

Whistleblowing Policy and Procedure

Approved by **RET Board**

Approved on **November 2020**

SLT contact **CEO**

Revision due **Every 2 years**



1. Introduction

- a. The Russell Education Trust Board is committed to ensuring the highest standards of probity in the Trust and in its individual schools, and that decision-making and administration is conducted in such a way as to be above any suspicion of malpractice. In line with the Trust's commitment to openness, probity and accountability, members of staff are encouraged to report concerns, which will be taken seriously, investigated and appropriate action taken in response.
- b. Clear policies, standards and procedures for making decisions, particularly those which entail significant expenditure, or decisions which significantly affect employment at the Trust and School are essential elements in creating and sustaining an atmosphere of openness and trust.
- c. Under the Public Interest Disclosure Act 1998 workers¹ who are 'whistle blowers' are offered protection from detriment and unfair dismissal (see 'Special Considerations' below).
- d. The Trust Board believe that by adopting and publishing this Procedure it is demonstrating its commitment to maintaining the highest standards of conduct in its affairs, and to establishing a basis on which its workers can properly raise genuine concerns without prejudice to their personal position.

2. Purpose of the procedure

- a. This Whistleblowing Procedure establishes a way in which concerns about malpractice may properly be raised within, and if necessary, outside the Trust or School.
- b. It also sets out the safeguards that the Trust will offer to any worker who makes a disclosure in the recommended way and in good faith.

3. Procedure for making a disclosure

Concerns within an individual school should be made to the Headteacher. If the concerns involve the Headteacher, then the Trust's CEO should be the first point of contact. Concerns by centrally employed staff at the Trust should be raised with the Trust's CEO. If the disclosure relates to child protection, please refer to the Child Protection policy.

- a. Where possible, a disclosure should be made in writing. An informant should normally identify him/herself and should make it clear that s/he is making a disclosure within the terms of this procedure. Concerns raised in casual conversation do not constitute a disclosure.
- b. It is not necessary for an informant to produce conclusive evidence to support his/her disclosure. Suspicion may be valid grounds for raising a concern. However, the informant should normally have direct information about, or knowledge of, the malpractice alleged or know where such evidence is located. The informant's concern should be based on more than hearsay, gossip, or the reports of others.
- c. Upon receipt of the concerns, the Headteacher will notify the Trust's CEO (the "Assessor") Where concerns are expressed directly to the Trust's CEO, the assessor will be the Chair of the Trust Board.
- d. Where the informant feels unable to raise their concerns with the Headteacher, they may make direct contact with the Assessor. In such instances the informant will be asked to explain why they feel unable to raise their concerns with the Headteacher.
- e. The Assessor will interview the informant as soon as is reasonably possible (normally within one week, or earlier if there is an immediate danger of loss of life or serious injury), with a view to obtaining sufficient information to recommend one or more of the following to the Headteacher:
 - That the matter be investigated internally by the School or Trust;
 - That the matter be investigated by the external auditors appointed by the School or Trust;
 - That the matter be reported to the Department for Education;
 - That the matter be reported to the Police;
 - That no further action is necessary;
 - That the informant should pursue an alternative route in relation to the matter (the matter does not fall within this procedure).

¹ Workers – Applies to all School employees, agency staff, contractors and volunteers engaged by the school.

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- f. The Assessor will normally aim to submit their recommendations within two weeks of the concerns having been raised, although this timeframe may be subject to variation depending on the context and urgency of the matter. The grounds on which a recommendation by the Assessor for no further action include:
 - The Assessor is satisfied that, on the balance of probabilities, there is no evidence that malpractice has occurred, is occurring or is likely to occur; or
 - The Assessor is satisfied that the informant is not acting in good faith; or
 - The matter is already, or has been, the subject of proceedings under one of the Trust/School's other procedures; or
 - The matter is already the subject of legal proceedings, or has already been referred to the Policy, the external auditors, the Department for Education or other public authority.
- g. The recipient of the Assessor's recommendation will ensure that it is implemented unless there is good reason for not doing so in whole or in part.
- h. The outcome of any investigation will be reported in writing by the Assessor to the informant, normally within 2 working weeks of the outcome being determined.
- i. Where the Informant has not received a response within the above time limits, they may appeal to the Chair of the Trust's Board but will inform the Assessor before doing so.

