



Upton Heath Church of England Primary

Whistleblowing policy

Amendment Sheet

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2.2	30.08.2024	Amended	Updated Browne Jacobson
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2.0	September 2020	Approved	Board of Trustees
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1 Introduction

- 1.1 The Trust is committed to the highest possible standards of honesty and integrity, the Trust expects all staff to maintain these standards in accordance with the Trust's Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur. Where appropriate, the term 'the Trust' refers to the chair of the Trust or another nominated Trustee.
- 1.2 This policy has been implemented following consultation with the staff. It has been formally adopted by the Trust.
- 1.3 This policy does not form part of any employee's contract of employment or other contract to provide services and the Trust may amend it at any time.

2 Scope and purpose

- 2.1 The aims of this policy are:
 - 2.1.1 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.
 - 2.1.2 To provide staff with guidance on how to raise concerns.
 - 2.1.3 To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 2.2 This policy applies to all employees of the Trust, members of the Local Academy Committees, consultants, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).

3 What is whistleblowing?

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. The law provides protection for workers who raise legitimate concerns about specified matters or "qualifying disclosures". A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there are wrongdoing or dangers at work. This may include:
 - 3.1.1 criminal activity;
 - 3.1.2 miscarriages of justice;
 - 3.1.3 danger to health and safety;
 - 3.1.4 damage to the environment;
 - 3.1.5 failure to comply with any legal or professional obligation or regulatory requirements;

- 3.1.6 bribery;
 - 3.1.7 financial fraud or mismanagement;
 - 3.1.8 negligence;
 - 3.1.9 breach of the Trust's internal policies and procedures including the Trust's Code of Conduct;
 - 3.1.10 conduct likely to damage the Trust's reputation or financial wellbeing;
 - 3.1.11 unauthorised disclosure of confidential information;
 - 3.1.12 unethical behaviour; and
 - 3.1.13 the deliberate concealment of any of the above matters.
- 3.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) you should report it under this policy.
- 3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure or Anti-harassment and Bullying Policy as appropriate.
- 3.4 If a complaint relates to your own personal circumstances but you also have wider concerns regarding one of the areas set out at 3.1 above (for example, a breach of the Trust's internal policies), you should discuss with a member of the school's leadership team which route is the most appropriate.
- 3.5 If you are uncertain whether something is within the scope of this policy, you should seek advice from a member of the school's leadership team.
- 3.6 If your concern is in relation to safeguarding and the welfare of pupils at the school, you should consider whether the matter is better raised under the school's child protection policy and in accordance with the arrangements for reporting such concerns, i.e. via the designated safeguarding lead, although the principles set out in the is policy may still apply.

4 Raising a whistleblowing concern

- 4.1 The Trust hope that you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively.
- 4.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, or they are the subject of the complaint, then you can raise the matter with:
- 4.2.1 Wendy O'Leary Davies, Vice Principal. This is the member of the senior team who is responsible for managing whistleblowing complaints.
 - 4.2.2 Stuart Roberts, The Principal

- 4.2.3 George Bulman, The CEO
- 4.2.4 Graeme White, Named Trustee Whistleblowing Officer
- 4.3 Contact details are set out at the end of this policy.
- 4.4 A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.5 The Trust will take down a written summary of your concern and provide you with a copy after the meeting. The Trust will also aim to give you an indication of how the Trust propose to deal with the matter.

5 Confidentiality and data protection

- 5.1 The Trust hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, the Trust will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, this will be discussed with you.
- 5.2 The Trust do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to one of the other contact points listed in paragraph 4.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are given at the end of this policy.
- 5.3 Where the Trust receive anonymous complaints, the Trust will investigate the complaints as far as is reasonable taking into account:
 - 5.3.1 the seriousness of the issue raised
 - 5.3.2 the credibility of the concern; and
 - 5.3.3 the likelihood of confirming the allegation from other sources
- 5.4 As part of the application of this policy, the School/Trust may collect, process and store personal data in accordance with the Trust's data protection policy. The Trust will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time in the collecting, holding and sharing of information in relation to the Trust's workforce. Records will be kept in accordance with the Trust's Workforce Privacy Notice, the Trust's Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

6 External disclosures

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. You are strongly encourage to seek advice before reporting a concern to anyone external. Protect holds a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy. Alternatively, the list is available from the Department for Business, Energy & Industrial Strategy¹.
- 6.3 Whistleblowing concerns usually relate to the conduct of the Trust's staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances the law will protect you if you raise a concern with the third party directly where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the Trust encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4.2 for guidance.

7 Investigation and outcome

- 7.1 Once you have raised a concern, an initial assessment will be carried out to determine the scope of any investigation. The Trust will inform you of the outcome of the Trust's assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases, an investigator or team of investigators by be appointed, including staff with relevant experience of investigations or specialist knowledge of the subject matter. In some circumstances, an external person or body may be appointed to investigate the concern. The investigator(s) will collate findings on the matter and may make recommendations for change to enable minimising the risk of future wrongdoing. This will be sent to the Principal or Trust for actioning.
- 7.3 The aim is for you to be informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation, an outcome or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 If it is concluded that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

8 If you are not satisfied

- 8.1 Whilst the outcome you are seeking cannot be guaranteed, your concern will be dealt with fairly and in an appropriate way. By using this policy, you can help this to be achieved.

¹ <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4.2. Alternatively, you may contact the Chair of Trustees. Contact details are set out at the end of this policy.

9 Protection and support for whistleblowers

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Staff must not suffer any detrimental treatment as a result of raising a genuine concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform one of the contact people in paragraph 4.2 immediately. If the matter is not remedied you should raise it formally using the Trust's Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action. In some cases, the whistleblower could have a right to sue an individual personally for compensation in an employment tribunal.
- 9.4 [A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.]

10 Review of policy

This policy is reviewed annually by the Trust. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

11 Contacts

Vice Principal	Wendy O'Leary Davies 01244 455665 deputy@uptonheath.cheshire.sch.uk
Principal	Stuart Roberts 01244 455665 principal@uptonheath.cheshire.sch.uk
CEO	George Bulman 01244 455665 ceo@thesamaratrust.cheshire.sch.uk
Named Trustee - Whistleblowing Officer	Graeme White

	01244 455665 gwhite@thesamaratrust.cheshire.sch.uk
Confidential counselling hotline	EAP 0333 3580516 admin@ablehr.co.uk
Protect (Independent whistleblowing charity)	Helpline: (020) 3117 2520 Website: www.protect-advice.org.uk
The NSPCC whistleblowing helpline	Helpline: 0800 028 0285 E-mail: help@nspcc.org.uk
Department for Education	Telephone: 0370 000 2288 Website: www.gov.uk/government/organisations/department-for-education
Ofqual	Telephone: 0300 303 3344 Website: www.gov.uk/government/organisations/ofqual