

THE SHROPSHIRE GATEWAY EDUCATIONAL TRUST

WHISTLEBLOWING POLICY

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| Author | Matthew Hayes |
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| Approved By | SGET Board |
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1.0 Introduction

The Public Interest Disclosure Act 1999 provided employees with protection when raising genuine concerns about malpractice in the workplace. It encourages disclosures to be made internally in the first instance but also allows for certain protected disclosures to be made to specific external bodies.

The Shropshire Gateway Educational Trust is committed to open and honest communication and the highest possible standards of integrity. Part of meeting that commitment is to encourage employees and others who have serious concerns about wrongdoing to speak up.

This may need to be on a confidential basis and the Trust wishes to emphasise that if someone does “speak up” they can do so without fear of reprisals. Such policies are termed “blowing the whistle” and this phrase is used through this statement but should be viewed as a positive action of speaking up.

Disclosures made under this procedure are monitored for statistical purposes are required under the Public Interest Disclosure Act. Details of any disclosure remain confidential.

2.0 Aims and Scope of this Policy

This policy aims to:

- provide avenues for staff to raise concerns and receive feedback on any action taken;
- allow staff to take the matter further if they are dissatisfied with the response and;
- reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith

Employees may be the first to see that something is seriously wrong within the school. Such wrongdoings may relate to:

- Fraud and corruption

- Discrimination
- Abuse of vulnerable people
- Damage to the environment
- Health & safety
- Failure to comply with legal proceedings

It is the duty of employees to speak up when they have serious concerns and it is the duty of each school and the Shropshire Gateway Educational Trust to act on those concerns and to protect and support employees when they do. A failure to report serious concerns could be construed as collusion. Difficult as it may be to speak up, employees should be aware of their special position and of their duty to make their concerns known.

This Policy is issued to employees to advise specifically on blowing the whistle on wrongdoing. It should not be confused with the complaints procedure, the grievance procedure or the Child Protection procedure.

3.0 Serious Concerns

Serious concern may be related to something that:

- is unlawful;
- is against the Trust's, financial rules, articles or other policies; □ does not meet established standards or working practices; □ amounts to improper conduct.

Theft, bribery and corruption, the abuse of children or vulnerable adults, service users or staff and environmental misuse are all the type of things which would fall into these categories.

Concerns may relate to the treatment of children and young people. This could mean, for example, that a person or persons are:

- deliberately ignoring the best interests of the child or young person;
- teasing, harassing or touching a child or young person inappropriately;
- threatening a child, young person or a parent or distressing them in some way;
- neglecting a child by not giving them the support they need, including medical; attention or care;
- hitting or restraining a child inappropriately;
- using a child or young person's money or possessions in an inappropriate way.

Procedures for dealing with allegations or concerns about child abuse already exist and each school has a named member of staff to whom such issues can be referred. There are also specific procedures for dealing with allegations of child abuse against school staff. This policy supplements these arrangements.

4.0 Safeguards

4.1 Harassment or Victimisation

The school and Trust recognise that deciding to report a concern can be difficult, not least because of the fear of reprisal from those responsible for the malpractice.

The Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. However, if you are already the subject of disciplinary or redundancy procedures, those procedures will not be halted as a result of your whistleblowing.

4.3 Confidentiality

The school and Trust will do their best to protect your identity when you raise a concern and do not want your name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

4.4 Anonymous Allegations

As a rule the Trust encourages its employees to put a name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Headteacher and/or Executive Headteacher in conjunction with the relevant Governing Body.

Things taken into account, when dealing with anonymous allegations, would include:

- the seriousness of the issues raised;
- the validity of the concern;
- the likelihood of confirming the allegation from other sources.

Allegations which do not appear to be motivated by personal animosity and which if true, would have serious implications for the school, are more likely to be considered, even when made anonymously.

It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by anyone making an anonymous allegation may be required as part of the evidence.

4.5 Untrue Allegations

If you make allegations in good faith, which are not confirmed through the investigation, no action will be taken against you. In such circumstances employees will be supported.

If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you in line with the Trust's Disciplinary Policy.

4.6 Support

Throughout and after this difficult process you will be given full support from senior management; your concerns will be taken seriously and the Trust will do all it can to help you.

5.0 How to raise a concern

As a first step, you should normally raise concerns with your immediate manager or their manager. This will however depend on the seriousness and sensitivity of the issue/s involved and who is suspected of the malpractice.

If you believe that your manager is involved then you should approach the Headteacher. However if you believe the Headteacher is involved you should approach the Executive Headteacher and/or Chair of the Local Governing Body. If you believe that the Executive Headteacher and/or Chair of Local Governing Body is involved you should approach the Chair of the Board of Directors.

Concerns may be raised orally or in writing; in doing so you should try to set out:

- the background and history;
- dates and places where possible; □ the reasons for your concern.

The earlier you express your concern, the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for raising the matter.

You may wish to consider discussing the situation with a colleague first and you may find it easier to raise the matter if there are two or more of you who have had the same experience or concerns.

6.0 How the school and/or Trust will respond

The school and/or Trust will respond to your concerns. Please note that that testing your concerns is not the same as either accepting or rejecting them.

Where appropriate the matters raised may:

- be investigated internally by the school;
- be investigated internally within the Trust but independently of those directly involved;
- be referred to the Police;

- be referred to the external Auditor;
- form the subject of an independent inquiry.

