



WHISTLE BLOWING POLICY 2016 - 2019

Introduction

The governors of Castle Phoenix Trust are committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage staff and others with serious concerns about any aspect of the Trust's work to come forward and voice those concerns (NB This is not the same as malicious complaints).

Employees are often the first to realise that there may be something wrong in a school; a systematic or procedural failure. However they may not feel able to express their concerns because they believe that speaking up would be disloyal to their colleagues and/or their school. They may also fear harassment or victimisation. These feelings, however natural, must never result in a child or young person continuing to be unnecessarily at risk. Remember it is often the most vulnerable children or young person who are targeted. These children need someone like you to safeguard their welfare.

"Whistleblowing" is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others. It is referred to in law as "making a protected disclosure". It has a specific legal definition under the Public Interest Disclosure Act 1998 ("PIDA"), i.e. "a disclosure of information which, in the reasonable belief of the worker, is made in the public interest and tends to show serious misconduct".

Although, in the large majority of cases, staff with concerns should share those concerns with their immediate manager, it is recognised that certain cases will have to proceed on a confidential basis. This Whistleblowing Policy is intended to encourage and enable Trust staff to raise concerns within the school rather than overlooking a problem or 'blowing the whistle' outside of the organisation. Concerns covered by this policy include:

- Someone's health and safety in in danger
- Damage to the environment
- A criminal offence
- Not obeying the law
- Covering up wrong-doing
- Misusing public funds
- Where the welfare of children is being negatively affected.

Staff have a responsibility to bring matters of concern to the attention of senior management and/or relevant agencies. Although this can be difficult this is particularly important where the welfare of children may be at risk. The Trust fosters a culture of reflective practice and values staff who raise concerns.

Don't think what if I'm wrong - think what if I'm right

Aims and Scope of this Policy

This policy applies to all staff at Castle Phoenix Trust ('the Trust'), which includes Hill Farm Primary School ('the school') and Caludon Castle School ('the school') and Kingsbury School ('the school'). It aims to:

- Provide avenues for staff to raise concerns and to receive feedback on any action taken
- Allow staff to take the matter further if dissatisfied with the Trust response

Document: N:\Admin Pool\POLICIES\2018-19\Statutory\Whistle Blowing 2018 CPT.docx	Page 1 of 9
Agreed on: 04.11.14	Review Cycle: Annually

- Reassure staff that they will be protected from any reprisals, harassment or victimisation if they make a serious allegation in the reasonable belief that it is in the public interest to do.
- Enable issues about safeguarding and promoting the welfare of children to be addressed as identified in Working Together to Safeguard Children (2015) in order to reflect the principles in Sir Robert Francis's Freedom To Speak Up Review.

Reasons for whistle blowing

Each individual has a responsibility for raising concerns about unacceptable practice or behaviour to

- Prevent the problem worsening or widening
- Protect or reduce risks to others
- Prevent becoming implicated yourself.

What stops people from whistle blowing

- Starting a chain of events which spirals
- Disrupting work or a project
- Fear of getting it wrong
- Fear of repercussions or damaging careers
- Fear of not being believed.

How to raise a concern

- You should voice your concerns, suspicions or uneasiness as soon as you feel you can. The earlier a concern is expressed the easier and sooner action can be taken.
- Try to pinpoint exactly what practice is concerning you and why.
- Approach your immediate manager, Headteacher, or the Designated Safeguarding Lead.

Staff, for the purposes of this policy, includes any adult, paid or voluntary, who works/is located at the Trust.

- If your concern is about your immediate manager/Headteacher, or you feel you need to take it to someone outside the Trust, contact the Chair of the Board of Directors; a Chair of a Trust Local Governing Body (see appendix 1) or refer to the numbers below.
- Make sure you get a satisfactory response - don't let matters rest.
- Ideally, you should put your concerns in writing on the Whistleblowing form (appendix 2), outlining the background and history, giving names, dates and places where you can.
- A member of staff is not expected to prove the truth of an allegation but will need to demonstrate sufficient grounds for the concern.

