

St Mary's CE Primary

Whistleblowing policy

Investing in the uniqueness of each individual.

**"I am fearfully and wonderfully made"
Psalms 139 v 14**

Version: 1
Date of Next Review: October 2027

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. The policy set out in this document applies those statutory provisions to the administration of the School and Trust. This Act though was designed around financial mishandling. The Somerset Serious Case Review (March 2012) highlighted an Academy where if disclosure had happened and senior staff acted correctly upon the disclosure, children in that Academy would not have been abused over a fifteen year period.

Employees are often the first to realise that something wrong may be happening. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report what may just be a suspicion of malpractice.

The Trust is committed to the highest possible standards of openness, safety and accountability. In line with that commitment it encourages employees and others with serious concerns about any aspect of the Academy's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns with Academy or the Trust rather than overlooking a problem or publicly disclosing the matter.

The Trust recognises that an employee may wish to seek advice and be represented by his or her Trade Union when using this policy and endorses the role which trade unions and their officers play in this process.

AIMS AND SCOPE OF THIS POLICY

This policy aims to:

- provide avenues for employees to raise concerns and receive feedback on any action taken;
- allow employees to take the matter further if dissatisfied with the Head of School or Trust's response.

This policy covers concerns that fall outside the scope of other procedures. It is not intended as an alternative to the grievance procedure. It may however overlap with other corporate policies for dealing with complaints, with Member or Professional Codes of Conduct and with protocols for good working relationships within the Partnership. Concerns raised under this Whistleblowing Policy should be about something that is or may be:

- unlawful or a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- mistreatment or abuse of a child or a member of the public for whom the Trust

has a responsibility;

- in disregard of legislation governing health and safety at work;
- a false or inaccurate job application;
- against the Trust's Safeguarding policies;
- amounts to improper conduct;
- deliberately covers up information tending to show any of the above.

SAFEGUARDS

Harassment or Victimisation

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Trust will take action to protect you when you raise a concern in good faith. It will not tolerate any resulting harassment or victimisation (including informal or indirect pressures) and will treat this as a serious disciplinary offence which will be dealt with under the appropriate procedures.

Any investigation into an allegation of child abuse will not influence or be influenced by any disciplinary or redundancy procedures which already affect the reporter.

Confidentiality

All concerns will be treated in confidence and the Head of School or Trust will do its best to protect your identity if you do not want your name to be disclosed. If, following the investigation of a concern, a situation which is sufficiently serious to warrant disciplinary action or police involvement then evidence provided by the reporter will be supplied to the authorities. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you.

Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but they will be considered at the discretion of the Trust against the following criteria.

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources;
- the Trust and Academy's best interests;

All persons should also bear in mind that if they do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for feedback to be provided.

Untrue Allegations

If an allegation is made in good faith but, it is not confirmed by the investigation, no reprisals will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

HOW TO RAISE A CONCERN

As a first step, a member of staff should raise concerns with their immediate manager or the Head of School. If the allegation concerns the Head of School, the concern should be raised with the Chair of the Academy Council or the CEO of the DND Learning Trust.

Chair of the Academy Council

Mr Keith Hissitt

01642 581716

khissitt@stmaryscephprimary.co.uk

CEO

Paul Rickeard paul.rickeard@dndlt.co.uk

0191 3670265

07469 257525

Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern (giving names, dates and places where possible) and the reason what is of particular concern with the situation. It is preferable to record this in writing for yourself. However, where the senior member of staff to whom concerns are voiced, writes the allegations down, a copy will be sent to a home address or via a representative (paragraph 4.5) to give an opportunity to agree this record is correct.

The earlier a concern is expressed, the easier it is to take action to prevent any child from harm.

Although persons are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for concern.

Persons may wish to seek advice from a Trade Union representative on how best to raise a concern. When a concern is raised anonymously this may be done through a trade union.

HOW THE TRUST WILL RESPOND

The action taken by the Head of School or Trust will depend on the nature of the concern.

After initial enquiries to assess the seriousness of the matter it may be investigated internally (employing specific procedures where these are applicable – for example in child protection or discrimination issues) to:

The Local Authority Designated Officer (LADO)

Philip Curtis

01642 527864

LADO@stockton.gov.uk

the Police or Social Services

Thereafter it may form the subject of an independent inquiry or a reference to the Trust's own Disciplinary Committees.

If urgent action is required in response to a concern this may well be taken before a full investigation is conducted.

Some concerns may be resolved by an agreed action without the need for further investigation. It is highly unlikely that an investigation can be completed without the person or persons under investigation being aware of the process.

In any event, within ten working days of a concern being received, the Trust will write to the reporter at their home address:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- stating whether any initial enquiries have been made;
- stating whether further investigations will take place, and if not, why not;
- advising whether to find an independent person to provide support during the investigation.

To retain anonymity the safest route is to nominate a representative to whom correspondence may be directed.

The amount of contact between investigating officers and reporter will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

When any meeting is arranged, individuals always have the right to be accompanied by a Union or professional association representative or a friend (who need not be associated with the Trust).

The Trust accepts that it is vital for the matter to be properly addressed. Thus, subject to legal constraints, information about the outcome of any investigations and proceedings will be shared.

DETRIMENT

The Trust is committed to ensuring that an employee who makes an allegation in good faith suffers no detriment from doing so.

HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide everyone with a way to raise concerns within

the Trust. The Trust hopes all persons will be satisfied by its response.

However, it is possible that it might be the right action to take the matter outside the Trust and, if so, the following are possible contact points:

- relevant professional bodies or regulatory organisations;
- trades union safeguarding officer
- a solicitor or legal adviser;
- the Police;
- the Local Authority Safeguarding Officers

THE RESPONSIBLE OFFICER

The Chair of Directors has overall responsibility for the maintenance and operation of this policy. Within their duty to ensure that the Trust acts lawfully they will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not endanger confidentiality) and report as necessary to the Directors and Members

All documents relating to an allegation will be sealed and placed with the School Business Manager to be stored in the individual's personnel file. These files are kept locked at all times. The file will be marked **CONFIDENTIAL** and may only be opened by the Head of School in the presence of the Chair of the Academy Council.