

WHISTLEBLOWING POLICY

A thriving family of schools who work together to celebrate differences, and support each other in pursuit of excellence.

DOCUMENT CONTROL

This document has been approved for operation within:	All Chancery schools.		
Responsible Officer:	CEO		
Approved by:	Board of Trustees		
Approval date:	25.09.24		
Date effective from:	Sept 24	Date of next review:	Sept 27
Review period:	3 Year	Version:	3

Summary of changes within this version

Confirmation that safeguarding concerns should be dealt with in line with KCSIE guidance.

Links to additional HR policies

Changes to roles and responsibilities of Board and inclusion of CEO's responsibilities

Changes to Section 6 – Safeguards

Additional best practice measures

New Section 11 – What is expected of whistleblowers

Statement of intent

Chancery Multi Academy Trust is committed to open and honest communication and ensuring the highest possible standards in integrity – we will always treat whistleblowing as a serious matter.

In line with the trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns. This policy will work to ensure that, if an employee sees or suspects that something is wrong, they will raise this with their school. This is known as "blowing the whistle" – a phrase that is used throughout this policy and should be viewed as a positive action of speaking up.

This policy seeks to ensure that any member of staff who suspects malpractice knows how to raise concerns and what procedures are in place to deal with the concern.

Where this policy necessitates personal or special category data to be processed, it will be done so in accordance with the school's Data Protection Policy. This policy will not be confused with the procedure on dealing with harassment at work or the trust's Grievance Policy and Disciplinary Policy and Procedure.

This policy will:

- Give confidence to members of staff when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of trust staff with avenues to raise concerns.
- Ensure that members of staff receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the Public Interest Disclosure Act 1998.

Under this policy, any of the following can raise a concern:

- Employees of the trust
- Voluntary workers working within a school in the trust
- Trainees, such as student teachers

1. SCOPE

This policy shall apply to all employees employed by the Chancery Multi Academy Trust.

The purpose of the policy is to give a structure to employees who have serious concerns about an aspect of the Trust's functioning.

The Trust delegates its authority in the manner set out in this procedure.

For the avoidance of doubt, nothing within this policy is intended to prevent staff from complying with their obligations as stated in the statutory guidance "Keeping Children Safe in Education", the school Safeguarding policies or the Trust's Safeguarding Statement.

All staff working within the Trust must report any safeguarding concerns about an individual's behaviour towards children and young people immediately. Allegations or concerns about colleagues, volunteers or visitors must be reported directly to a Headteacher or Designated Safeguarding Lead as outlined in school Safeguarding policies.

Any concerns about the behaviour or approach of a member of staff should be referred immediately to the Headteacher. If the concerns are about the Headteacher, they should be referred to the Chair of Governors.

2. LEGAL FRAMEWORK

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998 (PIDA)
- Employment Rights Act 1996
- ESFA (2023) 'Academy trust handbook 2023'
- DFE (2024) 'Keeping children safe in education 2024
- GOV.UK (2012) 'Whistleblowing for employees'
- Sir Robert Francis (2015) 'Freedom to speak up report'

This policy works in conjunction with the following trust and school policies:

- Complaints Procedure
- Data Protection Policy
- Grievance Policy
- Virtual Meeting Policy
- Disciplinary Policy and Procedure

3. THE PUBLIC INTEREST DISCLOSURE ACT

The Public Interest Disclosure Act 1998 (PIDA) protects employees who 'blow the whistle' where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosures will remain confidential.

The headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the headteacher, the concern will be raised with the chair of governors.

Any member of the school community or the general public is able to 'blow the whistle', however, the PIDA only protects employees. The 'Non-employees' section of this policy includes further details on how whistleblowing affects non-employees.

4. DEFINITIONS

Whistleblowing is when an employee reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

As outlined in the PIDA, **qualifying disclosures** pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligations to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health and safety of an individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling with any of the preceding points has been, is being or likely to be deliberately concealed

In the public interest means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure serves
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

Blacklisting refers to an individual who is being refused work because they are viewed as a whistleblower.

Grievances involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

5. ROLES AND RESPONSIBILITIES

The Board of Trustees will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the trust's website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the headteacher, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the trust can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the trust board include a record of the trust's whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
- Ensuring that whistleblowing forms part of the staff behaviour policy as part of a wider approach to having in place appropriate safeguarding policies and procedures.

In each school, the headteacher will be responsible for:

- Ensuring all members of staff have read and understood this policy.
- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.
- Informing the CEO immediately of any concerns raised.

The chair of governors in the individual schools are responsible for receiving any concerns raised about their headteacher or any concerns where their staff do not want to raise the concern with their headteacher.

All members of staff will be responsible for:

- Raising any concerns that meet the definitions of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

The CEO will maintain a record of concerns raised and the outcomes (in a confidential format) and will report as necessary to the Trust Board.

6. SAFEGUARDS - HARASSMENT OR VICTIMISATION OF STAFF

The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

7. NON-EMPLOYEES

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedure.

Trustees are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

8. GOOD PRACTICE PRINCIPLES

The trust will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The trust and its academies will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the trust.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, the trust will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.

- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The trust will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required
- Informing staff what protection is available to them if they report someone
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

The trust will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

9. HOW TO RAISE A CONCERN

When raising concerns, individuals will express them in writing to the headteacher. If an individual is raising a concern about the headteacher or if they do not wish to raise the concern with the headteacher, they should express their concerns in writing to the chair of governors. Where this is the case, the chair of governors will take on the headteacher's duties in respect of this policy.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The trust encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school or the trust, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

10. HOW THE TRUST WILL RESPOND

Where the allegation is sent to the Headteacher, s/he will immediately inform the Chief Executive Officer that a concern has been raised and its nature prior to proceeding.

Within ten working days of a concern being raised, the Headteacher will write to the individual in confidence:

- Acknowledging that the concern has been received;
- Indicating how we propose to deal with the matter;

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the headteacher will request the individual puts their concern in writing, if they have not already done so. The headteacher will write a summary of the concern if the individual is unable to put it in writing.

The headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.

- That the governing board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

11. WHAT THE TRUST ASKS OF WHISTLEBLOWERS

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school (including on social media) unless it is to report the concern through the proper external channels, e.g. the LA.
- Understand that contact with the media may result in them losing the whistleblowing protections given to them by law and in disciplinary action, up to and including termination for gross misconduct.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

12. HOW THE MATTER CAN BE TAKEN FURTHER

This Policy is intended to provide you with an avenue within the Trust to raise concerns. The Trust hopes that staff will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Trust, the following are possible contact points, (this list is not exhaustive):

- The Health and Safety Executive
- The Trust's Auditors
- The Education and Skills Funding Agency
- The Charity Commission
- H M Customs and Excise
- The Inland Revenue
- The Police

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the trust's Complaints Procedure.

13. UNFAIR TREATMENT

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

Any claims of unfair dismissal needs be made within **three months** of the investigation ending.

14. MONITORING AND REVIEW

The Board of Trustees will review this policy three yearly, ensuring that all procedures are up-to-date.

Any changes made to this policy will be communicated to all members of staff.