



St Katherine's School

Public Interest Disclosure Policy and Procedure (Whistleblowing)

Next Review: July 2018

Written by	IFT Executive Team	
Reviewed by		
Approved by	Trust Board	13 December 2017
Adopted by academies	By: BFA Crockerne HMA NSETC St Katherine's	
Next Review:	Annually	

Signed:
Chair of Local Governing Board

Date: 9 January 2018

Prepared by: Inspirational Futures Trust, Executive Team

Public Interest Disclosure Policy and Procedure (Whistleblowing)

POLICY

1. Introduction

- 1.1. Whilst members of staff may be amongst the first to identify serious malpractice occurring within the Trust, they may be reluctant to express their concerns because they feel that speaking up would be disloyal or because they fear harassment or victimisation. The Trust is, however, anxious that staff and others raise any such concerns or suspicions confidentially and do so at an early stage.
- 1.2. This procedure is intended to provide a rapid mechanism under which genuine concerns can be raised internally and, if necessary, externally, without fear of repercussions to the individual. It is also intended to promote throughout the Trust a culture of openness and a shared sense of integrity by inviting all employees to act responsibly in upholding the reputation of the Trust and maintaining public confidence. The Trust will support staff who raise genuine concerns under this Policy, even if they turn out to be mistaken.
- 1.3. **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work, usually in the public interest. This may include:
 - fraud or other financial mismanagement (e.g. misappropriation of money);
 - corruption (e.g. bribery, blackmail, or serious breach of academic standards, such as consistent and deliberate award of unjustifiably high or low marks for student work);
 - illegality/crime (e.g. theft);
 - causing danger to the environment or individuals;
 - [causing harm to a child or vulnerable adult;]
 - danger to health and safety (non-routine);
 - abuse of the Code of Conduct and/or Code of Ethics;
 - miscarriages of justice; and
 - impropriety and/or lack of probity.
- 1.4. A **whistleblower** is a person who raises a genuine concern relating to any of the above.
- 1.5. The Policy should be read in conjunction with the Public Interest Disclosure Act 1998.
- 1.6. This policy does not form part of any employee's contract of employment and the Trust may amend it at any time.

2. Environment

- The Trust encourages a climate of openness and honesty by involving employees and listening to their concerns.
- The Trust encourages respect for the individual.
- The Trust endorses the related Codes of Practice which define the appropriate and acceptable standards of employee behaviour e.g. Code of Conduct, Code of Ethics, Register of Interests.
- The Trust wishes to combat corruption, fraud and malpractice.
- The Trust wishes to promote accountability throughout the establishment.
- The Trust wishes to deal with issues consistently and fairly.
- [The Trust is committed to providing training to individuals to assist with the effectiveness of this Policy.]
- The Trust wishes to engage the full support of the Unions in endorsing and supporting this approach.

3. Purposes

3.1. The aims of this policy are:

- 3.1.1. To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- 3.1.2. To provide staff with guidance as to how to raise those concerns.
- 3.1.3. To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

3.2. This policy covers all employees, officers, consultants, contractors, casual workers and agency workers. ¹

3.3. The policy is not designed to replace the Grievance Procedure, which should be used where an employee is aggrieved about an issue relating to their personal circumstances and his/her employment. It is also not designed to deal with routine Health and Safety issues, which are currently dealt with by Health and Safety Committees and/or the Executive Team.

4. Confidentiality

4.1. The Trust hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a Discloser wants to raise their concern **confidentially**, every effort will be made to keep their identity secret. If it is necessary for anyone investigating the concern to know the identity of the Discloser, this will be discussed with them.

¹ For the purposes of St Katherine's School the policy is deemed to include Governors. Governors are defined as members of the Local Governing Board. References to 'staff' in the policy should therefore be taken to include 'Governors'.

