - iii. Take further action
- 6.3 Depending on the nature of the matter raised, if the employee reasonably believes that the appropriate action has not or been taken following 6.1, 6.2 or reasonable belief that this will not be undertaken by the employer, he/she may consider reporting the matter to the appropriate authority/Prescribed Person.

If an employee decides to blow the whistle to a prescribed person rather than your employer, they must make sure that they have chosen the correct person or body for the issue. For example, if they are blowing the whistle on examination malpractice they should contact the Office of Qualifications and Examinations Regulation. Below is a link of the prescribed persons and bodies which a disclosure can be made to. There is also a brief description about the matters that can be reported to each prescribed person. In addition, an employee can also blow the whistle to their legal adviser, in the course of obtaining legal advice, or to a member of the House of Commons about any matter specified in the Public Interest Disclosure (Prescribed Persons) (Amendment) (No 2) Order 2015. You can get the contact details for any Member of Parliament at the following link: <http://www.parliament.uk/mps-lords-and-offices/> More information on whistleblowing can be found on the GOV.UK website: [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing).

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/502773/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/502773/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf).

## 7. Safeguards

7.1 All efforts will be made to protect an employee's identity when they raise a concern and do not want their name to be disclosed; however, it must be appreciated that the investigation process may reveal the source of the information and a written statement by the employee may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

7.2 The Trust accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind, employees are encouraged to put their names to any allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove, however, they will be considered at the Trusts' discretion.

In deciding whether to investigate an anonymous allegation, it will be necessary to consider the seriousness of the allegation, its validity and whether evidence can be obtained in order to proceed with an investigation. In making this consideration 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 other sources in the face of a denial from the accused person(s).

7.3 If employees make an allegation without personal gain, which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against that employee who will be fully supported after the event. If, however, employees make malicious or vexatious allegations, disciplinary action may be taken.

Equally, if malicious allegations are made against the employee, the Trust will ensure that the employee is fully supported and that appropriate disciplinary action is taken against the person making the malicious allegations.

7.5 There may be circumstances when employees wish to seek independent advice before raising a concern internally. The charity Public Concern at Work (PCaW) provides free confidential advice to workers who have concerns about wrongdoing in the workplace and can be found at [www.pcaw.co.uk](http://www.pcaw.co.uk) / [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk).

## Appendix 2

### Logging a concern about the behaviour of a member of staff or volunteer

(N.B. This form should be used for recording and reporting all allegations of abuse by and all concerns about the behaviour of staff and volunteers that are in breach of the Staff Behaviour policy (code of conduct).

All allegations and all such concerns must be reported to the Headteacher\* without delay)

About the member of staff or volunteer whose behaviour is causing concern or is subject of the allegation:	
Name (print):	
Job Title (print):	
Date (of writing this record):	Time (of writing this record):
About the person reporting the concern/allegation and completing this form:	
Name (print):	
Job Title (print):	
Signature:	
What is the nature of the specific allegation or concern about behaviour (brief headline)?	
Record the following factually: <u>When?</u> (date & time of incident); <u>What</u> exactly has raised your concern (what happened, what <u>did you see/hear/find out</u> or what were you told)? <u>Where</u> did your concerns arise? <u>Who else</u> - were any pupils or other staff present or involved? N.B. Please record any direct disclosures/statements/ allegations/comments using the child or adult's exact words in quotation marks	
NB if additional pages are used, these must be attached securely to this form	
Did you do anything or speak to anyone else before reporting the incident/concern to the Headteacher* (if yes, please provide names and details)?	
Any other relevant information:	
Date and time incident/concern was first shared with Headteacher* N.B. It is not necessary to complete this form before speaking to the Headteacher* – the circumstances may mean you need to speak to the Headteacher* first as a matter of priority:	

**Check to make sure your report is clear; and will be clear to someone else reading it next year**

**NOW PLEASE PASS THIS FORM TO THE HEADTEACHER\*  
(Headteacher\* to complete sections overleaf)**

\* In the event that the allegation/concern is about the Headteacher, this form must be passed to the Chair of Governors, who should complete the second part of the form.

(Following sections to be completed by Headteacher\*)

<p><b>Time &amp; date information received by Headteacher*, and from whom</b></p>	
<p><b>Action taken (e.g. discussion with LADO; PoT MARF submitted to LADO; advice taken from HR/ Legal/ Chair of Governors)</b></p>	
<p><b>Date, time, name, role, organisation advice provided by</b></p>	
<p><b>If decision not to refer to LADO, state reason</b></p>	
<p><b>Parents informed? Yes/ no State reasons if no</b></p>	
<p><b>Outcome (e.g. Referral to LADO, PoT meeting convened, HR advice taken, Police investigation, internal investigation, informal management advice given and recorded, no further action)</b></p>	
<p><b>Signed</b></p>	
<p><b>Printed Name</b></p>	
<p><b>Date</b></p>	

**Signature, date and time when member of staff submitting this form received confirmation of receipt of report/allegation from Headteacher\***



### **Appendix 3**

#### Anti-Bribery statement:

The Trust is committed to conducting all of its business in an honest and ethical manner.

In accordance with the Bribery Act 2010 we operate governance by implementing and enforcing robust policies and procedures to guard against any illegal behaviour.

The Trust acts openly in relation to all of its dealings with families, colleagues, suppliers and all third party contacts. If any of our colleagues, families, suppliers or any third party we work with have any concerns or issues that they wish to raise then they should report to the Headteacher or Chair of Trustees.

The Trust has a zero tolerance approach to any breach of the Bribery Act 2010 and any issues raised will be treated with the utmost importance.