Schools HR Policy & Procedure Handbook

TrustEd Schools Alliance
KCSiE Whistleblowing Procedure

'Speaking up about Wrongdoing'

This Policy/Procedure has been shared with the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

- National Education Union
- National Association of Schoolmasters Union of Women Teachers
- National Association of Headteachers
- Association of School and College Leaders
- Unison
- GMB

This policy has been consulted through the Trust Forum Group, which includes Support Staff and Teacher's representation for all schools within our Trust.

FREQUENCY OF REVIEW: Every two years

COMMITTEE: Personnel Committee

APPROVED: ***

AUTHOR: Shropshire HR

DATE OF NEXT REVIEW: Autumn 2026 unless there is material change

September 2023

IF YOU HAVE SERIOUS CONCERNS IT IS YOUR DUTY TO TELL US AND OUR DUTY TO PROTECT AND SUPPORT YOU

CONTENTS

1.	**Introduction**		**Page 3**
2.	**Aims and Scope**		**Page 4**
3.	**Scope**		**Page 4**
4.	**Data Protection and GDPR**		**Page 4**
5.	**Serious Concerns**		**Page 5**
6.	**Safeguards**		**Page 5**
	6.1	**Harassment or Victimisation**	**Page 5**
	6.2	**Confidentiality**	**Page 6**
	6.3	**Anonymous Allegations**	**Page 6**
	6.4	**Untrue Allegations**	**Page 6**
	6.5	**Support To You**	**Page 6**
7.	**How to raise a concern**		**Page 6**
8.	**How the Academy will respond**		**Page 7**
9.	**How the matter can be taken further**		**Page 8**
10.	**Standards of Conduct**		**Page 9**
11.	**Follow proper procedures**		**Page 9**
12.	**Monitor & Review**		**Page 10**

Whistleblowing Procedure

1. Introduction

Ensuring that robust policies are in place to provide protection to staff in schools raising genuine concerns in the work place is an important part of safeguarding children in education.

Governors and Trustees must ensure they adopt policies and procedures that meet with statutory legislation.

TrustEd Schools Alliance is committed to open and honest communication and the highest possible standards of integrity. This will support safeguarding and promoting the welfare of all pupils in its care and expects all staff and volunteers to share this commitment.

This procedure complies with the statutory guidance including "Keeping Children Safe in Education (KCSiE) from the Department for Education. This policy forms part of the HR KCSiE Framework to support schools to meet their responsibilities with regards to safeguarding and child protection.

Other HR KCSiE policies and guidance include:

- Safer Recruitment Policy for Schools
- DBS Guidance for Schools
- Single Central Record Guidance & Template for Schools
- Whistle Blowing Procedure for Schools
- Code of Conduct for School Based Staff
- Dealing with Allegations of Abuse Against Staff in Schools
- E-Safety Policy for Schools
- Childcare (Disqualification) Guidance for Schools

The procedure closely follows the requirements of the Public Interest Disclosure Act provides employees and those undertaking duties and responsibilities on behalf of the Trust with protection when raising genuine concerns about wrongdoing 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 procedure ensures that staff and others who have serious concerns about wrongdoing are encouraged 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 should be viewed as a positive action of speaking up. It is understandable that employees may not express concerns because they may feel that speaking up would be disloyal to colleagues or they fear harassment/victimisation. The Trust would encourage all employees to not ignore concerns and to report them positively and appropriately.

Disclosures made under this procedure are monitored by the *Governors/Trustees* as required under the Public Interest Disclosure Act. Details of any disclosure remain confidential. Governors should ensure that annual monitoring is reported to the Board of Trustees.

2. Aims

This policy aims to:

- provide avenues for staff to raise concerns and receive feedback on any action taken;
- allow employees to take the matter further if they are dissatisfied with the response;
- reassure employees 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 Trust. Such wrongdoings may relate to:

- fraud and corruption;
- discrimination (i.e. a witnessing discrimination as a third party);
- abuse of children/people
- damage to the environment.
- Health & safety breaches
- Failure to comply with legal proceedings
- Inappropriate behaviour outside of KCSiE and other regulations

It is the duty of employees to speak up when they have serious concerns and it is the duty of the Trust to act on those concerns and 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.

IMPORTANT It should not be confused with the Trust complaints procedure (where parents can complain about the Trust or Trust staff), the grievance procedure (where employees complain about their treatment as an employee) or the Trust's Safeguarding/Child Protection procedure (specifically relating to working around children and young people). This policy is intended to cover concerns which fall outside the scope of such policies and procedures. It is imperative that concerns regarding Safeguarding/ child protection including Prevent are actioned through the School's safeguarding procedures. See Section 9 Bullet point g for exceptions.

