

## CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

Version	Date	Author	Changes
v1.0	December 2023	S Pinfield	No change to previous version Inserted into new policy template

<b>Review frequency</b>	Policies will be reviewed in line with EST internal policy schedule and/or updated when new legislation comes into force
<b>Approved by and date</b>	Trust Board
<b>Release Date</b>	January 2024
<b>Author</b>	HR Manager

The electronic version is the definitive version of this document.

## 1 Introduction

Endeavour Schools Trust is committed to high quality practices at all times and an open working environment where views can be expressed without fear or concern. However, the Trust Board is aware that staff are very loyal to colleagues and to their school. This may lead to staff being wary of expressing these concerns because they feel that to do so would be disloyal to their colleagues or to their school. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice.

As the Trust is committed to the highest possible standards of openness, probity and accountability, we expect employees and others working at or for the schools within the Trust who have serious concerns about any aspect of the school work to come forward and voice those concerns.

## 2 Aims of the Policy

This Policy is designed to encourage and enable staff to be able to raise concerns they might have about the way the school conducts its business. It does this by providing staff with an opportunity to raise concerns which they reasonably believe point to serious malpractice in the school in a confidential way, without fear of victimisation, subsequent discrimination or disadvantage. Their concerns may relate to the improper, unethical or illegal conduct of employees, Governors, Directors/Trustees. The law protects workers who have legitimate concerns regarding qualifying disclosure which are made in the public interest by a worker who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice;
- an act creating risk to the health and safety of pupils, members of the public as well as other employees;
- an act causing damage to the environment;
- possible fraud and corruption;
- sexual or physical abuse or harassment of pupils or other workers;
- any concern over the welfare of pupils or other workers;
- a breach of any other legal obligation;
- deliberate concealment of malpractice; or
- other unethical conduct; is being, has been, or is likely to be committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be committed – a reasonable belief is sufficient. The employee has no responsibility for investigating the matter- it is the school's responsibility to ensure that an investigation takes place.
- Victimisation or harassment of anyone using this policy or if anyone tries to discourage others from coming forward will be deemed to be a disciplinary matter.

This Policy complements complaints and statutory reporting procedures already in place through the legal protection afforded by the Public Interest Disclosure Act 1998. It is not a substitute for the school's grievance, disciplinary or harassment policies. If a member of staff has a personal concern unrelated to malpractice, they should use the Trust's Fairness and Dignity Policy, Grievance Procedure or Harassment Policy as appropriate, copies of which are available from the Headteacher in each school.

If, having read this policy, staff are uncertain about whether it is the appropriate policy or how to proceed, they should feel free to seek informal advice from the Headteacher or Chief Executive.

### **3 Who is covered by the Policy?**

Anyone working for or on behalf of the Trust /schools may raise a concern about malpractice, including employees, Directors/Trustees, Governors, contractors, supply staff, agency and trainee teachers.

### **4 Who is responsible for the Policy?**

The Local Governing Body is responsible for ensuring the operation of this policy with regard to matters relating to the individual school.

The Trust Board is responsible for ensuring the operation of this policy with regard to matters relating to the Central Services.

### **5 How to Raise a Concern**

If staff have a concern about malpractice, the Trust Board hopes that staff will be able to raise the matter with the Headteacher or Chief Executive. If the concern is connected to a child protection issue, staff must follow the school's Child Protection Policy.

However, if staff feel unable to raise the concern with their Headteacher due to the seriousness and sensitivity of the issues involved, or if they believe that he/she may be involved, they should speak to the Chief Executive. In the case of the concern being about the Chief Executive staff should speak to the Chair of the Local Governing Body or the Trust.

Concerns may be raised verbally and/or in writing. If staff wish to make a written report, they are advised to include in their letter the background and history (giving relevant dates) and give the reason why they are particularly concerned about the matter.

If staff are personally involved in the matter they raise, they should inform the person they are reporting to at the outset. Staff may invite their trade union, or a work colleague to be present during any meetings or interviews (which may be arranged away from their normal workplace if they so wish) in connection with the concerns they have raised.

### **6 What will happen?**

The Headteacher, Chief Executive, or Chair of Governors or Chair of the Trust Board (as applicable) will respond promptly to concerns by assessing what action ought to be taken. This may involve an internal investigation or a more formal inquiry. The person reporting the concern will be told who is handling the matter (the Responsible Officer), how they can contact them and whether any more assistance from them will be required. In the event of a written issue, and in normal circumstances the Responsible Officer will write to the person reporting the concern acknowledging that the concern has been received within 7 working days of a concern being raised. Should the matter have been raised verbally the response will be initially verbal,

followed by a letter to formally respond. The letter will also inform the person reporting the concern of any relevant staff support mechanisms and agree arrangements for keeping them informed.

Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this may be taken before any investigation is conducted.

Thereafter, the Responsible Officer will keep the person reporting the concern informed of progress and the outcome of any investigations or decisions on the matter including the content of any reports written.

The school will take steps to minimise any difficulties which the person reporting may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the school will arrange for them to receive advice about the procedure. They are protected against victimisation as a result of raising a concern and, should victimisation be proven to have taken place, it will be dealt with under disciplinary procedures. In exceptional circumstances, it may also be necessary to consider future working arrangements.

## **7 Raising a concern external to school with Worcestershire Local Advisers**

Should the concern relate to child protection, staff may wish to raise it with the Senior Adviser for Safeguarding Children in Education

### **Welcome to Children's Social Work Services**

The Family Front Door, Initial Contact and Referral Team is the central point for all referrals for children and young people aged 0 to 18 years and living in Worcestershire where there is safeguarding or child protection concerns for them.

This team receives referrals from professionals, members of the community, family members, children and young people directly. Please contact the Family Front Door directly telephone [01905 822666](tel:01905 822666)

Children's Social Care respond to levels of need identified at level 4 of the Worcestershire LSCB levels of need guidance.

Please refer to the [Worcestershire LSCB levels of need guidance](#) for support in identifying the levels of need a child or young person has and the right referral pathway for that child or young person.

If you have an immediate concern about the safety and welfare of a child please phone the Family Front Door directly on [01905 822666](tel:01905 822666). You will be required to submit the information on a referral form following this as per the WLSCB procedure.

If you have a child protection concern outside of normal office hours please contact our out of hours emergency duty team (EDT) telephone [01905 768020](tel:01905 768020)

If the concern relates to Health and Safety, staff may speak to the Health and Safety Team on 01905 763763.

Alternatively, staff may wish to speak to an HR adviser from Children's Services on 01905 676500, who can advise on the process or direct you towards the appropriate person with specialist knowledge.

## 8 Raising a Concern Externally

While the Trust hopes that this policy gives staff the confidence to raise concerns with school management teams or Governing Body, they would prefer that all concerns were raised with the proper external regulator rather than not at all. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM Revenue & Customs;
- the Financial Services Authority;
- the Office of Fair Trading;
- the Health & Safety Executive;
- the Environment Agency;
- the Audit Commission or External Auditor;
- the Information Commission;
- the Commission for Social Care Inspection;
- the Pensions Regulator;
- the General Social Care Council;
- the Standards Board of England;
- the Director of Public Prosecutions; and
- the Serious Fraud Office.

Finally, in circumstances where an employee genuinely believes that the matter cannot or will not be dealt with internally they can make a disclosure (and still retain protection under the Employment Rights Act 1996) to a non-prescribed person (for example the police, Ofsted or the Department for Education) if certain conditions are met, namely: the worker reasonably believes the information is substantially true; the worker is not making the disclosure for personal gain; and, in all the circumstances, it is reasonable for the worker to make the disclosure. The worker must also: reasonably believe that he or she would be subject to a detriment by the employer if he or she made the disclosure directly to the employer or a prescribed person; reasonably believe that the employer would conceal or destroy evidence if the disclosure were put directly; or have previously made the same disclosure to the employer or a prescribed person to no avail.

Staff are strongly advised to seek independent advice before they raise any issue outside the school. A list of contacts is given in the sections below entitled Further Advice.

## 9 Confidentiality

The Trust undertakes to protect staff identity and will not disclose it without consent. If the situation arises where it is not possible to pursue the concern without revealing the identity of the person reporting (e.g. the need to give evidence in court or at a disciplinary hearing), the Trust will discuss with them how and if they can proceed.

## 10 Untrue Allegations

If the person reporting a concern makes an allegation in good faith, but the evidence produced during the investigation does not substantiate it, no action will be taken against them. If, however, they are an employee and make an allegation maliciously or for personal gain, this may result in disciplinary action being taken.

## 11 Further Advice

If anyone with a concern wishes to access independent advice at any time they may contact their trade union or the independent charity, Protect, (<https://protect-advice.org.uk>). Their lawyers will offer free confidential advice at any time on how to raise a public interest concern.