4. Safeguards for informants

- a. The Trust and School will ensure the Informant is protected from any form of victimisation or harassment as a result of making a protected disclosure and will take all reasonable steps to minimise any difficulties informants may experience as a result of raising genuine concerns.
- b. However, informants who are themselves the subject of investigation or action under other formal procedures (e.g. capability) should not necessarily expect actions under that procedure to be discontinued as a result of the disclosure.

5. False or malicious allegations

- a. Deliberately false or malicious allegations, or disclosures made by employees for personal gain, will be considered as disciplinary offences and will be dealt with under the Disciplinary Procedure.

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Appendix 1 - Special Considerations

1. Whistleblowing - definition

- a. The Public Interest Disclosure Act 1998 introduced new provisions giving legal protection to workers against suffering a detriment as a result of disclosing certain information (a 'disclosure').
- b. In order to qualify as a disclosure, the information must relate to crimes, breaches of legal obligation, miscarriages of justice, dangers to health and safety or the environment and to the concealing of evidence of these. Furthermore, in making the disclosure the Informant must have acted in good faith, believe in the truth of the allegation he or she is making and have reasonable grounds for believing that the information disclosed indicates the existence of one of the above problems.

2. Confidentiality

- a. Normal protocols regarding confidentiality will apply until this Procedure is exhausted. This does not preclude the right of key parties to this process to seek professional advice (e.g. legal advice or advice from a trade union or professional association).
- b. In addition, the informant's identity will be kept confidential unless the informant otherwise consents or there are grounds to believe that the informant has acted maliciously. In the absence of such consent or grounds, the Assessor will not reveal the identity of the informant except:
 1. Where the Assessor is under a legal obligation to do so; or
 2. Where the information is already in the public domain; or
 3. On a strictly confidential basis to a solicitor for the purpose of obtaining legal advice; or
 4. Where it is essential that the Informant provides evidence at a disciplinary hearing or other proceedings.

3. Anonymous complaints

- a. Where an informant is unwilling to identify him/herself, the person receiving the complaint about malpractice should log the incident with the Assessor who will decide whether or not any investigation should be undertaken.
- b. In so deciding, the Assessor may consult with the Headteacher (or where the Assessor is the Trust's CEO, with the Chair of the Trust Board), as appropriate.
- c. Where informants do not wish to be identified to others in the course of an investigation, that wish will be respected in so far as it is reasonably practicable. However, anonymity cannot be guaranteed. The process of investigation may reveal the identity of informants and, especially in serious cases, informants may be required to give evidence, either by the Trust/School, or the Police. Any person subject to disciplinary action or prosecution as a result of a disclosure would have access to such evidence. Informants who are subsequently required to give evidence will be given all reasonable and practicable support and protection from reprisals.

4. Representation rights

- a. The informant may be accompanied by a trade union representative or work colleague (or, in the case of persons external to the School, a friend) at any meeting either with the person to whom a disclosure is being made or who has been authorised to conduct an investigation into an allegation of malpractice.
- b. The Trust recognises that staff may wish to seek advice and support from their professional association or trade union before blowing the whistle. Employees may also wish to seek advice from 'Public Concern at Work' (PCAW), an organisation which is entirely separate from the School. PCAW have lawyers who provide confidential advice, free of charge, to people concerned about wrongdoing at work. They can be contacted by telephone on 027 404 6609 or email at whistle@pcaw.co.uk.

5. Disclosures to the press and other external bodies

- a. Other than in very exceptional circumstances, disclosures should not be made to the press, radio, television or other news media. Employees have certain rights under the Public Interest Disclosure Act where they report malpractice to specified external agencies (e.g. reporting a criminal act to the Police). However,

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informants would normally be expected to make a disclosure within the School or Trust in the first instance, as set out in this Procedure.

6. Relationship with the grievance and other procedures

- a. This procedure is not intended as a substitute for the grievance or other relevant employment procedures through which employees may raise specific concerns relating to their treatment at work, including those regarding alleged bullying, harassment and discrimination.