



Ralph Sadleir School

WHISTLEBLOWING POLICY

2021 - 2023

1. Introduction

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated and that their confidentiality will be respected.
- Let all staff in the trust know how to raise concerns about potential wrongdoing in or by the trust.
- Set clear procedures for how the trust will respond to such concerns.
- Let all staff know the protection available to them if they raise a whistleblowing concern.
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue).

The School is committed to the principles of honesty and integrity. A culture of openness and accountability is critical to ensuring these values are authentically lived by.

This policy applies to all employees, workers, agency staff, contractors, service providers, volunteers, and governors of the School.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. Legislation

The requirement to have clear whistle-blowing procedures in place is set out in the Academies Financial Handbook.

This policy has been written in line with the above document, as well as government guidance on whistleblowing. We also take into account the Public Interest Disclosure Act 1998.

3. Scope

If your concern relates to how you have been treated this should be raised under the grievance or bullying and harassment policies.

The whistleblowing policy will not replace any existing policies or procedures. If misconduct is discovered as a result of any investigation under this policy the School's disciplinary policy will be used.

The School encourages individuals to disclose any concerns they may have regardless of whether they are covered by this or another policy.

4. What is whistleblowing?

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but aren't limited to):

Whistleblowing means the reporting of information which relates to actual or suspected wrongdoing related to a "qualifying disclosure".

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

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- Criminal offences, such as fraud or corruption.
- Pupils' or staffs' health and safety being put in danger.
- Failure to comply with a legal obligation or statutory requirement.
- Breaches of financial management procedures.
- Attempts to cover up the above, or any other wrongdoing in the public interest.
- Damage to the environment.

A whistle-blower is a person who raises a genuine concern relating to the above. They should have reasonable grounds for believing the information they are disclosing is accurate.

Not all concerns about the trust count as whistleblowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistleblowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance. Staff should follow our staff grievance or complaints procedures.

Where a disclosure fails to show that one of the six categories of wrongdoing has been or is likely to be occur, it cannot amount to a qualifying disclosure for the purposes of the whistleblowing legislation

Potential whistleblowers are encouraged to seek support from a senior manager or their trade union representative if they are unsure whether to make a disclosure or to access support in making a disclosure, regardless of whether it is qualifying or not.

5. Protections for whistleblowers

This policy has been written to take account of the Public Interest Disclosure Act 1998 and other relevant legislations, which protects workers making disclosures.

A whistleblower who makes a qualifying disclosure has the right not to be dismissed, subjected to any detriment or victimised, because they have made a disclosure.

Victimisation of a whistleblower for raising a qualifying disclosure will be a disciplinary offence.

The School will not dismiss anyone on the basis that they have made an appropriate lawful disclosure in accordance with the law and this policy.

Whistleblowers may seek support and advice from organisations such as the whistle blowing charity Protect (<https://protect-advice.org.uk> / 020 3117 2520) or ACAS (www.acas.org.uk).

6. Obligations for the whistleblower

An instruction to cover up wrongdoing is in itself a disciplinary offence. A whistleblower who is told not to raise or pursue any concern, even by a person in authority, should not agree to remain silent.

Whistleblowing to an external agency without first using the procedure below may be considered a breach of the School's Code of Conduct.

It is not appropriate to whistleblow to the media in any circumstances and may be considered gross misconduct.

Maliciously making a false allegation is a disciplinary offence.

7. Confidentiality

The School encourages individuals to voice their concerns openly. If anyone wishes to raise concerns confidentially, the School will make every effort to keep their identity secret.

The School will consult with the whistleblower before divulging their identity to any party, including an investigator.

The School does not encourage anonymous disclosures as this may make it harder to establish the credibility of an allegation and may make investigation difficult or impossible. Anonymous concerns will be taken seriously and investigated as far as is possible under this policy.

8. The School's commitment

Any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially.

Whilst the school will aim to keep the employee informed of the progress of the investigation and likely timescales, sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed

9. Obligations for the Board of Trustees

An appropriate representative of the School (Headteacher or named trustee) will inform the Board of Trustees of any qualifying disclosures at the earliest opportunity.

10. Whistleblowing procedure

10.1. Stage 1 – Disclosure

The whistleblower should initially raise their concern to their line manager in writing wherever possible.

If the concern relates to the line manager or any person to whom they report (other than the Headteacher) the whistleblower should raise the issue with the Headteacher.

If the concern relates to the Headteacher, the whistleblower should raise this with the Trustee or employee named at the end of this policy.

10.2. Stage 2 – Investigation

The School will arrange an investigation into the concerns raised. This will take place as soon as is reasonably practicable.

The investigation may involve the whistleblower and other individuals involved meeting with the investigator and giving a written statement.

At any investigatory meetings the whistleblower is entitled to be accompanied by a recognised trade union representative or a work colleague.

10.3. Step 3 – Report to Board of Trustees

The investigator will report to the named representative of the Board of Trustees before any further action is taken. The representative of the Board of Trustees will decide on potential outcomes including, but not limited to:

- Invoking the School's disciplinary process, or other relevant policy.
- Referral to the police, our external auditors or the Education and Skills Funding Agency.
- No further action.

On conclusion of any investigation, the whistleblower will, as far as is practicable and where it is reasonable to do so, be told the outcome of the investigation and what the School has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

10.4. Step 4 – Escalation.

This policy is intended to provide employees with an avenue to raise concerns within the Trust. However, should the whistleblower feel dissatisfied that the appropriate action has not been taken, and feels it is right to take the matter further then they have the right to do so independently. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- The Financial Conduct Authority (formerly the Financial Services Authority).
- The Health and Safety Executive.
- The Environment Agency.
- Her Majesty's Chief Inspector of Children's services and skills.



- The Secretary of State for Education.
- The Office of Qualifications and Examinations Regulator.

A full list can be obtained from the charity, Protect or the BEIS (Department for Business, Energy and Industrial Strategy) website. Alternatively, an employee may contact their professional association or trade union representative for guidance.

11. 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.

12. Contacts

The School's appointed member(s) of staff for this purpose is: **Mr R. Fuller, Headteacher**

The School's appointed Trustee(s) for this purpose is: **Mrs J. Tye, Chair of the Board of Trustees**

Or the independent whistleblowing charity **Protect**, Helpline 020 3117 2520, E-mail: whistle@protect-advice.org.uk

13. Review

The Board of Trustees with their oversight on the internal control and governance framework of the Trust will review this policy and consider its effectiveness through a process of annual review.

The Board of Trustees reviewed and ratified the Whistleblowing Policy on 11th September 2021.

Staff will be notified of the updated policy within 7 days of the ratification of the policy. The policy will be accessible to staff via the shared Google Drive / RSS School Policies and Procedures (Current).

14. Links with other policies

This policy links with our policies on:

- Staff Grievance Policy.
- Complaints Procedures Policy.
- Child Protection and Safeguarding Policy.
- Staff Code of Conduct Policy.