



Westminster

Primary

School

*Nurturing Minds...
Inspiring Excellence*

Whistleblowing Policy

Ratified by Trustees: October 2018

To Be Reviewed: October 2021

Introduction

The Code is intended to help employees in or working within the Trust who have major concerns over any wrong-doing within such schools relating to unlawful conduct, financial malpractice or dangers to the public or the environment. Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. Specific examples could include:-

- a criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed
- a miscarriage of justice has been/is likely to occur
- the health or safety of any individual has been/is likely to be endangered
- the environment has been/is likely to be damaged
- public funds are being used in an unauthorised manner
- sexual or physical abuse of any employee or service recipient is taking place (subject to the Child Protection Procedure in the case of children)
- discrimination is occurring to any member of staff or service recipient on grounds of sex, race or disability
- any other form of improper action or conduct is taking place
- information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.
- the Trust's governance arrangements have or are not being observed or are being breached by pupils and staff within the Academy trust.

The Trust Board, based on advice received from Birmingham City Council's Chief Legal Officer, has issued this Code so as to enable you to raise your concerns about such malpractice(s) at an early stage and in the right way. The Trust Board would rather that you raised the matter when it is just a concern rather than wait for concrete proof.

If something is troubling you, which you think we should know about or look into, please use this policy. If, however, you are aggrieved about your personal position, please use any appropriate Staff Grievance Policy - which you can get from your Headteacher. This Whistleblowing Code is primarily for concerns where the interests of others or of the organisation itself are at risk.

If in doubt - raise it!

Aims of the Schools Whistleblowing Code

The Code aims to:

- encourage employees in or working with within the Trust to feel confident in raising serious concerns and to question and act upon their concerns;
- provide ways for employees in or working with within the Trust to raise those concerns and get feedback on any action taken as a result;
- ensure that employees in or working with within the Trust get a response to their concerns;
- ensure that employees in or working with within the Trust are aware how to pursue their concerns and the appropriate steps to take if they are not satisfied with any action;
- reassure employees in or working with within the Trust that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

It is not intended to be used where other more appropriate procedures are available, for example:

- grievances (see Grievance Procedure)
- harassment

- complaints of misconduct against Trustees (For further information, please contact Birmingham City Council's School and Governor Support
- child protection (see Child Protection procedures)

Who Is Covered By The Schools Whistleblowing Code?

All employees in or working with within the Trust may use this Code. This includes permanent and temporary employees, and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this Code.

This Schools Whistleblowing Code has been drafted to help employees in or working with within the Trust. It is based upon Birmingham City Council's Whistleblowing Code and has been the subject of consultation with the relevant teacher and other professional associations and trade unions.

This Schools Whistleblowing Code will be kept under review by the Headteacher and the School's Trust Board.

What Assurance Do You Get?

If you do raise a genuine concern under this Code, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance is not extended to someone who maliciously raises a matter that s/he knows to be untrue.

The Trust will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this Code. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

What Is The Legal Background?

The Public Interest Disclosure Act 1998 (hereinafter referred to as "the Whistleblowers Act") protects employees against detrimental treatment or dismissal as a result of any disclosure of normally confidential information in the interests of the public. The Act only covers protected disclosures under six categories, namely; crime, illegality, miscarriage of justice, damage to health and safety, damage to the environment, and 'cover-ups' about these issues. To obtain protection employees must first disclose the information to the employer.

Therefore this Code has been adopted to provide an avenue within the School to raise concerns. If an employee takes the matter outside the School, s/he should ensure that no disclosure of confidential information takes place and should take advice, if unsure, as the Public Interest Disclosure Act does not provide blanket protection and could leave employees in or working within the Trust vulnerable to disciplinary or other action, if they disclose confidential information in circumstances not covered by the Act.

If you are unsure whether to use this Schools Whistleblowing Code or you want independent advice at any stage, you are advised to contact

- if applicable, your relevant trade union; or
- the independent charity Public Concern at Work on 020 7404 6609. (email: whistle@pcaw.co.uk, website: www.pcaw.org.uk). Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

How Should A Concern Be Raised?

