

WHISTLEBLOWING POLICY

Author/Reviewer:	John Boyden HR advisor – Jan 2019
Linked Policies	<p>TSAT Grievance Policy TSAT Complaints Policy Equality Statement and Objectives (School Policies) TSAT Code of Conduct TSAT Disciplinary Procedure TSAT Management of Allegations of Abuse Policy Keeping Children Safe in Education</p>
Updates	<p>2019</p> <p>Updated for Academies Financial Handbook, best practice & Gov.uk guidance – includes changes to a Trust policy and reference to a Trustee responsible. September 2019</p> <p>2021</p> <p>CFO – update for KCSIE 2021 and Academy trust Handbook 2021. Updating section 6.7 advice line contacts</p>
Date of next review	2024

PROCEDURE FOR THE MANAGEMENT OF THE WHISTLEBLOWING POLICY AND PROCEDURE FOR ALL STAFF

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Registered address: Tapton School Academy Trust, Darwin Lane, Sheffield, S10 5RG
Tel: 0114 267 1414 Email: enquiries@taptonttrust.org.uk Web: www.taptonttrust.org.uk

Charitable Limited Company Registration Number: 07697171.
Registered office: England and Wales. VAT Number: 134392225.

WHISTLEBLOWING POLICY

1. Introduction

- 1.1 The Trust is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we encourage employees and others with concerns about any serious wrongdoing to come forward and voice those concerns without fear of reprisals.
- 1.2 The whistleblowing policy is intended to encourage and enable employees, contractors and casual or agency staff, together called “employees” in this policy, to raise such concerns rather than overlooking a problem.
- 1.3 Employees are often the first to realise that there may be something seriously wrong with their school. However, they may not express their growing concerns because they feel that speaking up would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just suspicion of malpractice and wrong-doing at work.
- 1.4 This policy is in line with the Public Interest Disclosure Act 1998 (which you can consult at <http://www.opsi.gov.uk/acts/acts1998>) to enable workers to raise issues of concern in an appropriate manner.

2. Aim

- 2.1 This policy aims to:
 - Encourage employees to feel confident in raising concerns
 - Provide avenues to raise genuine concerns and receive feedback on any action taken
 - Establish a fair and impartial investigative procedure
 - Ensure employees receive a response to concerns and are aware of how to pursue them if they are not satisfied
 - Reassure employees that steps will be taken to protect them from reprisals or victimisation for whistleblowing in good faith.

3. Scope

- 3.1 The Policy is for concerns about the interests or wellbeing of other people or the Trust are at risk. It only applies to a public concern rather than your own individual interest.
- 3.2 There are other policies for individual grievances about your employment (Grievance Policy) and a Complaints policy for other complaints. Both policies are available on request.
- 3.3 The term employee includes employees, contractors, agency workers, trainees and a person who is or was subject to a contract to undertake work or services for the Trust. The Whistleblowing policy must always be applied fairly and in accordance with employment law and the Equality Statement and Objectives.



- 3.4 Where a concern is raised and investigated under the Whistleblowing policy, there may be a need for further investigation or action. This may take place within the framework of a different policy. Where this is the case, you will be notified that the investigation under the Whistleblowing policy has ended.

If you are concerned that a young person is at risk of harm, the guidance in the DfE's ***Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges) 2021***, and the Management of Allegations of Abuse (Schools) Policy obliges you to report your concerns. If you are concerned that a young person is being harmed or at risk of being harmed, or you have a concern about an individual's suitability to work with children, you should report this using the Management of Allegations of Abuse Policy. If, however, you are concerned that:

- an individual's professional practice, or
- the leadership or management of the Trust, or
- Trust policies, procedures and/or ways of working

may be undermining the safety and wellbeing of individuals, or leaving them vulnerable to risk, or you are worried about the way in which safeguarding allegations have been managed, you should express these concerns through the Whistleblowing Policy.

- 3.5 The procedure will be communicated to all employees as well as agency workers and supply teachers working in schools on a temporary basis.

4. Responsibilities

- 4.1 The Trust is responsible for maintaining fair, consistent and objective procedures for matters relating to whistleblowing.
- 4.2 The Chair of the Trust's Risk and Governance subcommittee is the Responsible person for the Trust
- 4.3 The CEO has overall responsibility for the internal organisation, control and management of the Trust. This may be delegated to the relevant Headteacher for the school involved.