What happens next

- You should be given information promptly on the nature and progress of any enquiries.
- The Trust has a responsibility to protect you from harassment or victimisation.
- No action will be taken against you if the concern proves to be unfounded and was raised in the reasonable belief that it is in the public interest to do so.
- Malicious allegations may be considered as a disciplinary offence.

Self reporting

There may be occasions where a member of staff has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. Staff have a responsibility to discuss such a situation with their line manager so professional and personal support can be offered to the member of staff concerned. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the welfare or safety of children.

Scope

This Policy should not be used to raise employment terms and conditions issue. The school has procedures in

place by which grievances relating to employment can be lodged or a complaint may be made under the bullying and harassment procedures. Equally, there are also complaints and disciplinary policies in place.

Further advice and support

It is recognised that whistle blowing can be difficult and stressful. Advice and support is available from your line manager, the Trust HR Director or Union.

Staff will be guided on the purpose of this Whistleblowing Policy as part of annual safeguarding training. The policy will be available on school websites and VLEs and will be provided to new staff during their induction.

"Absolutely without fail - challenge poor practice or performance. If you ignore or collude with poor practice it makes it harder to sound the alarm when things go wrong" (reproduced with acknowledgement to "Sounding the Alarm" – Barnardos).

Social Care, Referral & Assessment Service	02476 788555
Safeguarding Child Services & Safeguarding Board	02476 833443
Emergency duty team (out of hours emergencies after 5.00pm)	02476 832222
The Public Concern at Work Agency (an independent charity who can provide impartial advice and help).	
Free helpline	0207404 6609
NSPCC Whistleblowing Helpline	0800 028 0285
www.nspcc.org.uk/whistleblowing	

Policy approved 30.11.16

Appendix 1

Confidential Reporting Procedures

1. Disclosure

- 1.1 Any employee knowing or suspecting that another employee, a contractor, or any other person connected with the school, is responsible for wrong doing at work, as outlined in the Whistleblowing Policy, must raise a concern.
- 1.2 Under no circumstances should an employee suspecting malpractice or misconduct make the matter public; such an action may itself be considered to be misconduct and expose the employee concerned to disciplinary action.
- 1.3 The procedure to be followed is to contact the immediate line manager, Headteacher or Chair, possibly via another member of staff or their trade union representative and arrange a meeting. The Whistleblowing Form (Appendix 2) may be used.
- 1.4 If the allegation concerns your immediate manager/Headteacher, if you feel your concerns have not been answered or you feel you need to take it to someone outside the Trust, contact the Chair of the Board of Directors; a Chair of a Trust Local Governing Body or refer to the numbers outlined at the end of the policy. This appendix will be used in these scenarios.
- 1.5 Different procedures cover allegations of abuse of children, young people and vulnerable adults and should be used in such cases, including initially reporting all such allegations to the Local Authority Designated Officer (LADO).
- 1.6 All communications between the employee making the allegation and the school on the subject of the allegation will be to the employee's home address or via email with their agreement.
- 1.8 Model Whistleblowing Form:
 - i. The legislation protecting individuals who make a protected disclosure applies not only to employees but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.
 - ii. While there is no set method through which an employee must make a protected disclosure, it is good practice to provide a form for him or her to set out the disclosure. This allows the school to identify an issue as a formal public interest disclosure before invoking its whistleblowing procedure.
 - iii. The form also has the advantage of prompting an employee to provide details of his or her concerns, such as examples of the dates and times of when the wrongdoing is alleged to have taken place, and what action the employee would like to see taken. The form may also prompt the employee to think about whether or not the issue is serious enough to warrant invoking the whistleblowing procedure in the first place and allow the school to distinguish between a genuine public interest disclosure and a personal grievance that would be better dealt with under its grievance procedure.
 - iv. The form is also designed to allay any concerns that the employee may have that individuals implicated in the wrongdoing, (for example, his or her line manager) will be involved in the investigation.