As soon as you become reasonably concerned you should firstly raise the issue with your Headteacher and / or Chair of Trustees (unless he/she is the potential transgressor) in which case write to the Chief Education Officer, for the attention of the appropriate Schools Support Manager in the School and Governor Support Section, and /or the Chief Legal Officer).

Once a member of staff has raised a concern, the Trust will carry out an initial assessment to determine the scope of any investigation. The Trust will inform the member of staff 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 Trust 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 School to minimise the risk of future wrongdoing.

The Trust 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 Trust 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 Trust concludes that a whistle blower has made false allegations maliciously or with a view to personal gain, the whistle blower will be subject to disciplinary action under the Prince Albert Community Trust's Disciplinary Policy and Procedure.

Whilst the Trust cannot always guarantee the outcome a particular member of staff is seeking, the Trust 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.

Concerns may be raised orally or in writing. Employees who wish to make a written report should use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why they are particularly concerned about the situation.

How Will The Trust Board Respond?

If the concern is raised orally, the person receiving the information should ask the employee to put it in writing as soon as practicable to ensure that it properly reflects the concerns that have been raised. The employee must also indicate if the concern is to be treated in confidence. The limit of that confidence will be checked out by the person receiving the information.

Once you have told the Trust Board of your concern, the Trust Board will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. You will be told who may be handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request it, the Trust Board or Headteacher will write to you summarising your concern(s) and setting out how it will be handled.

When you raise the concern you may be asked how you think the concern(s) might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. Should your concern fall within another policy of the School (for example, the Grievance Policy), we will tell you.

While the purpose of this Code is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

Concerns or allegations which fall within the scope of specific procedures (for example child protection) will normally be referred for consideration under that relevant procedure. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, the Chief Education Officer, the Chief Legal Officer or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry.

Usually, within two weeks of a concern being raised, the person looking into the concern will write to the person raising the concern:

- acknowledging that the concern has been received
- indicating how the School proposes to deal with the matter
- giving an estimate of how long it will take to provide a full response
- saying whether any initial enquiries have been made
- supplying information on support available to you; and
- saying whether further investigations will take place and if not, why not.

Subject to any legal constraints, the relevant employee will normally be informed of the final outcome of any investigation.

What Safeguards Are There For The Person Raising The Concern?

- The Trust Board will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees who raise a concern in good faith.
- Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employee.
- No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by the investigation.
- Every effort will be made to ensure confidentiality as far as this is reasonably practical.

- Help will be provided to you in order to minimise any difficulties, which you may experience. This may include advice on giving evidence if needed. Meetings may, if necessary be arranged off-site with you and for you being represented, if you so wish.

How Can A Concern Be Taken Further?

If you are unsure whether to use this Schools Whistleblowing Code or you want independent advice at any stage, you may contact

- if applicable, your relevant trade union; or
- the independent charity Public Concern at Work on 020 7404 6609, Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

Employees in or working with within the Trust who are not satisfied with the action taken by the Trust Board and feels it right to question the matter further, may consider the following possible contact points:

- Birmingham City Council's Chief Education Officer and / or Chief Legal Officer
- The Trust's auditors
- the employee's Trade Union
- the Citizens Advice Bureau and / or law centre / firm
- relevant professional bodies or regulatory organisations
- the Local Government Ombudsman
- the Information Commissioner
- a relevant voluntary organisation
- the Police and/ or Health and Safety Executive

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 a member of staff 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.

Whistleblowing concerns usually relate to the conduct of Trust 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.

Protection and support for whistle blowers

It is understandable that whistle blowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns 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. Detrimental treatment includes 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 Principal immediately. If the matter is not remedied the member of staff should raise it formally using the Trust's Grievance Procedure.

Staff must not threaten or retaliate against whistle blowers 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.