4.2. The Trust does not encourage staff to make disclosures **anonymously** (i.e. without giving their name at all). Proper investigation may be more difficult or impossible if we cannot obtain further information from a Discloser. It is also more difficult to establish whether any allegations are credible and it will not be possible to provide feedback to the Discloser. Disclosers who are concerned about possible reprisals if

4.3. their identity is revealed should seek advice from a Designated Assessor (see section 8 for details of who these are) and appropriate measures can then be taken to preserve confidentiality. Advice can also be sought from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at Appendix 1.

4.4. Circumstances where the Discloser's identity may be revealed include:

- where the Designated Assessor/Trust is under a legal obligation to do so;
- where the information and identity of Discloser is already in the public domain;
- on a strictly confidential basis to the Designated Assessor's personal assistant;
- on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice;
- where it is essential that the Discloser provides evidence at a Disciplinary Hearing – this will be discussed with the Discloser;
- where the Discloser is exercising his/her official responsibilities as an officer of the Board e.g. Head of IT, disclosing a practice or associated detail discovered in the normal course of his/her duties.

5. Protection for Whistleblowers

5.1. Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a Discloser believes that he/she has suffered any such treatment, he/she should inform a Designated Assessor immediately. If the matter is not remedied it can be raised formally using the Grievance Procedure.

5.2. The Trust will not tolerate harassment or victimisation of anyone raising a concern in good faith, whether or not it proves well-founded. Any such conduct will lead to disciplinary action.

6. What the Trust requires of Members of Staff

6.1. It is the responsibility of all staff and others connected with the Trust to raise concerns about serious malpractice and to do so in accordance with this Policy and Procedure.

6.2. Staff who raise a concern need to be clear as to what the issue is and which procedure applies e.g. whether it is a matter that would be better dealt with through

this procedure or through the Grievance Procedure. If in doubt, staff should ask for procedural advice from their Line Manager, Trade Union representative, or a Designated Assessor. Staff can also contact Public Concern at Work, (a registered charity which advises on serious malpractice within the workplace). Their contact details are set out in Appendix 1.

- 6.3. A Discloser who raises a concern must declare any personal interest he/she has in the matter.
- 6.4. If a disclosure is made which is malicious or vexatious, or principally made for personal gain, the member of staff who raised the concern will be subject to disciplinary action.

7. Policy Review

- 7.1. The Policy and Procedure will be monitored and formally reviewed annually by the Executive Team and the Audit Committee; with the Board advised accordingly.

8. Procedure

Raising concerns

- 8.1. As a first step, the Discloser should normally raise concerns with his/her immediate line manager or superior. This may be done verbally or in writing. They may be able to resolve the concern quickly and effectively.
- 8.2. If a Discloser feels unable to follow this route, or would like to discuss his/her concern in confidence, he/she can refer the matter of concern to one of the Trust's Designated Assessors.
- 8.3. Where a Discloser has raised a concern with his/her line manager or superior, the line manager or superior may raise the matter with one of the Trust's Designated Assessors releasing the name of the Discloser and the concern identified.
- 8.4. Where a person who is not a member of staff makes a disclosure, this should be made initially to a Designated Assessor. In circumstances in which a public interest disclosure is made to any member of staff by a non-staff member, the member of staff to whom the disclosure was made shall immediately inform a Designated Assessor.
- 8.5. Concerns are best raised in writing. The Discloser should provide as much information as possible about the disclosure and the grounds for the belief of malpractice. A suggested pro-forma is at Appendix 2. However, if a Discloser feels unable to put his/her concerns in writing, he/she can telephone or make an appointment to meet one of the Designated Assessors and discuss the concerns verbally.

- 8.6. The Discloser is not required to provide evidence to prove the allegation, but it is helpful to provide as much information/evidence as they have to enable the Trust to investigate the concern properly.
- 8.7. In the event that an allegation is made against one of the Designated Assessors, the concern should be raised with an alternative Designated Assessor. In the event that the allegation is made against a member of the Executive Management Team, then the concern should be raised with the Chair of the Audit Committee.