2. Initial Interview

- 2.1 The Chair of a Trust Local Governing Body or Chair of the Board of Directors will arrange an interview with the employee making the allegation. The interview will be arranged at a time and place which will ensure confidentiality and may therefore be held away from the premises.

- 2.2 Where the employee making the allegation agrees, this interview will take place in the presence of a witness. The employee may be accompanied by a friend, who may be a work colleague, trade union representative or other person. The friend should not be a legal representative.
- 2.3 The Chair of a Trust Local Governing Body or Chair of the Board of Directors will take a full note of the allegation. The Chair of a Trust Local Governing Body or Chair of the Board of Directors will provide the employee making the allegation a copy of the note within five clear working days of the interview. The Chair of a Trust Local Governing Body or Chair of the Board of Directors will invite the employee making the allegation to clarify any matter or record a disagreement with the note. The Chair of a Trust Local Governing Body or Chair of the Board of Directors will then ask the employee making the allegation to sign a copy of the note and return it.
- 2.4 Within five clear working days of the interview the Chair of a Trust Local Governing Body or Chair of the Board of Directors, will write to the employee making the allegation:
- i. acknowledging that the allegation has been received;
 - ii. providing the note of the initial interview;
 - iii. giving an estimate of how long it will take to provide a final response;
 - iv. outlining whether any initial enquiries have been made;
 - v. clarifying whether further investigations will take place, and, if not, why not;
 - vi. where an investigation is to be made, indicating how it will be dealt with and where possible who the investigating officer will be.

3. Investigation

- 3.1 Where there appears to be some substance in the disclosure, the Chair of a Trust Local Governing Body or Chair of the Board of Directors will arrange an investigation into the allegation, except where:
- i. the disclosure suggests criminal activity may be involved, in which case paragraph 4.1.i of this procedure will apply;
 - ii. the allegation concerns weak management rather than malpractice. In this case, with the agreement of the employee making the allegation, the Chair of a Trust Local Governing Body or Chair of the Board of Directors will report the matter to the Headteacher and will inform the employee making the allegation that the matter will be handled through the normal line management structure. If the allegation concerns the Headteacher, the Chair of a Trust Local Governing Body or Chair of the Board of Directors will undertake the investigation.
- 3.2 The nature of the investigation will depend on the type of allegation i.e. police matter (with potential criminal allegations) or internal safeguarding/conduct matter. The Chair of a Trust Local Governing Body or Chair of the Board of Directors will be advised of the approach to match these circumstances as a consideration of the timings may be necessary. For example if there were a police investigation this might need to be concluded before an internal investigation commences. Once the investigation is able to proceed the Chair of a Trust Local Governing Body or Chair of the Board of Directors should seek guidance from their HR Provider.
- 3.3 The Chair of a Trust Local Governing Body or Chair of the Board of Directors may, at his/her discretion seek an external auditor (or appropriately trained or experienced professional) to conduct the investigation.
- 3.4 In some cases the Chair of a Trust Local Governing Body or Chair of the Board of Directors may consider it appropriate to suspend an employee 'without prejudice' to allow the impunity of the evidence being investigated or there is a possible risk of harm to children posed by an accused person needs, which needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations.

Suspension must not be an automatic response when an allegation is reported. If the school is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police but suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should only be considered in a case where there is cause to suspect a child or other children at the school is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case. Schools must consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school until the allegation is resolved, and should seek advice from their HR provider.

4. Action

4.1 Where the investigation shows there is a prima facie case for taking some action, the following will apply:

- i. if the Chair of a Trust Local Governing Body or Chair of the Board of Directors suspects that a criminal offence has taken place, he/she will inform the police, having taken advice as necessary. In this case, any internal investigation will be postponed until the police investigation and any criminal proceedings which may arise, have been completed;
- ii. otherwise the action to be taken at the end of the investigation will be covered by other school policies and procedures, (for example the Disciplinary Policy) and will not be dealt with here.

