

# SUTTON GRAMMAR SCHOOL



## WHISTLEBLOWING POLICY

<b>Staff member with responsibility:</b>	Kate Ross, Deputy Head
<b>Reviewed by:</b>	Board of Trustees
<b>Policy Agreed date:</b>	March 2023
<b>Next review date:</b>	March 2024

## 1. AIMS:

This policy aims to:

- Encourage individuals affected to report suspected wrongdoing as soon as possible in the knowledge that their concerns will be taken seriously and investigated; and that their confidentiality will be respected
- Ensure all staff in the Trust know how to raise concerns about potential wrongdoing in or by the Trust
- Set clear procedures for how the Trust will respond to such concerns
- Ensure all staff know the protection available to them if they raise a whistle-blowing concern
- Assure staff that they will not be victimised for raising a legitimate concern through the steps set out in the policy even if they turn out to be mistaken (though vexatious or malicious concerns may be considered a disciplinary issue)

This policy does not form part of any employee's contract of employment and may be amended at any time. The policy applies to all employees or other workers who provide services to the Trust in any capacity including self-employed consultants or contractors who provide services on a personal basis and agency workers.

## 2. LEGISLATION:

The requirement to have clear whistle-blowing procedures in place is set out in the Academy Trust Handbook.<sup>1</sup>

This policy has been written in line with the above document, as well as government guidance on whistle-blowing.<sup>2</sup> It also takes into account the Public Interest Disclosure Act 1998.<sup>3</sup>

## 3. DEFINITION OF WHISTLE-BLOWING:

Whistle-blowing covers concerns made that report wrongdoing that is "in the public interest". Examples of whistle-blowing include (but aren't limited to):

- Unsafe practice and potential failures in the school's safeguarding regime<sup>4</sup>
- Criminal offences, such as fraud or corruption
- Students' or staffs' health and safety being put in danger
- Failure to comply with a legal obligation or statutory requirement
- Breaches of financial management procedures
- Attempts to cover up the above, or any other wrongdoing in the public interest
- Wanton damage to the environment

A whistle-blower is a person who raises a genuine concern relating to the above.

Not all concerns about the Trust count as whistle-blowing. For example, personal staff grievances such as bullying or harassment do not usually count as whistle-blowing. If something affects a staff member as an individual, or relates to an individual employment contract, this is likely a grievance.

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<sup>1</sup> <https://www.gov.uk/guidance/academy-trust-handbook>

<sup>2</sup> [Whistleblowing for employees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-for-employees)

<sup>3</sup> [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/24)

<sup>4</sup> Staff can also use the NSPCC helpline to report concerns over safeguarding malpractice on: 0800 028 0285

When staff have a concern they should consider whether it would be better to follow the staff complaints procedures.<sup>5</sup>

Protect (formerly Public Concern at Work) has:

- Further guidance on the difference between a whistle-blowing concern and a grievance that staff may find useful if unsure
- A free and confidential advice line: 020 3117 2520

#### 4. PROCEDURE FOR STAFF TO RAISE A WHISTLEBLOWING CONCERN:

- (i) **When to raise a concern:** Staff should consider the examples in section 3 when deciding whether their concern is of a whistle-blowing nature. Consider whether the incident(s) was illegal, breached statutory or Trust procedures, put people in danger or was an attempt to cover any such activity up.
- (ii) **Who to report to:** Staff should report their concern to the Headmaster. If the concern is about the Headmaster or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the Chair of the Trust. If staff want to raise their concern confidentially, the school will take measures to preserve confidentiality wherever possible; recognising a number of factors might impact upon this including the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegations from attributable sources.
- (iii) **How to raise a concern:** Concerns should be made in writing wherever possible. They should include names of those committing wrongdoing, dates, places and as much evidence and context as possible. Staff raising a concern should also include details of any possible conflict of interest in the matter. When a concern is raised verbally, a note of the meeting will be taken which all parties must sign as representing a true record of the meeting.

Any staff member who receives a complaint which might be a whistleblowing complaint must take seriously their obligation to deal with it appropriately, including potentially escalating to the headmaster.

#### 5. TRUST PROCEDURE FOR RESPONDING TO A WHISTLE-BLOWING CONCERN:

1. **Investigating the concern:** When a concern is received by the either the Headmaster or Chair of the Trust, they will:
  - Meet with the person raising the concern as soon as is reasonably practicable. 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 in writing. 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

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concern is found to be malicious or vexatious, disciplinary action may be taken (see section 5 of this policy)

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

The recipient should arrange a further investigation into the matter. At this stage the Chair of the Trust should be informed. In some cases, an external, independent body may need to be brought in to investigate. In other 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 be informed of next steps within 2 weeks. If the investigation is likely to be protracted the whistle-blower should be provided with regular updates.

2. **Outcome of the investigation:** Once the investigation – whether this was just the initial investigation of the concern, or whether further investigation was needed – is complete, the investigating person(s) will prepare a report detailing the findings and confirming whether or not any wrongdoing has occurred. The report will include any recommendations and details on how the matter can be rectified and whether or not a referral is required to an external organisation, such as the local authority or police.

The investigating person (s) will inform the person who raised the concern of the outcome of the investigation, though certain details may need to be restricted due to confidentiality.

Beyond the immediate actions, the headmaster, trustees and other staff, if necessary, will review relevant policies and procedures to prevent future occurrences of the same wrongdoing.

Whilst we cannot always guarantee the outcome sought, all concerns will be dealt with appropriately and fairly.

## 6. MALICIOUS OR VEXATIOUS ALLEGATIONS:

Staff are encouraged to raise concerns when they believe there to potentially be an issue. If an allegation is made in good faith, but the investigation finds no wrongdoing, there will be no disciplinary action against the member of staff who raised the concern.

The school will not tolerate harassment or victimisation of any member of staff who has raised a concern in good faith and will take action to protect individuals who raise a genuine concern even if they turn out to be mistaken. Staff involved in any harassment or retaliation against whistleblowers may be subject to disciplinary action.

If, however, an allegation is shown to be deliberately invented or malicious, the Trust will consider whether any disciplinary action is appropriate against the person making the allegation.

## 7. ESCALATING CONCERNS BEYOND THE TRUST:

The Trust encourages staff to raise their concerns internally, in line with section 4 of this policy but recognises that staff may feel the need to report concerns to an external body.

A list of prescribed bodies to whom staff can raise concerns with can be found at:

[Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The Protect advice line (highlighted in footnote 4) can also help staff when deciding whether to raise the concern to an external party.

**8. APPROVAL:**

This policy will be approved and agreed annually by the Trust.

**9. LINKS WITH OTHER POLICIES:**

- The Safeguarding Policy
- Complaints Policy