3. Scope

This procedure is available to all staff working in Academy schools. A separate version of this procedure is available for Maintained schools. The procedure should be issued to staff and those undertaking duties and responsibilities on behalf of the Trust during induction to advise specifically on blowing the whistle on wrongdoing. It is also made available to business partners, contractors, voluntary agencies, partnerships, and any others who the school has dealings with for distribution for their employees.

Reference to 'Headteacher' can also include the 'Executive Headteacher' or 'Chief Education Officer.' Reference to 'school' can refer to stand alone Trust school and school who are part of a Multi-Academy Trust.

4. Data Protection and GDPR

The Data Protection Act 2018 and GDPR do not prevent the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to safeguard and promote the welfare and protect the safety of children.

It is important that governing bodies/boards of Trustees are aware of their obligations under the Data Protection Act 2018 and the GDPR to process personal information fairly and lawfully and to keep the information they hold safe and secure.

Relevant staff should have due regard to data protection principles, which allow them to share personal information, as provided for in the Data Protection Act 2018 and the GDPR and be confident of the processing conditions that allows practitioners to store and share information for safeguarding purposes, including information that is sensitive and personal, and should be treated as 'special category personal data.' This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

In addition to this policy, governing bodies/Board of Trustees will be made aware of Shropshire Safeguarding Community Partnership's (SSCP) local arrangements for action together with the processes and principles for sharing information within the school and with the three safeguarding partners, other organisations, agencies and practitioners as required.

5. Serious Concerns

Serious concern may be related to something that:

- is unlawful;
- is against financial rules, contract rules or other policies;
- does not meet established standards or working practices;
- amounts to improper conduct.

Theft, bribery and corruption, safeguarding/child protection issues, service users or staff and environmental misuse are all the type of things which would fall into these categories.

Concerns in education settings 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 the named person to whom such issues can be referred is the Designated Safeguarding Lead – see website for named person for each individual school. There is a specific procedure for Low Level Safeguarding Concerns and Dealing with Allegations of Abuse against staff. This policy supplements the Academies safeguarding/child protection policy.

There are existing procedures to enable employees to lodge a grievance relating to their employment.

6. Safeguards

6.1 Harassment or Victimisation

The Trust recognises 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 employees when concerns are raised in good faith. However, if an employee is already the subject of disciplinary or redundancy procedures, those procedures will not be halted as a result of the whistleblowing.

6.2 Confidentiality

The Trust will do their best to protect employee's identity when concerns are raised and an employee does not want their name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by may be required as part of the evidence.

6.3 Anonymous Allegations

The Trust encourages employees to put their name to an allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Headteacher, in conjunction with the Governing Body/Trust Board of the Trust. In exercising this discretion, the factors to be taken into account 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 Trust, are more likely to be considered, even though made anonymously.

It must be appreciated, however, that the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

6.4 Untrue Allegations

If allegations are made in good faith, but it is not confirmed by the investigation, no action will be taken against an employee. In such circumstances employees will be supported. If, however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken. The matter would be referred to an appropriate Governor/Committee before any action is taken.

6.5 Support to Employees

Throughout and after this difficult process employees will be given full support from senior management, concerns will be taken seriously and the Trust will do all it can to help employees. If possible, redeployment opportunities will be considered. Employees may also wish to seek confidential support from their Trade Union/ Professional Association.

7. How to raise a concern

Concerns should normally be raised with an employee's immediate Headteacher/line manager. This will depend, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing.

If the Headteacher/line manager or other school management is involved, an employee may wish to report concerns to the Trust Link Executive. Each School has a Trust Link Executive eg: Jo Evans, John Parr or Sarah Godden and their contact details are displayed in each staff room. Alternatively the Trust Clerk can advise on how best to contact them (Tel: 01746 760509 email: clerk@trusted-schools.com)

If the Trust Link Executive is also involved, an employee may wish to report concerns to the CEO. The Trust Clerk can advise on how best to contact them (Tel: 01746 760509 email: clerk@trusted-schools.com)

If the above routes are not suitable because of involvement the employee may wish to report concerns to the whistleblowing Trustee, Jane Woodall who can be contacted through the Trust Clerk (Tel: 01746 760509 email: clerk@trusted-schools.com) For confidentiality mail should be addressed to: FAO Whistleblowing Trustee (Strictly Private and Confidential - to be opened by the addressee only"). TrustEd Schools Alliance, c/o Oldbury Wells School, Bridgnorth, Shropshire, WV16 5JD.

Where the employee feels unable to raise a concern as outlined above, they may raise a concern as outlined in Section 9.

Where a concern involves Trust matters rather than school matters, direct contact with the Trust CEO or Chair of the Trust Board would be acceptable routes of communication. The Trust Clerk can advise on how best to contact them (Tel: 01746 760509 email: clerk@trusted-schools.com)

Alternatively, employees can invite their trade union or professional association to raise the matter on their behalf.

The earlier concerns are expressed the better and the easier it will be to take action. Concerns are better raised in writing and should set out:

- the background and history to the concern,
- dates and places where possible,
- the reasons for the concern.

In order to ensure confidentiality, concerns should be sent in writing in a sealed envelope addressed to the relevant person and clearly marked "Strictly Private and Confidential - to be opened by the addressee only".

It is a serious disciplinary offence for any person to seek to prevent a communication of concern reaching an appropriate contact or to impede any investigation which their or anyone on their behalf may make.

Although employees are not expected to prove the truth of an allegation, employees will need to demonstrate to those appointed to investigate the matter, that there are sufficient grounds to the concern ands that other routes are not more appropriate eg Safeguarding policy.

8. How the Trust will respond

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by the Trust, but independently of those directly involved;

- be investigated by Shropshire Council;
- be referred to the Police;
- be referred to an external Auditor;
- form the subject of an independent inquiry.

In order to protect individuals and the Trust 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 10 working days of a concern being received, the Trust will respond in writing to the individual raising a concern:

- acknowledging that the concern has been received;
- indicating how the Trust propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- confirming any initial enquiries already made;
- confirming whether further investigations will take place and, if not, why not.

The amount of contact between those considering the issues and an employee raising a concern 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 the employee.

When any meeting is arranged, an employee will have the right, if they 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. The meeting may be held at a mutually agreeable location.

If the employee should become involved in further investigations or procedures (e.g. disciplinary proceedings or a criminal trial) as a result of using this procedure, they will be given every proper support and assistance. The Trust would ensure that employees using this procedure are not disadvantaged or unfairly treated.

The Trust accept that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, employees will receive information about the outcomes of any investigations and any changes to working practices as far as is reasonably practicable.

9. How the matter can be taken further

This procedure is established to provide employees with avenues to raise serious concerns within the Trust. The Trust hopes employees will find the procedure a satisfactory way of dealing with concerns that fall outside of Safeguarding/Child Protection/Grievance or Complaints policies. An employee does have the right to take the matter outside the Trust, the following are possible contact points:

- Shropshire Council Whistleblowing Hotline where confidential disclosures can be made. The contact number is 01743 252627 or emailing whistleblowing@Shropshire.gov.uk .
- an external auditor;
- relevant professional bodies who regulate organisations (including the Ombudsman);
- a solicitor;
- the police;

- Protect (Whistleblowing Charity) whistle@protect-advice.org.uk Telephone: 020 3117 2520
- the NSPCC's 'what you can do to report abuse' dedicated helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally, or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk. Weblink - www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line

The disclosure of confidential information would normally constitute a serious disciplinary offence which could result in dismissal or other disciplinary action. Accordingly, if an employee did take the matter outside the Trust they would need to ensure that either no confidential information is disclosed or that there are wholly exceptional circumstances which the Trust would consider justified in the circumstances. Remember also our duties under KCSiE and related safeguarding policies which outline how staff should use local routes.

10. Standards of Conduct

Employees of the Trust are bound by the Schools Code of Conduct. Professional bodies also have Professional Standards of Conduct which their members must adhere to. Teachers must adhere to the Teacher's Standards.

Staff should also be aware of the Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.

All employees will be made aware of the standards which apply during induction and should ensure they make themselves aware of such standards of conduct and follow them at all times.

11. Follow Proper Procedures

One of the best ways of guarding against corruption is to ensure that proper procedures are followed - in the way decisions are taken, in the way contracts are awarded and in the way employees conduct themselves.

The most important of these procedures are described in the following procedural documents:

1. KCSiE Code of Conduct for Staff Working in Schools (which includes Gifts and Hospitality)
2. KCSiE E-Safety Policy
3. KCSiE Safer Recruitment Policy for Schools
4. Harassment and Bullying Procedure
5. Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings.
6. Schools Complaints Procedure
7. Child Protection Policy

Actions which breach these procedures are not only unauthorised but will lead to loss of public confidence and even to corruption.

As with any other concerns on standards, you should report breaches of these procedures.

12. Monitoring and Review

The governing body/Board of Trustees will monitor the outcomes and impact of this policy/procedure on an annual/bi-annual basis in conjunction with school representatives.

This procedure will be reviewed no later than 2 years by the Trust in consultation with Trade Unions.