5. Response

5.1 The length of time over which the investigation will be carried out will vary, but should be as short as is consistent with a thorough approach. If the investigation is prolonged, the Chair of a Trust Local Governing Body or Chair of the Board of Directors will report to the employee making the allegation at regular intervals. All allegations must be investigated as a priority so as to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week. Otherwise it may need a full investigation to determine this. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Local Governing Body/Board of Directors to deal with it, although if there are concerns about child protection, the relevant Chair/Headteacher should discuss with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the head teacher should institute appropriate action within 3 working days. Where appropriate, a Trust employee, with no link to the case, may support the relevant Chair in such scenarios.

5.2 At the end of the investigation, the Chair of a Trust Local Governing Body or Chair of the Board of Directors will, as far as is possible and with due regard to third party rights, inform the employee making the allegation of the outcome. If the decision is that no action be taken, either because the allegation has not been made out or it concerns weak practice, (see paragraph 3.1ii of the procedure), the reasons for this decision will be made known to the employee making the allegation.

6. Safeguards

6.1 Harassment or Victimisation

- i. The school recognises that the decision to report a concern can be a difficult one to make not least because of fear of reprisal from those responsible for the malpractice. The school will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect employees who raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation.
- ii. It is accepted by the school that employees may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This will not be the case and those raising concerns in the public interest may be assured that those concerns will be treated with the utmost respect and will play no part in future decisions related to an employee's progress or promotion.
- iii. If an employee who raises a concern is already the subject of disciplinary, redundancy or similar procedures, confidential reporting will not halt these procedures but every effort will be made on the part of the investigating officer to ensure that the issues are not inter-related or connected in any way.

6.2 Confidentiality

All efforts will be made to protect an employee's identity when they raise a concern and do not want their name to be disclosed; however, it must be appreciated that the investigation process may reveal the source of the information and a written statement by the employee may be required as part of the evidence, especially if the next step is a police investigation and prosecution. All people involved in any process must ensure any situation is kept confidential.

6.3 Anonymous Allegations

- i. The school accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind, employees are encouraged to put their names to any allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove, however, they will be considered at the schools' discretion.
- ii. In deciding whether to investigate an anonymous allegation, it will be necessary to consider the seriousness of the allegation, its validity and whether evidence can be obtained in order to proceed with an investigation. In making this consideration the factors to be taken into account would include:
 - the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from other sources in the face of a denial from the accused person(s).

6.4 Untrue Allegations

- i. If employees make an allegation without personal gain, which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against that employee who will be fully supported after the event. If, however, employees make malicious or vexatious allegations, disciplinary action may be taken.
- ii. Equally, if malicious allegations are made against the employee, the school will ensure that the employee is fully supported and that appropriate disciplinary action is taken against the person making the malicious allegations. Support to the employee (against whom malicious allegations are made) may include discussing and agreeing a supportive plan, referral to occupational health, support from an external provider.

Appendix 2

Whistleblowing Form

Guidance

This form is intended for use by any individual working in the school, (including contractors, agency workers and volunteers) who wishes to raise an issue about wrongdoing.

This form should be used to report wrongdoing within the school, (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).

If you are unsure about whether your concerns are best dealt with under the Whistleblowing Policy or Grievance Procedure, please read the Whistleblowing Policy, which provides examples of the issues that should be reported using this form. If, having read the Whistleblowing Policy, you remain unsure about which procedure to use, please consult the Chair of a Trust Local Governing Body or the Chair of the Board of Directors for further advice.

Once you have submitted this form, the whistleblowing procedure will be invoked. This will result in an investigation, which will not involve anyone, (for example, your line manager) you may have implicated below.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the organisation will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to the Chair of a Trust Local Governing Body or the Chair of the Board of Directors in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Employee's name:	
Employee's job title:	
Employee's department:	
Date:	
Does the wrong-doing relate to your line manager?	Yes / No

Summary of disclosure:

Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.

Individuals involved:

Please provide the names and contact details of any people involved in your concerns, including witnesses.

Outcome requested:

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.

Form completed by:

Signature:

For completion by the school:

Date form received:

Name of recipient and job role:

Signature: