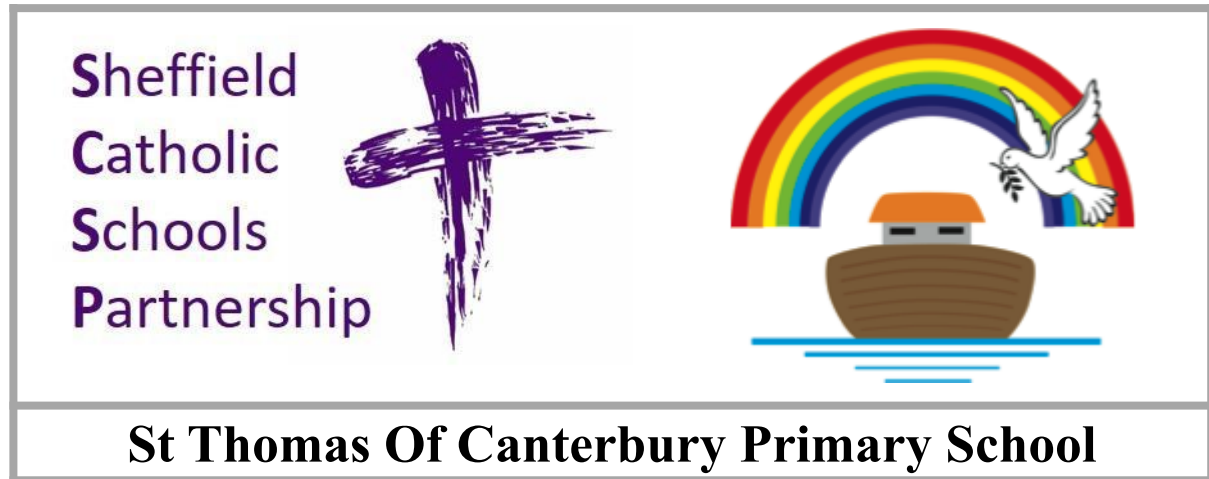


Sheffield Catholic Schools Partnership

Whistleblowing Policy



GB Date of Approval: July 2021

Planned Review: July 2022

Reviewed Date:

Date Shared with staff:

Academies

The **Academies Financial Handbook** clearly states that academy trusts must have appropriate procedures in place for whistle-blowing.

https://assets.publishing.service.gov.uk/media/5f4754ac8fa8f5362e74ba76/Academies_Financial_Handbook_2020.pdf

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

What is a whistle blower

You are a whistle blower if you are a worker and you report certain types of wrongdoing. This will usually be something you have seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the public, children or staff. As a whistle blower you are 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.

Introduction

This policy provides guidance for staff about how to raise concerns using the Whistleblowing Policy. It states their duty to report concerns whilst providing a framework in which those concerns can be raised. It also provides guidance for the Headteacher, Chair of Governors and line managers about how to manage the investigation of such concerns and the individuals who raise them.

Most of us, during our working life, have concerns about what is happening in the workplace. Usually, these issues are easily resolved however, when they are about unlawful conduct, financial malpractice or dangers posed to people or the environment it can be difficult to know what to do next.

You may be worried about raising such concerns or you may want to keep them to yourself. Perhaps you feel the issue at hand is none of your business or that it is only a suspicion for which you have little evidence. You may feel that raising the matter would be disloyal to colleagues, governors, the Headteacher or the school. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Aims of the policy

- To enable you to raise your concerns at an early stage and in the right way. As an employee of the school, it is your duty to raise these concerns. The governors believe that helping you to do so is an important part of ensuring that the school is well-run and safe.
- To provide staff with guidance as to how to raise these concerns
- To reassure staff that they should be able to raise genuine concerns, in good faith, without fear of reprisals, even if they turn out to be mistaken.

Providing the concern is genuine, the school would prefer you to raise it as soon as possible rather than waiting for proof; if it falls within the areas listed below, we ask that you do so using this procedure.

This procedure is not a substitute for normal line management processes but an addition to them. Staff should always first consider using normal line management for raising concerns.

This procedure is only for the purpose of raising concerns about wrongdoing and is not a substitute or alternative for existing procedures such as the grievance and disciplinary procedures for staff or the complaints procedure.

This Policy reflects the school's current practices and applies to all individuals working at all levels of the organisation, including Governors, Headteacher, members of the Senior Leadership Team, employees, consultants contractors, trainees, part-time and fixed time workers, casual and agency staff who are advised to familiarise themselves with its content.

Application of the Policy:

The Whistleblowing Policy is intended to cover genuine concerns, which are not covered by other policies, and which you think the school should look into.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the school's internal policies and procedures including its Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A 'whistleblower' is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the School's activities (a whistleblowing concern) you should report it under this policy.

This policy should not be used for complaints relating to Staff's own personal circumstances, such as the way you have been treated at work. In those cases you should follow the Grievance Policy and Procedure.

If Staff are uncertain whether something is within the scope of this policy they should seek advice from the Headteacher and if the matter is in relation to an alleged wrongdoing by the Headteacher or Headteacher then Staff should seek the advice of the Chair of Governors (Designated governor).

Where a concern is raised about an individual or individuals, once the concern has been investigated under the Whistleblowing Policy, there may be a need for further investigation or action. This would 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.

Your obligation to report concerns:

As an employee of the school, the school's code of conduct requires you to report genuine concerns of fraud, theft or unethical behaviour etc. This policy provides you with ways of doing that.

If you are concerned that a young person is at risk of harm, the guidance in the DfE document: **Keeping Children Safe in Education (September 2021)** obliges you to report the concern.

If, however, you are concerned that:

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

may be undermining the safety and wellbeing of young people, 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.

Allegations of abuse against people who work with children (LADO)

If you have a concern which relates to a person who works with children who has:

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

then all such allegations will be:

- Dealt with by the Head Teacher, Principal, Proprietor, Chair of Governors/Management Committee (i.e. the Case Manager)
- Responded to quickly, fairly & consistently, protecting the child or young person, whilst supporting the person subject to the allegation
- Systematically recorded by the LADO & Case Manager, detailing all decisions & actions

The LADO works with the police and other agencies to consider whether an allegation is true or not. They ensure that any allegation is dealt with as quickly as possible.

Concerns detailed here, will be dealt with under the Allegations of Abuse Against Staff and Volunteers Policy.

Contact details for LADO:

The LADO for Sheffield is ANDREW ADEDOYIN

Tel: 0114 273 4855 then select Option 1

Mobile: 078897370078

Email: LADO@sheffield.gov.uk

Our assurances to you:

Your safety

The governing body recognises that the decision to report a concern can be a difficult one to make and the school is fully committed to the assurances given in this policy. If you raise a genuine concern under the Whistleblowing Policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. The governing body will not tolerate harassment, bullying or victimisation and will take action to protect you.

If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher immediately. If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Provided you are acting in good faith, it does not matter if you are mistaken. However, if you maliciously raise a matter you know is untrue, disciplinary action may be taken against you in accordance with the school's Disciplinary Procedure.

This protection applies not only while you are employed, but also after the working relationship has ended.

Confidentiality

While we will consider anonymous reports, this makes it much more difficult for us to look into the matter or give you feedback. However, the governing body recognises that you may wish to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping it confidential, we will not disclose it as part of the Whistleblowing Investigation without your consent.

Your right to support in meetings:

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

Independent advice:

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

- Your trade union
- The independent charity Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details can be found at:

<https://www.pcaw.org.uk/>

TEL: 020 3117 2520 (* option 1)

Email

Protect Advice line: whistle@protect-advice.org.uk

How to report a concern:

There are a number of different ways to raise a whistleblowing concern – you can choose the one that suits you. It doesn't matter which you choose, you can be assured that a named manager will properly consider it.

Whichever way you decide to raise your concern, please ensure that you state that you are doing so under the Whistleblowing Policy. (If at any stage we feel that your concern is a grievance rather than a whistleblowing matter, we will tell you.)

Although you can raise your concern verbally, you may find it easier to do so in writing – this way, you can keep a record of what you reported as well as giving yourself the time to make sure you have included all the relevant information.

When reporting your concern, you should provide information about the background and history of your concern. Where possible, you should give names, dates and places and the reason why you are particularly concerned about the situation. If you are a member of a trade union, you may find it helpful to take advice from them about putting your concerns in writing.

There is no reason why you cannot use email to raise a whistleblowing concern. However, if you do choose to use email, please take extra care to make sure that your message is sent to the correct person and consider that due to the nature of email communication it may be read by other people. To help make sure your concerns are seen and handled quickly, mark the subject box: 'Whistleblowing – confidential – recipient only'.

If, however, you do not wish to put your concern in writing, you can telephone or arrange to meet with the appropriate person

Who to contact with your concern:

Your supervisor, line manager or Headteacher

If you have a concern which you believe is covered by the Whistleblowing Policy, we hope you feel able to raise it first with your immediate line manager.