5. What concerns may be raised

- 5.1 The concern may be about something that:
- Is unlawful or is likely to be unlawful
 - Is against the Trust's policies and code of conduct; including;
Concerns about financial malpractice
Causing a danger to individuals or the environment



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- Falls below established standards of practice; or
- Amounts to improper conduct; or
- Deliberate concealment of any of the above

Further examples are provided at Appendix 1.

5.2 You're protected by law if you report any of the following:

- A criminal offence, for example fraud
- Someone's health and safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The company is breaking the law, for example does not have the right insurance
- You believe someone is covering up wrongdoing

What is a whistleblower

You're a whistleblower if you're an employee and you report certain types of wrongdoing. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

As a whistleblower you're protected by law - you should not be [treated unfairly or lose your job](#) because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

6. Safeguards

6.1 Harassment or Victimisation

The Trust recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Trust will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

6.2 Confidentiality

The Trust will do its best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process is likely to reveal the source of the information and a statement by you is likely to be required as part of the evidence.

6.3 Support

In any meetings that have a connection to your whistleblowing concern, you have the right to be accompanied by your trade union representative, professional body representative or a work colleague (providing they are not involved in the issue and would not be called as a witness).

These meetings might include:



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- A meeting to raise your concern.
- A meeting with an investigation officer in connection with the concern.
- Taking part as a witness in any action taken as a result of raising the concern.

6.4 **Anonymous Allegations**

If an employee requests that their identity is protected, the Trust will not disclose it unless required to do so in law. If the situation arises where the Trust is unable to resolve the concern without revealing the worker's identity (for instance because the worker's evidence is needed in court), we will discuss with the employee how the matter should proceed.

However, if an employee chooses not to disclose their identity it will be much more difficult for the Trust to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, it will not be possible to apply all aspects of this policy for concerns raised anonymously.

Anonymous allegations must be taken seriously, but information about a child or vulnerable adult being at risk must be passed to Social Care to be investigated and any anonymity may be lost.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

6.5 **Discretion**

In exercising discretion, the following factors will be taken into account when considering how to deal with any allegations:

- The seriousness of the issues raised
- The credibility of the allegation; and
- The likelihood of confirming the allegation from attributable sources.

6.6 **Malicious or Vexatious Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you in accordance with the Trust's Disciplinary Procedure.

6.7 **Independent Advice**

If you are unsure whether to use this policy, or if you want independent advice at any stage, you should contact:

- The independent charity [Protect \(formerly Public Concern at Work\) Speak up stop harm - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://www.protect-advice.org.uk/) provide guidance on whistleblowing legislation.



- 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 800 5000 or email: help@nspcc.org.uk
 - <https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/>
- Your trade union
- Get independent advice if you're not sure you're legally protected, for example from [Citizens' Advice](#).
- [Whistleblowing for employees](#) - <https://www.gov.uk/whistleblowing>

7. Stage I - How to Raise a Concern

- 7.1 The employee should normally raise concerns with your immediate line manager or Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the malpractice. For example, if you believe that your line manager is involved, you should approach your Headteacher. If you feel the Headteacher may be involved, your Trust HR Lead, Trust HR and Compliance Manager or Chair of Risk and Governance Committee of the Trustees (see Appendix 2) should be approached. The guiding rule is that you should address your complaint to a level of management who you believe has no possible involvement.
- 7.2 If the line manager or the Headteacher believes the concern to be genuine and that it is appropriate to use the Whistleblowing procedure, the manager should contact the Trust HR Lead or Trust HR and Compliance Manager. The Trust HR Lead or Trust HR and Compliance Manager will either act as Investigating Officer or will appoint another Investigating Officer who is not implicated.
- 7.3 Should it be alleged that the Trust HR Lead or Trust HR and Compliance manager is involved in the alleged malpractice; the Chief Finance and Operations Director should be contacted and they will either act as Investigating Officer or appoint an Investigating Officer.
- 7.4 If the employee feels unable to raise their concern with their line manager or Headteacher in the first instance, they may contact the Investigating Officer directly. If this occurs, they will be asked to explain why they feel unable to raise the concern with their line manager or Headteacher.
- 7.5 There are other options if you do not want to report your concern to your employer, for example you can [get legal advice](#) from a lawyer, or tell a relevant [prescribed person or body](#).
- 7.6 Advice and guidance on how matters of concern may be pursued can be obtained from:



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- Your line manager
 - Headteacher
 - Chair of Risk and Governance Committee of the Trustee Board Trust HR Lead / Trust HR and Compliance manager
 - Chief Operating and Finance officer
 - the whistleblowing charity Public Concern at Work, which provides confidential independent advice about wrongdoing in the workplace <https://protect-advice.org.uk/>
- 7.7 Concerns are better raised in writing. You are invited to set out the background and history of your concern, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you are not able to put your concern in writing, you can telephone or arrange to meet the appropriate officer.
- 7.8 For concerns other than fraud, theft or corruption, you may choose to telephone the Ofsted Whistleblower hotline - on 0300 123 3155.
- 7.9 You may ask your trade union representative to raise the matter on your behalf or to provide advice about putting the concern in writing.
- 7.10 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

8. Stage 2 - How the Trust will respond

- 8.1 Within ten working days of a concern being received, the Trust will write to you acknowledging that the concern has been received and arrange to meet with you.
- 8.2 The Investigating Officer will meet with you within 10 days, in confidence, or earlier if there is an immediate danger and will
- Obtain as much information as possible from you about the concern;
 - Consult with you about further steps which could be taken;
 - Indicate how they propose to deal with the matter
 - Give an estimate of how long it will take to deal with the matter
 - Telling you whether any initial enquiries have been made; and
 - Telling you whether further investigations will take place, and if not, why not
- 8.3 Inform you of appropriate policies if the matter does not fall within the Whistleblowing Procedure;

The Investigating Officer will report all matters raised under this procedure to the CEO and Chair of the Trusts Risk and Governance Committee



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- 8.4 When any meeting is arranged to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative or a friend who is not involved in the area of work to which the concern relates and who also who could not be called as witness.
- 8.5 The Trust will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Trust will advise you about the procedure.
- 8.6 The amount of contact between the Trust and you will depend on the nature of the matters raised, any potential difficulties involved and the clarity of the information provided. If necessary further information will be sought from you.
- 8.7 The Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations.

Any person who is the subject of an allegation should, at the appropriate times be given details of the allegation in order to respond. They will have the right to trade union representation.

9. Stage 3 – The outcome

Within ten working days of the meeting, the Investigating Officer will recommend to the Headteacher or the person's line manager, one or more of the following:

- The matter be investigated internally by the Trust
- The matter be investigated by an external person appointed by the Trust
- The matter be reported to the Department for Education
- The matter be reported to the Police.
- No further action be taken.

The grounds on which no further action is taken may include:

- The Investigating Officer is satisfied that, on the balance of probabilities, there is no evidence of malpractice or that malpractice is likely to occur;
- The matter is (or has been) the subject of proceedings under a Trust policy
- The matter is already subject to legal proceedings, or has already been referred to the police, an external investigator, the Department for Education or another public authority.

Should it be alleged that the Headteacher or Line Manager is involved in the alleged malpractice, the Investigating Officer's recommendation will be made to the CEO

The recipient of the recommendation (Headteacher or CEO) will ensure that it is implemented unless there is good reason for not doing so in whole or in part. Such a reason will be reported to the next meeting of the Trust Risk and Governance Committee and to the Investigating Officer.



Conclusion of Investigation

Within 28 days the conclusion of any agreed investigation will be reported by the Investigating Officer to the Employee in writing. A copy will be passed to the Trust HR Lead / Trust HR & Governance Manager if they are not acting as Investigating Officer.

If the employee has not had a response within the above time limits they may appeal to the CEO, but will inform the Investigating Officer before doing so.

The employee may at any time disclose the matter on a confidential basis to a solicitor or trade union representative for the purpose of taking legal advice.

10. How the Matter can be Taken Further

10.1 This policy is intended to provide you with an avenue to raise concerns with the Trust. The Trust hopes you will be satisfied. If you are not and you feel it is right to take the matter outside the Trust, the following are possible contact points:

- The Department for Education
- Your local Council member or MP
- An external Auditor
- Relevant professional bodies or regulatory organisations
- Your solicitor
- The Police
- Other bodies prescribed under the Public Interest Disclosure Act, eg:
 - The Audit Commission for England and Wales
 - Data Protection Registrar
 - Serious Fraud Office
 - Environment Agency
 - Health and Safety Executive
 - Public Concern at Work
 - The Ofsted Whistleblower Hotline.

Please see Appendix 2 for contact information.

If you do take the matter outside your Trust's governing body, you need to ensure that you do not disclose confidential information, or that disclosure would be privileged.

