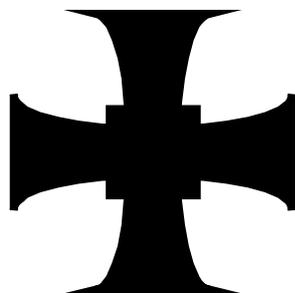


TRINITY SCHOOL CARLISLE



A CHURCH OF ENGLAND ACADEMY

WHISTLEBLOWING POLICY FOR SCHOOL STAFF

Staffing Committee

Reviewed: May 2020

Approved by the Staffing Committee: June 2020

Ratified by the full Governing Body: July 2020

Next review: June 2022

(This policy is the one current within Cumbria Local Authority, but adopted with only minor modifications only for Trinity School.)

Whistleblowing Policy

1 Introduction

- 1.1 Trinity School is committed to the highest standards of honesty, integrity and accountability in carrying out its functions.
- 1.2 The school recognises, however, that wrongdoing, though rare, may occur and that the vigilance of employees, other staff and contractors is vital to maintain high standards of conduct.
- 1.3 The school expects employees and other workers to report suspected wrongdoing, as we believe that the best deterrent is for everyone to know that wrongdoing will be reported, will be thoroughly and swiftly investigated and that wrong doers will be held accountable for their conduct.
- 1.4 This Policy is intended to make a clear statement that any wrongdoing by Trinity School employees or third parties associated with the school that is reported to the school will be thoroughly investigated and appropriate action taken when wrongdoing is found to have occurred.
- 1.5 This Policy sets out how concerns about wrongdoing can be reported and what the school will do.

2 Application of this Policy

- 2.1 This Policy applies to School employees and other workers, including freelance staff, temporary and agency staff, consultants, contractors (and their staff), volunteers and employees in organisations which work in partnership with the School.
- 2.2 In this Policy the term “employee” refers to employees of the School and other workers to whom the Policy applies.

3. Scope of this Policy

- 3.1 This Policy provides all employees with:
 - (a) avenues to raise concerns; and
 - (b) reassurance that they will be protected from victimisation and dismissal as a result of reporting their concerns.
- 3.2 The list below provides examples of the types of wrongdoing that can legitimately be reported under the Whistleblowing Policy:
 - (a) Any unlawful conduct, whether criminal or a breach of civil law, failure to comply with a legal obligation, or where a miscarriage of justice has occurred or is likely to occur;
 - (b) Maladministration as defined by the Local Government Ombudsman;
 - (c) Breach of any statutory Code of Practice;
 - (d) Breach of, or failure to implement or comply with, any policy or procedure rules determined by the School;
 - (e) Misuse of assets including stores, equipment, vehicles, buildings computer hardware and software;

- (f) Failure to observe health and safety legislation or endangering the health and safety of any individual;
- (g) Failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to the School or would otherwise seriously prejudice the School;
- (h) Causing damage to the environment;
- (i) Corrupt practices, abuse of power, or the use of the School's powers for any unauthorised or ulterior purpose;
- (j) Deliberate falsification of data or information;
- (k) Any other cases of malpractice, negligent, unprofessional or unethical conduct;
- (l) The deliberate concealment of any information in relation to any of the above.

4 Relationship with other policies

- 4.1 The Whistleblowing Policy is intended for employees to raise concerns that it is in the public interest to report and where the interests of others or of the School are at risk.
- 4.2 The School has in place policies and procedures for employees to raise issues relating to their own personal circumstances or treatment at work. In those cases, employees should use the Grievance Procedure or other appropriate Human Resources Procedure.
- 4.3 The Whistleblowing Policy is intended to be used in circumstances where the person reporting the matter feels that, for any reason, existing policies and procedures are inappropriate.

5 Safeguards for employees reporting concerns

- 5.1 In many cases, it is an employee who will be the first to become aware of any wrongdoing within the School. If an employee becomes aware of any wrongdoing, the School therefore expects employees to report their suspicions.
- 5.2 The School recognises that individuals may sometimes be reluctant to express their concerns, because they fear that this would be disloyal to managers, colleagues and others in the School or because they fear reprisals, such as harassment or victimisation.
- 5.3 The School will not tolerate any attempt on the part of any employee to take reprisals against any person who has reported a concern. The School will treat any such harassment or victimisation as a serious matter which in the case of a person employed by the School may be a disciplinary matter.
- 5.4 Whistleblowers may also have additional legal protection if they make certain disclosures of information in the public interest and are then victimised in their employment. Those who victimise a whistleblower can be held personally liable for their conduct. In addition, the School could be held liable if it has not taken all reasonable steps to prevent such victimisation occurring.
- 5.5 If an employee who has made a genuine complaint is not satisfied it has been dealt with appropriately, they may raise the matter with the Headteacher. If the complaint relates to the Headteacher they should raise it with the Chair of Governors.
- 5.6 The School will ensure that the necessary resources are put into investigating any reports it receives.

6 How to report a concern

- 6.1 An employee who wishes to report a concern under the Whistleblowing Policy should contact the Deputy Headteacher in the majority of cases. It will be the responsibility of a member of the Senior Leadership Team (SLT) to initially investigate the complaint in accordance with this Policy.
- 6.2 It is recognised that at times an employee may feel unable to report their concerns to the Deputy Headteacher, for example if the employee believes the Deputy Headteacher is involved in the wrongdoing or has failed to take appropriate action when the matter has been raised previously.
- 6.3 In these circumstances, the employee should report their concerns to the Headteacher who will investigate the complaint in accordance with this Policy. Should the concern involve the Headteacher, the employee should report their concern to the Chair of Governors.
- 6.4 A concern should be reported in writing (including by email) or followed up in writing as soon as possible after the initial verbal report.
- 6.5 Any evidence relating to the concern should be recorded, preserved and secured, and supplied to the Deputy Headteacher or investigating member of the SLT at the time that concerns are reported, or as soon as possible afterwards.

7 Anonymous reports

- 7.1 Anonymous allegations are those which are unsigned and unidentifiable. All reports will be investigated, but employees should be aware that anonymous allegations are more difficult to act upon and so may not be effective in remedying the wrongdoing alleged.
- 7.2 In considering what action to take in response to an anonymous allegation, the person to whom the report is made will consider:
- (a) The seriousness of the allegation;
 - (b) The credibility of the allegation;
 - (c) The likelihood of obtaining information from other sources to confirm the allegation.
- 7.3 The confidentiality of people who report concerns will be protected where it is possible to do so. Please refer to Section 12 of this Policy for more information about reporting concerns and confidentiality.

8 How the School will respond to a report of concerns

- 8.1 If urgent action is required to safeguard individuals or property or to preserve evidence the Headteacher will immediately take such action as is required.
- 8.2 All staff involved in investigating a report of concerns will take action without delay and in accordance with any timescales set out in this Policy.
- 8.3 Once a report of concerns has been received, it will be the duty of the Headteacher to pursue the matter if they believe it may be true.
- 8.4 It will not be possible for an employee to prevent a matter from being investigated by subsequently withdrawing their concerns.

9 Lead Manager

- 9.1 The Headteacher are the Lead Managers for reports of concerns about wrongdoing and are responsible for overseeing the effectiveness of the Whistleblowing Policy.
- 9.2 The Headteacher may if appropriate assign the role of Lead Manager in respect of a particular report of concerns to another senior leader.

10 Procedural steps following a report of concerns

- 10.1 The Lead Manager must keep a record of the following details:
- (a) Date report of concern received
 - (b) Name of person reporting concerns
 - (c) Details of the concerns reported
 - (d) Proposed action and by whom.
- 10.2 In order to protect both individuals and the School the Lead Manager will (unless in their judgement it is inappropriate to do so) make initial enquiries to decide whether an investigation is appropriate and if so, what form it should take.
- 10.3 This Policy acknowledges that in some circumstances, the Lead Manager may be able to resolve the reported concerns informally, without the need for a detailed investigation.
- 10.4 The Lead Manager will normally refer concerns which fall within the remit of specific procedures (such as child or adult safeguarding, disciplinary matters or employee grievances) for investigation under those procedures. The Lead Manager will need to make a judgement about whether the concern reported should be dealt with under other procedures or under the Whistleblowing Policy.
- 10.5 In exceptional circumstances the Lead Manager may decide not to investigate a complaint further. The Lead Manager may make such a decision if the facts on which the complaint is based have already been investigated and dealt with under the Whistleblowing Policy or other policies and procedures. If, following consultation with the Headteacher, a Lead Manager determines that a complaint should not be further investigated, they will write to the complainant giving their reasons.
- 10.6 The Lead Manager is responsible for commissioning an appropriate senior manager or external investigator as Investigating Officer. If the allegation involves or may involve wrongdoing by an employee, the Investigating Officer must be senior to the person under investigation.
- 10.7 The Lead Manager will identify an individual who will be available to provide support and advice to the person who reported concerns during the investigation and afterwards.
- 10.8 The Lead Manager will also identify a contact person for any employee who is under investigation under the Whistleblowing Policy.
- 10.9 Within 10 working days of receiving the complaint the Lead Manager will write to the person who reported concerns:
- (a) Acknowledging that the report of concerns has been received.
 - (b) Indicating how the Lead Manager proposes to deal with the matter.
 - (c) An estimate of how long it will take to provide a final response.

- (d) Stating what action has been taken and what action will be taken and by whom, including the name of the Investigating Officer appointed.
 - (e) Explaining the reason if the Lead Manager has decided not to investigate further.
- 10.10 The Investigating Officer will conduct an investigation to establish the facts of the reported wrongdoing and will make a written report, appending witness statements and other evidence to the Lead Manager.
- 10.11 All employees are required to co-operate with any investigation carried out under this Policy. Any employee who attends a meeting in connection with an investigation of alleged wrongdoing is entitled to be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the investigation relates.
- 10.12 The Investigating Officer will keep the person who reported a concern informed of progress with the investigation. If the person has any concerns about the investigation, they may raise these with the Lead Manager or if the concerns are about the Lead Manager, with the Chair of Governors.
- 10.13 If the investigation is taking longer than estimated, the Investigating Officer will provide a written update to the employee and to the Lead manager at least every month.
- 10.14 Once he/she has received the report of the Investigating Officer, the Lead Manager will take any necessary action. If the investigation reveals circumstances in which disciplinary action against an employee, or action to enforce a contractual obligation, is appropriate, the Lead Manager will be responsible for ensuring that the necessary steps are taken.
- 10.15 In some circumstances, the Lead Manager may consider it appropriate to report a matter to the Police or other regulatory authority.
- 10.16 If an allegation is found to be groundless the School will take reasonable steps to remedy any adverse consequences arising from the investigation.
- 10.17 In all circumstances the Lead Manager must record at the conclusion of the process:
- (a) Any resolution of the complaint without the need for investigation.
 - (b) Any referral for investigation under another policy,
 - (c) or, any decision not to investigate a complaint.
 - (d) Where investigated, the date of completion of the investigation.
 - (e) The findings of the investigation.
 - (f) Action taken by the Lead Manager.
- 10.18 All information relating to the report of concerns and its investigation must be retained by the Headteacher in accordance with the School's document retention policy.

11 Confidentiality

- 11.1 The School will be sensitive both to persons reporting concerns and to persons under investigation following a report under this Policy.
- 11.2 Investigations will be carried out as confidentially as possible. There will, however, be circumstances where information relating to a report of concerns will have to be disclosed by the School, for example if there is a legal obligation to disclose the information or if the wrongdoing is serious and is to be reported to the Police.

11.3 The Investigating Officer will not disclose the identity of the person who reported concerns unless they agree, or it is necessary for the purpose of the investigation or for reasons described in 11.1.

11.4 The Investigating Officer will advise the person who reported concerns if it becomes necessary to disclose their identity against their wishes. The person will have the opportunity to raise the issue with the Lead Manager who will without delay review the necessity of the disclosure before the investigation continues.

12 How concerns can be taken further

12.1 If an employee is not satisfied with how the School has addressed issues they have reported under this Policy, they may contact:

- (a) The Chair of Governors, or if they remain unsatisfied,
- (b) The relevant professional body. The details of relevant bodies are available on the Government Website Direct.Gov.

12.2 An employee who discloses confidential information, or concerns relating to the School, its business or other employees, outside the procedures set out in this policy may, if the law does not permit such disclosure, lose their entitlement to the protection against adverse consequences available to them under this policy or under the law. Employees are therefore advised always to follow the procedures under this Policy if they have concerns about wrongdoing in the School. This does not affect the legal right of employees to disclose concerns to outside bodies where this is legally prescribed.

13 Independent advice to Employees

13.1 Free confidential advice about wrongdoing at work can be sought from the independent charity Public Concern at Work on 020 7404 6609 or from an employee's Trade Union.

14 Contractors and Partners

14.1 The School will include a clause into contracts with suppliers to the School highlighting that this Policy applies to their staff while working on School business. It will place a requirement on contractors to publicise the Whistleblowing Policy to their staff involved in the contract with the School.

14.2 The School will include a clause in agreements with partner organisations where the School is acting as accountable body applying this policy to the partnership arrangements.

15 Failure to report concerns

15.1 Where an employee fails to report concerns, they themselves may become implicated in the wrongdoing and the School will therefore also treat failure to report concerns as a serious matter which may amount to a disciplinary matter.