



POLICY DOCUMENT

For use by all member schools

Whistleblowing

	Name	Date
Written By	Niv Vitarana, Deputy Head, HPS	June 2012
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Policy to be reviewed annually

WHISTLEBLOWING POLICY

Introduction

The Trust is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns. This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the Grievance, Disciplinary Procedures for staff or the Complaints Policy.

This procedure should only be used where all other existing internal procedures are felt to be inappropriate or when a member of staff, for whatever reason, feels inhibited in going through the normal line management. As an example, therefore, if a member of staff has a personal grievance then it must be raised through the grievance procedure; it would not be appropriate for it to be raised through this procedure. The existence of this procedure does not prevent staff from raising concerns through their trade union if they so wish. The procedure is therefore not a route through which employees can raise concerns about mismanagement which may arise from weak management rather than malpractice.

Aims of Policy

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated appropriately, and that their confidentiality will be respected;
- To provide staff with guidance as to how to raise those concerns;
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be a mistake.

This policy takes account of the Whistleblowing Arrangements Code of Practice 2008 issued by the British Standards Institute and Public Concern at Work and guidance provided by the DfE regarding maintained schools (<https://www.gov.uk/guidance/whistleblowing-procedure-for-maintained-schools>).

This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at all schools and the Trust reserves the right to amend its content at any time.

This policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including Trustees, Local Advisory Council members, the Executive team, Headteachers, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;

- child protection and/or safeguarding concerns; * See note at the end of this policy
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- improper administration of school procedures;
- breach of the Trust or the school's policies and procedures including its Code of Conduct;
- conduct likely to damage the Trust's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to staff's own personal circumstances, such as the way you have been treated at work. In those cases, you should follow the Grievance Policy and Procedure.

If staff are uncertain whether something is within the scope of this policy, they should seek advice from the Designated Officer as stated below and if the matter is in relation to an alleged wrongdoing by the Designated Officer or Headteacher then staff should seek the advice of the Designated Local Advisory Council member as stated below. Should the matter be in relation to the CEO then advice should be sought from the Chair of Trustees.

Raising a whistleblowing concern

The Trust hopes that in many cases staff will be able to raise any concerns with their Line Manager, speaking to them in person or putting the matter in writing if they prefer. They may be able to agree a way of resolving a concern quickly and effectively. In some cases they may refer the matter to the Executive team.

However, where the matter is more serious, or you feel that your Line Manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following designated officers with responsibility for whistleblowing matters:

Hayes Primary School – Mrs S Howell
Leesons Primary School – Mr P Collins
Elmstead Wood Primary School – Mrs R Haig
Central Trust staff – Mrs V Bolton

St Mary Cray PA – Mr G Jamieson
Midfield Primary School – Mr D Osborn

Alternative point of contact:

Hayes Primary School - Ms E Brown
 Leesons Primary School – Ms G Dobbs
 Elmstead Wood Primary School – Ms R Sampson

St Mary Cray PA – Mr L Frost
 Midfield Primary School – Mr P LeConte

Central Trust staff – Mrs C Sheehan

The Designated Local Advisory Council member with responsibility for Whistleblowing matters:
Hayes Primary School - Mrs J Bishenden St Mary Cray PA – Mr C Lonergan
Leesons Primary School – Mr T Cross Midfield Primary School – Mr T Cross
Elmstead Wood Primary School - Mr B Hawes

Trustee with responsibility for Whistleblowing matters: Mr J Cliff, Chair of Trustees.

Staff may contact any of the Designated Local Advisory Council members above in relation to a whistleblowing concern. In addition to the names above any whistleblowing concerns can be reported to the email address below which is monitored by an impartial person who is not employed by the Trust: independentmember@springpartnership.co.uk

The person who has been contacted will arrange a meeting with the whistleblower as soon as practicable to discuss their concern. They will record sufficient details to enable the matter to be thoroughly investigated. As a minimum the Designated Officer will record the name of the employee but also indicate whether the individual wishes his or her identity to remain confidential, if possible and the nature of the concern. In some cases, it will not be possible to maintain confidentiality and the Designated Officer should explain this to the employee. In such instances the employee will have the choice of either withdrawing or agreeing to his/her identity becoming known to enable the concern to be effectively dealt with.

Staff may bring a colleague or trade union representative to any meetings under this policy who must respect the confidentiality of the disclosure and any subsequent investigation.

The relevant school will take notes and produce a written summary of the concern raised and provide the whistleblower with a copy as soon as practicable after the meeting. The relevant school will also aim to give the whistleblower an indication of how it proposes to deal with the matter.

Confidentiality

The Trust hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the relevant school will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know the whistleblower's identity, the relevant school will discuss this with the member of staff first.

The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the relevant school cannot obtain further information. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the contacts listed above and appropriate measures can then be taken to preserve confidentiality.

If an individual misuses the policy e.g. by making malicious or repeated unsubstantiated complaints against colleagues this could give rise to action under the Trust's Disciplinary Procedure. If the Designated Officer knows or has a suspicion that an employee comes into this category, then s/he will take advice from the Executive team who will help to determine what action should be taken.

If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are:

Protect (previously Public Concern at Work) Helpline: 020 3117 2520 Website:
www.protect-advice.org.uk

Concerns against Trustees/Local Advisory Council members

If a concern against a Trustee or Local Advisory Council member is received, then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Designated Officer with the Chair of Trustees who will decide how it should be dealt with.

If the concern is against the Chair of Trustees, then the concern will be taken directly to the Designated Officer who will decide in consultation with the Headteacher and the Local Advisory Council member with responsibility for Whistleblowing matters how it should be dealt with. In normal circumstances such a concern would be referred to the Department for Education for action.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of school staff, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows staff to raise a concern in good faith with a third party, where the member of staff reasonably believes it relates mainly to their actions or something that is legally their responsibility. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

Investigation and outcome

Once a member of staff has raised a concern, the relevant school will carry out an initial assessment to determine the scope of any investigation. The relevant school will inform the whistleblower of the outcome of its assessment. The member of staff raising the concern may be required to attend additional meetings in order to provide further information.

In some cases the relevant school may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the relevant school to minimise the risk of future wrongdoing. It may also be an option for a panel of three Local Advisory Council members or Trustees to investigate the issue.

The relevant school will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the school from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

If the school involved concludes that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.

Whilst the Trust cannot always guarantee the outcome a particular member of staff is seeking, the relevant school will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with one of the other key contacts outlined above.

There are no rights of appeal against any decisions taken under this procedure. However, an employee or the Designated Officer will have the right to refer any particular case to the Headteacher or Designated Local Advisory Council member for review.

Any member of staff raising a concern under the procedure will be kept informed of progress by the Designated Officer, including, where appropriate, the final outcome. However, in certain circumstances, e.g. where disciplinary action under the Trust's Disciplinary Procedure has resulted from the concern, it may not be appropriate to provide specific details due to the confidentiality and sensitivity of such matters.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith.

Detrimental treatment would include dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied the member of staff should raise it formally using the Trust's Grievance Policy and Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the relevant Headteacher in the first instance.

Safeguarding

If a member of staff suspects that there is a serious safeguarding issue that they feel that the relevant Headteacher is not taking seriously or that they believe there is a serious safeguarding issue involving a Headteacher they should in the first instance contact the relevant Designated Local Advisory Council member and/or the Lead Officer for Education Safeguarding (Bromley Safeguarding Children Board) on 020 8461 7816 (BSCB@bromley.gov.uk). Reference to the Trust's Child Protection (Safeguarding) policy should be made if the matter is in relation to a pupil.