This may depend, 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 the Headteacher. If you believe the Headteacher is involved, your Chair of Governors should be approached.

The school hopes this policy gives you the reassurance you need to raise such matters internally. If, however, you feel unable to raise your concern internally we would much rather you raise the matter with the appropriate agency than not at all.

Dealing with your concern:

Once you have told us of your concern, we will look into it to assess what action should be taken.

In order to protect individuals and the governing body, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. If your concern falls more properly within a different procedure, we will tell you.

Some concerns may be resolved without the need for an investigation.

The length of time it takes for us to respond will depend on the nature of the issue you are disclosing. If there is a safeguarding or health and safety risk, for example, we will contact you immediately. Whatever the nature of your disclosure, the governing body will write to you within at least ten working days to:

- Acknowledge that the concern has been received
- Indicate how we propose to deal with the matter
- Give an estimate of how long it will take to deal with the matter
- Tell you whether any initial enquiries have been made; and
- Tell you whether further investigations will take place, and if not, why not.

If a further investigation is required, this may involve:

- An internal investigation
- Referral to the police
- Referral to an external auditor
- An independent enquiry

The school will tell you who is handling the matter, how you can contact them and whether further assistance may be needed from you.

Our commitment to support you through the process:

The governing body 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 governing body will advise you about the procedure.

If you are asked to attend a meeting, we will aim to give you a minimum of ten days' notice.

The governing body accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints and confidentiality, you will receive information about the outcome of any investigations.

The investigation procedure

Verification:

Concerns raised under this procedure may be resolved by the person to whom they were reported. This could be your supervisor, line-manager or the Headteacher.

If they are not able to resolve the matter or you have raised your concern with the Chair of Governors, they will make initial enquiries to assess whether an investigation is required and, if so, what form that investigation should take.

If you did not raise your concerns directly with the Chair of Governors, unless the disclosure refers to them they will still be notified for monitoring purposes.

Although you are not expected to prove the truth of any allegation, you will need to demonstrate that there is a sufficient reason for expressing your concern. This policy provides protection to employees who raise issues in the genuine belief that there is serious cause for concern. If the complaint is found to be in bad faith, disciplinary action may be considered.

If it is confirmed that the Whistleblowing Procedure is the appropriate route and that an investigation is required:

- The concern will be recorded
- An Investigating Officer will be identified
- You will be told who will investigate and the likely timescale for the investigation within ten days

If there is insufficient information to make a decision about the most appropriate course of action, you will be asked for more information.

If it is decided not to investigate further, you will be told what enquiries have been made and the reasons for the decision.

When any meeting is arranged to discuss your concerns, you have the right to be accompanied as outlined on page 5.

The investigation:

The Investigating Officer may ask you to put your concerns in writing and provide as much evidence as possible. It may also be necessary to ask you to provide a witness statement. You will have the opportunity to confirm that the information you have provided is accurate and complete before it is used in the investigation.

You will be asked to agree that the information you have provided and your name may be disclosed so that the Investigating Officer can decide how the governing body will respond and investigate the issue.

If you do not want to disclose your identity the Investigating Officer will decide how to proceed.

The Investigating Officer may need to contact you or other witnesses during the investigation.

The investigation will be carried out as quickly as possible but the time taken will depend on the nature of the issues raised and the availability and clarity of the required information. You will be updated at 28 day intervals unless this is not practicable.

If you are required to take part in the investigation you have the right to be accompanied.

The outcome

The investigation will be concluded with a written report of enquiries made, the findings on the strength of the evidence and whether the substance of the allegations has been established.

Where legal and confidentiality constraints allow, you will receive information about the outcome of any investigation. If the investigation continues within the framework of another procedure, the school will, if able, inform you of this.

If, however, the provision of further information would result in the school breaching an individual's confidentiality or the law, we may not be able to you, as the person who made the disclosure, whether the investigation has continued under the framework of other policies since to do so may

jeopardise the outcome of any further investigation. We will, however, inform you that the investigation is concluded under the framework of the Whistleblowing Policy.

If the investigation concludes that the allegations are not substantiated, the report will conclude whether the concerns were raised in good faith.

Monitoring

Within the school, a central record of all whistleblowing complaints, including dates, substantive issues, findings and outcomes is retained by the Chair of Governors. The Chair will report as necessary to the governing body in a way that maintains your confidentiality as far as possible.

If you are dissatisfied

If you are unhappy with our response, remember you can use the other routes detailed in this policy in Sections 1 and 2.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