Meeting/investigation

- 8.8. On the receipt of the concern by the Discloser, the Designated Assessor will offer to interview the Discloser, usually within seven working days, or immediately if there is any danger of loss of life or serious injury. The purpose of the interview will be for the Designated Assessor to obtain as much information as possible from the Discloser about the grounds for the disclosure.
- 8.9. The Discloser may be accompanied by a Trade Union representative or colleague at the meeting. The Discloser will be under an obligation to ensure that their companion keeps the matter strictly confidential.
- 8.10. The Designated Assessor may be accompanied by an assistant to take notes.
- 8.11. Once the concern has been raised, the Designated Assessor will carry out an initial assessment to determine the next steps. The Discloser will usually be informed of these next steps and may be required to attend additional meetings in order to provide additional information. The Discloser will usually also be told how and by whom the complaint will be handled, and given an estimate of how long it is likely to take. The Trust will usually attempt to complete an initial assessment and investigation within 28 days but this will depend on the circumstances.
- 8.12. The Designated Assessor may determine that an investigation should take place. Following the investigation, recommendations may be made for disciplinary action and/or change to minimise the risk of future wrongdoing. The Discloser will usually be informed of the progress of the investigation and its likely timescale but sometimes the need for confidentiality and data protection may prevent specific details of the investigation or the outcome being disclosed. Staff should treat any information about the investigation as confidential.
- 8.13. If the Discloser is not happy with the way his/her disclosure has been handled he/she can ask for it to be reviewed by the Chair of the Audit Committee (or the Chair of the Board if the Chair of the Audit Committee was the Designated Assessor).

9. Designated Assessors

- 9.1. The Designated Assessors are responsible for dealing with initial internal or external disclosures and recommending how they should be dealt with. The Designated Assessors are:

- (i) Chair of the Audit Committee;
- (ii) Clerk to the Board who is normally the Reporting Assessor who reports to the Board's Audit Committee and Chair thereof;
- (iii) Senior Executive Leader; and
- (iv) The Safeguarding Lead (only in cases where the concerns are about malpractice falling under the Child Protection legislation or Safeguarding children, young persons and vulnerable adults policies).

10. External Disclosures

10.1. The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

10.2. The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator or other "prescribed person". However, the Trust advises seeking advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators who staff are entitled to speak to about certain types of concerns. The contact details for Public Concern at Work are at Appendix 1.

10.3. Disclosers are also entitled to seek independent legal advice on a confidential basis.

Approved by Board of Trustees: 13.12.17

Date for review: December 2018

Signed:.....

Elspeth Davis, Chair of Trustees

CONTACT DETAILS

Matters should be referred in writing to:

The Head of School
Mr J Humphreys
St Katherine's School
Ham Green
BRISTOL
North Somerset
BS20 0HU

Unless the 'whistleblowing' is about the Head of ~School, in which case the matter should be referred in writing to:

The Chair of the Governing Board
c/o St Katherine's School
Ham Green
BRISTOL
North Somerset
BS20 0HU

Please mark all correspondence 'Private and Confidential'

The Chair of Inspirational Futures Trust Board may be contacted as follows:

Mrs Elspeth Davis
c/o Inspirational Futures Trust
Weston College Group
Knightstone Road
WESTON-SUPER-MARE
North Somerset
BS23 2AL

**Public Concern at Work (Independent Whistleblowing charity) –
Helpline: (020) 7404 6609; Email: Whistle@pcaw.co.uk; Website: www.pcaw.co.uk**

**PUBLIC INTEREST DISCLOSURE PROCEDURE
(WHISTLEBLOWING)**

CONFIDENTIAL MEMORANDUM

To:

(Please name the Designated Assessor you would like to address)

From:

Date:

**CONCERN ABOUT MALPRACTICE UNDER THE TRUST'S
PUBLIC INTEREST DISCLOSURE PROCEDURE**

I would like to notify you as one of the Trust's Designated Assessors for concerns under the Trust's Public Interest Disclosure Procedure of the following malpractice that has come to my attention:

1. Category Please tick relevant box(es):
 - Fraud
 - Corruption
 - Actions or omissions which have potential for loss of life or serious injury
 - Breach of a legal requirement
 - Other, please specify:

2. Details of malpractice occurring: