



THE SALTERNS ACADEMY TRUST

POLICY FOR PROTECTED DISCLOSURES

"WHISTLEBLOWING"



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PURPOSE

The purpose of this policy is to make clear that employees can and should voice concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended that this policy will encourage and enable employees to raise serious concerns within The Salterns Academy Trust and its schools rather than overlooking a problem or 'whistleblowing' outside the organisation.

This policy applies to all employees within the Salterns Academy Trust whether on a permanent or on a fixed term contract. It also applies to contractors working for The Salterns Academy Trust and its schools on school premises, for example agency workers, supply teachers and contractors. Throughout the term 'worker' will be used to describe all those covered by this policy.

ROLES AND RESPONSIBILITIES

The Salterns Academy Trust along with the its Local Governing Bodies and the Leadership Teams of its schools have overall responsibility for ensuring that the Protected Disclosure Policy is managed appropriately in accordance with this agreed policy.

Individual school Headteachers along with line managers are responsible for making employees aware of the existence of this policy. The Headteachers are responsible for maintaining a record of concerns raised and outcomes (but in a form which does not endanger confidentiality) and will report to the relevant Local Governing Board and Salterns Academy Trust as necessary.

Employees are responsible for making themselves familiar with and complying with this policy.

POLICY

Employees could be the first to realise that there may be something seriously wrong within a school or the Trust. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the school/Trust. They may also fear harassment or victimisation. In these circumstances the worker may feel it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy aims to encourage workers to feel confident about raising serious concerns and to question and act upon concerns about practice and to provide avenues for workers to raise those concerns and receive feedback on any action taken. This policy also aims to reassure workers that they will be protected from possible reprisals or victimisation if they have a reasonable belief that the disclosure has been made in public interest.

Workers are reassured that raising serious concerns is 'doing the right thing'. Where a worker has concerns, raising the concern is in the best interest of colleagues and of students within the school/Trust. Raising concerns will often aid the protection of children and also be caring for other colleagues/workers.

Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual

- Damage to the environment
- Bribery or corruption
- Deliberate attempt to conceal any of the above

Where an issue relates to an individual's own employment the employee should raise the issue under the Grievance Procedure in the first instance. The Policy for Protected Disclosure is intended to cover major concerns that fall outside the scope of other procedures.

Any serious concerns that an employee may have about any aspect of conduct by employees of the school/Trust or others acting on behalf of the school/Trust may be reported under this policy. This policy does not replace the Trust's complaints procedure.

SAFEGUARDING AGAINST HARASSMENT OR VICTIMISATION

The Salterns Academy Trust recognises that the decision to report a concern can be a difficult one to make. If what the worker is saying is true, or they have a reasonable belief that it is true, the worker will have nothing to fear because they will be doing their duty to the Trust/school and will be caring for/protecting students and colleagues within the Trust.

The Trust will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect employees when concerns are raised with reasonable belief in the public interest.

Any investigation into allegations of potential malpractice will not influence, or be influenced by, any disciplinary or redundancy procedures that already affect an employee.

CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal the identity of a worker who raises allegations under this policy. At the appropriate time, however, the worker may need to come forward as a witness.

Workers are encouraged to put their name to allegations wherever possible. This is because concerns expressed anonymously are much more difficult to investigate. Therefore anonymous allegations will be considered at the discretion of the relevant Headteacher in consultation with the Chair of the Local Governing Body.

FALSE ALLEGATIONS

If an employee makes an allegation in reasonable belief it is in the public interest, but it is not confirmed by the investigation, no action will be taken against the employee. The Trust reserves the right to invoke the disciplinary procedure in the case of allegations made maliciously.

HOW TO RAISE A CONCERN

In most circumstances the workers should raise concerns with their immediate line manager/ Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice. For example, if the worker believes that senior leadership is involved, the worker should approach the appropriate Headteacher, Chair of the Local Governing Body or the Chair of the Board of Directors of the Salterns Academy Trust.

Concerns may be raised verbally or in writing. It is helpful for the following information to be provided: the background and history of the concern (giving relevant names and dates) and the reason why the worker is particularly concerned about the situation.

The earlier the worker expresses the concerns, the easier it will be to take action.

Although the worker is not expected to prove beyond reasonable doubt the truth of an allegation, the

worker should demonstrate to the person contacted that there are reasonable grounds for the concern.

An employee may wish to consider discussing the concern with a colleague or trade union representative first and may find it easier to raise the matter if there are other colleagues who have the same experience or concerns.

HOW THE SCHOOL/TRUST WILL RESPOND

Investigating the concern

When a concern is received by the headteacher, CEO or Trustee - referred to from here as the 'recipient' - they will:

Meet with the person raising the concern within a reasonable time. The person raising the concern may be joined by a trade union or professional association representative

Get as much detail as possible about the concern at this meeting, and record the information.

If it becomes apparent the concern is not of a whistle-blowing nature, the recipient should handle the concern in line with the appropriate policy/procedure

Reiterate, at this meeting, that they are protected from any unfair treatment or risk of dismissal as a result of raising the concern. If the concern is found to be malicious or vexatious, disciplinary action may be taken (see section 6 of this policy)

Establish whether there is sufficient cause for concern to warrant further investigation. If there is:

- The recipient should then arrange a further investigation into the matter. In some cases, they may need to bring in an external, independent body to investigate. In others cases, they may need to report the matter to the police
- The person who raised the concern should be informed of how the matter is being investigated and an estimated timeframe for when they will be informed of the next steps

Within 10 working days of a concern being raised the Headteacher or Chair of the relevant Local Governing Body will write to the worker:

- Acknowledging that a concern has been raised
- Indicating how it is proposed to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling the worker whether any initial enquiries have been made
- Telling the worker whether further investigations will take place and if not, why not.

The amount of contact between the individual considering the issue and the worker who raised the issue will depend on the nature of the matters raised; the potential difficulties involved and the clarity of information provided. If necessary the school will seek further information from the worker.

The school/Trust accepts that the worker will need to be assured that the matter has been properly addressed and therefore the school/Trust will inform the worker of the steps that have been taken to resolve the matter as appropriate. Where the worker has raised concerns in writing, then the school/Trust should confirm their course of action in writing also.

HOW THE MATTER CAN BE TAKEN FURTHER

The aim of this policy is that workers should be able to raise concerns internally within the Salterns Academy Trust and it is hoped that the worker will be satisfied with any action taken. If this is not the case then they may raise their concerns to the Trust's Board of Directors. If the worker wishes to take the matter outside of the organisation then the following are possible contact points:

- Public Concern at Work
- Audit Commission
- A relevant Trade Union
- Citizens Advice Bureau
- Relevant Professional Bodies
- Regulatory Organisations
- Local Police

If the worker chooses to take the matter outside of the school and Trust then the employee should ensure that they do not disclose confidential information. An employee should not take concerns directly to the media.