11. If you're not satisfied with how the Trust dealt with your concern

Contact the Chair of Trustees if you believe your concern was not taken seriously or the wrongdoing is still going on.

If you are not satisfied with the response from the Chair of Trustees you can contact a [prescribed person or body](#), [Advisory, Conciliation and Arbitration Service \(Acas\)](#), or the whistleblowing charity [Protect](#) or your trade union for more guidance.



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If you're treated unfairly after whistleblowing

You can take a case to an [employment tribunal](#) if you've been treated unfairly because you've blown the whistle.

You can get further information from the [Advisory, Conciliation and Arbitration Service \(Acas\)](#), [Citizens' Advice](#), the whistleblowing charity [Public Concern at Work](#) or your trade union.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

You must notify Acas if you want to take your case to an employment tribunal.



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POLICY AND PROCEDURE FOR WHISTLEBLOWING IN SCHOOLS

This list illustrates the kind of issues considered as malpractice or wrong-doing that could be raised under this whistleblowing policy. However, the list is not exhaustive.

- Poor or unprofessional practice by a member of staff, governor, Trustee or an agency which results in the stakeholder not getting the same quality of service which is available to others.
- Improper/unacceptable behaviour towards a student or member of staff, which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain
- Improper relationships with a student or member of staff
- Inappropriate use of technology, ie texting, Social Network sites, e-mail, with regards to contact with a student or member of staff
- Any unlawful activities, whether criminal or a breach of civil law
- Fraud, theft or corruption
- Concerns regarding possible breaches of Health and Safety Regulations
- Harassment, discrimination, victimisation or bullying of employees and/or students
- Leaking confidential information in respect of the Trust's Board or Governing Body activities and/or records
- Undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time
- Inappropriate contact with members of the public within school facilities, or whilst carrying out governing body duties or outside of working time
- Taking gifts or inducements
- Inappropriate use of external funding or the school budget
- Maladministration as defined by the Local Government Ombudsman
- Breach of any Statutory Code of Practice
- Breach of, or failure, to implement, or comply with any Trust's policy
- Misuse of school assets, including computers buildings, assets , vehicles.

APPENDIX 2

LIST OF PERSONS/ORGANISATIONS WITH WHOM CONCERNS MAY BE RAISED

Officer's Name	Job Title	Telephone
RICHARD DUNLOP	CHAIR OF RISK & GOVERNANCE	0114 267 1414
DEBRA KIRKHAM	TRUST HR LEAD	0114 267 1414
	TRUST HR & COMPLIANCE – FROM JANUARY 2019	
	UNTIL THIS DATE CONTACT JULIA DELANEY – TRUST COO/CFO	0114 267 1414
OFSTED WHISTEBLOWING LINE	EMAIL AT whistleblowing@ofsted.gov.uk . WRITE TO : WBHL OFSTED PICCADILLY GATE STORE STREET MANCHESTER M1 2WD	CALL ON 0300 123 3155 (MONDAY TO FRIDAY FROM 8.00AM TO 6.00PM).
	GET FREE, CONFIDENTIAL ADVICE FROM THE INDEPENDENT WHISTLEBLOWING CHARITY PUBLIC CONCERN AT WORK; IT CAN HELP YOU TO DECIDE WHETHER AND/OR HOW TO RAISE YOUR CONCERN. YOU CAN CALL ON 020 7404 6609 OR EMAIL helpline@pcaw.co.uk . FOR FURTHER INFORMATION, GO TO THE PUBLIC CONCERN AT WORK WEBSITE – IT INCLUDES GUIDANCE ON WHISTLEBLOWING LEGISLATION.	
THE AUDIT COMMISSION FOR ENGLAND		0303 444 8330
THE DATA PROTECTION REGISTRAR		Please 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.
SERIOUS FRAUD OFFICE (SFO)	2-4 COCKSPUR STREET LONDON SW1Y 5BS	Please note that the SFO does not take reports of fraud over the phone. If you wish to report that you have been a victim of fraud, please call Action Fraud on 0300 123 2040
THE ENVIRONMENT AGENCY	NATIONAL CUSTOMER CONTACT CENTRE PO BOX 544 ROTHERHAM S60 1BY	03708 506 506
THE HEALTH AND SAFETY EXECUTIVE	http://www.hse.gov.uk/contact/index.htm	The HSE does not operate a telephone helpline.

NPSCC	Whistle blowing advice line	0800 0280285
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