In order to protect individuals initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. These will be made confidentially and every attempt made to protect the employee. Concerns or allegations which fall within the scope of specific procedures (for example, child protection issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

Within ten working days of a concern being received, the school and/or Trust will write to you:

- acknowledging that the concern has been received;
- indicating how the matter is to be dealt with;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- telling you whether further investigations will take place and, if not, why not.

The amount of contact between those officers considering the issues and yourself will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

Where any meeting is arranged, you have the right, if you so wish, to be accompanied by a trade union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

If you should become involved in further investigations or procedures (eg disciplinary proceedings or a criminal trial) as a result of using this procedure, you will be given every proper support and assistance. The Trust is concerned with ensuring that no-one using this procedure is disadvantaged or unfairly treated.

The Trust accepts that you need to be assured that the matter has been properly addressed and therefore, subject to legal constraints, you will receive information about the outcomes of any investigations.

7.0 How the matter can be taken further

This policy is intended to provide you with avenues to raise concerns within the school or Trust. If, following the procedures set out in this policy, an employee is not satisfied with the outcome and feels that it is necessary to take the matter outside the organisation, the following are possible contact points:

- the Trust's external auditor – Whittingham Riddell
- relevant professional bodies who regulate organisations (including the Ombudsman);
□ your solicitor;
- the police;
- Public Concern at Work <http://www.pcaw.org.uk/>)
- Shropshire Council

The disclosure of confidential information would normally constitute a serious disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if you do take the matter outside the Trust you need to ensure that either no confidential information is disclosed or that there are wholly exceptional circumstances which would justify a disclosure.

8.0 Implementation Plan

Is training required to implement this policy?

Yes No

If Yes, how will this be delivered and by whom?

To which groups of staff does this policy need to be issued? *All school staff and Trustees.*

How will the policy be issued and by whom?

Via email from Head teachers
Via Chairs of LGB

Date adopted by Local Governing Body:

Signed:

Appendix v - Equality impact assessment screening form

| | |
|---|----------------------------|
| Section one: screening for impact | |
| Name of policy | SGET Whistleblowing Policy |
| Project lead completing assessment: | Matt Hayes |
| Position: | Business Manager |
| | |
| 1. What is the main purpose of the strategy/project/policy? | |
| Describes SGET’s approach to whistleblowing; how to report a concern, how the report will be treated, how staff will be supported and what to do in the event of a concern not being fully addressed. | |
| 2. Who will be the main stakeholders/users of the policy? Please consider the impact of the policy on the different groups of stakeholder /users. | |
| Board of Directors, Headteachers, Senior Leaders, Line Managers, Staff, Pupils, Parents and Carers. | |

3. Have you already consulted with people about this work? If yes, briefly describe what you did and with whom. Is there any external or additional research that you can use to support the development of this policy?

N/A

4. Use the table to show:
- Where you think that the policy could have a negative impact on any of the equality strands, that is, it could disadvantage them – if no impact please note the evidence for this.
 - Where you think that the strategy/project/policy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relationships within equality characteristics.

| | Positive impact | Negative impact | No impact | Reason and evidence (provide details of specific groups affected even for no impact) |
|--------------------|-----------------|-----------------|-----------|---|
| Age | | | | This Policy is about empowering staff to report concerns. This includes, but is not limited to, groups identified within this list. |
| Disability | | | | This Policy is about empowering staff to report concerns. This includes, but is not limited to, groups identified within this list. |
| Gender | | | | This Policy is about empowering staff to report concerns. This includes, but is not limited to, groups identified within this list. |
| Gender identity | | | | This Policy is about empowering staff to report concerns. This includes, but is not limited to, groups identified within this list. |
| Sexual orientation | | | | This Policy is about empowering staff to report concerns. This includes, but is not limited to, groups identified within this list. |
| Race | | | | This Policy is about empowering staff to report concerns. This includes, but is not limited to, groups identified within this list. |
| Religion or belief | | | | This Policy is about empowering staff to report concerns. This includes, but is not limited to, groups identified within this list. |

| | | |
|---|-------------------------------|------------------------------|
| 5. If you have indicated there is a negative impact on any group, is that impact: | | |
| Legal? (not discriminatory under anti-discriminatory legislation) | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Intended? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Level of impact? | High <input type="checkbox"/> | Low <input type="checkbox"/> |

| | |
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| <p>If the negative impact is possibly discriminatory and not intended and/or of high impact you must complete a full equality impact assessment. If not, complete the rest of section one below.</p> | |
| <p>6. Could you minimise or remove any negative impact that is of low significance? Could you add any additional action to have a positive impact rather than no impact?</p> | |
| <p>Can be available in large print if required.</p> | |
| <p>7. If there is no evidence that the strategy, project or policy promotes equality, equal opportunities or improved relations – could it be adapted so that it does? If so, explain how.</p> | |
| <p>The policy seeks to promote empower staff.</p> | |
| <p>8. Please list the outcome following this equality impact assessment (this could be no changes, some changes, further work needed around particular groups or cease development of the policy).</p> | |
| <p>Can be available in large print if required.</p> | |
| <p>Signed:</p> | <p>Date:26.01.2016</p> |

