

# Whistleblowing Policy

## Equalities Statement

Over recent years, schools and academies have (in line with other institutions and public bodies) been working towards an improved understanding of the diverse nature of their communities. Much of the work is in response to new legislation that places an increased duty on schools, academies and other settings to tackle radicalisation and to establish a positive ethos of British Values. Legislation requires schools and academies both to eliminate direct or indirect discrimination, victimisation or harassment and to promote equalities for students, staff and others who use their facilities.

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as, socio-economic factors.

### Document Management

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Approved by:	Board of Directors
Responsible for review:	Chief Operating Officer

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## 1. About this policy

1.1 Swale Academies Trust (“**the Trust**” or “**we**”) are committed to conducting Trust affairs with honesty and integrity, and we expect all staff to maintain high standards. 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 and to address them when they do occur.

1.2 The aims of this policy are:

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

1.3 This policy covers all employees, officers, consultants, contractors, casual workers, volunteers and agency workers (referred to in this policy as “**staff**”).

1.4 This policy was approved by the Trust’s Board of Directors (“**the Board**”) on 23 March 2016.

1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## 2. Definitions

2.1 The following terms shall have the following meanings throughout this policy:

a) “**Central Services Staff**”: An employee of the Trust who is not a teacher; and not a member of support staff mainly assigned to a particular school within the Trust. Central Services Staff shall include, for example, Trust-wide finance employees; Trust-wide Human Resources employees; Trust-wide IT employees; Trust-wide Shared Services employees; Trust-wide Premises employees; and any other Trust employees who are temporarily seconded between schools;

b) “**Headteacher**”: The Headteacher of the school within the Trust to which you are permanently assigned. For Central Services Staff, Headteachers, Executive Headteachers or Advisory Headteachers who wish to raise concerns, any reference in policy to your Headteacher should be read as referring to the Trust Principal.

## 3. The education context

3.1 Staff must acknowledge their individual responsibility to bring matters of concern to the attention of the Headteacher or Deputy Head, or to the other people named in paragraph 6.2 of this policy. Although this can be difficult, it is particularly important where the welfare of children may be at risk.

3.2 You may be the first to recognise that something is wrong but may not feel able to express your concerns out of a feeling that this would be disloyal to colleagues or you may fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember, it is often the most vulnerable child or young person who is targeted. These children need someone like you to safeguard their welfare.

3.3 Reasons for whistle blowing:

- a) All staff have a responsibility for raising concerns about unacceptable practice or behaviour.
- b) To prevent a problem worsening or widening.
- c) To protect or reduce risks to others.
- d) To prevent becoming implicated in any wrongdoing yourself.

3.4 What stops people from whistle blowing:

- a) Fear of starting a chain of events which spirals.
- b) Fear of disrupting the work or project.
- c) Fear of getting it wrong.
- d) Fear of repercussions or damaging careers.
- e) Fear of not being believed.

**3.5 Your mantra ought to be: “Don’t think ‘what if I’m wrong?’ – think ‘what if I’m right?’”. If you raise your concerns in good faith, you will not be subjected to any kind of detrimental treatment for having done so even if you turn out to be wrong.**

## 4. Personnel Responsible for the Policy

4.1 The Board has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy but has delegated operational responsibility to the Trust Principal. The Trust Principal is referred to in this policy as “**the Whistleblowing Officer**”. The Whistleblowing Officer has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive appropriate training or guidance.

4.2 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 Whistleblowing Officer or the Trust Governance Officer.

## 5. What is Whistleblowing?

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

- a) criminal activity;

- b) failure to comply with any legal obligation or regulatory requirements;
- c) miscarriages of justice;
- d) danger to health and safety;
- e) damage to the environment;
- f) bribery;
- g) financial fraud or mismanagement;
- h) the deliberate concealment of any of the above matters.

5.2 A **whistleblower** is a person who raises a genuine concern 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.

5.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure or Anti-harassment and Bullying Policy as appropriate.

5.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the Whistleblowing Officer, whose contact details are at the end of this policy.

## 6. Raising a Whistleblowing concern

6.1 We hope that in many cases you will be able to raise any concerns with your line manager or Headteacher. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Whistleblowing Officer.

6.2 However, where the matter is more serious, or you feel that your line manager or Headteacher has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- a) The Whistleblowing Officer, who is the Trust Principal.
- b) The Chairman of the Local Governing Body of the school at which you work.
- c) The Chairman of the Board, contact details are set out at the end of this policy.

6.3 The Trust will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

6.4 We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

## 7. Confidentiality

7.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

7.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their

identity is revealed should come forward to the Whistleblowing Officer or one of the other contact points listed in paragraph 6 and the Trust will seek to take appropriate measures to preserve confidentiality.

## **8. Investigation and Outcome**

8.1 Once you have raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

8.2 In some cases we may appoint an investigator or team of investigators including staff or external persons with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

8.3 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

8.4 If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

## **9. If you are not satisfied**

9.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

9.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 6. Alternatively, in exceptional circumstances, you may contact our external auditors. Contact details are set out at the end of this policy.

## **10. External Disclosures**

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

10.2 The law recognises that in some circumstances it may be appropriate for you to report your 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, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

10.3 Whistleblowing concerns usually relate to the conduct of our staff or the welfare of pupils, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or Headteacher, or one of the other individuals set out in paragraph 6 for guidance.

## **11. Protection and Support for Whistleblowers**

11.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

11.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

11.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

## 12. Contacts

<b>Whistleblowing Officer</b>	Mr J Whitcombe 01795 426091 <a href="mailto:jon.whitcombe@swale.at">jon.whitcombe@swale.at</a>
<b>Trust Principal</b>	Mr J Whitcombe 01795 426091 <a href="mailto:jon.whitcombe@swale.at">jon.whitcombe@swale.at</a>
<b>Chairman of the Local Governing Body</b>	See contact details on the school website
<b>Clerk to the Board</b>	Miss K Martin 01795 426091 <a href="mailto:kate.martin@swale.at">kate.martin@swale.at</a>
<b>Chairman to the Board</b>	Mr P Goodson 01795 426091 <a href="mailto:paul.goodson@swale.at">paul.goodson@swale.at</a>
<b>The Trust's external auditors</b>	UHY Hacker Young 01795 475363 <a href="mailto:sittingbourne@uhy-uk.com">sittingbourne@uhy-uk.com</a>
<b>Public Concern at Work (Independent whistleblowing charity)</b>	Helpline: (020) 7404 6609 Email: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

*“Absolutely without fail challenge poor practice or performance. If you ignore or collude with poor practice it makes it harder to sound the alarm when things go wrong” (reproduced with acknowledgement to “Sounding the Alarm” – Barnardos)*