PRINCE REGENT

STREET TRUST

Whistle Blowing Policy

Status	**Date**
Date Issued:	Summer Term 2024
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Adopted by PRST Trust Board:	10th July 2024
Reviewed:	Annually
Next review date:	Summer Term 2027

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Introduction

1.1.1 The Public Interest Disclosure Act 1998 (PIDA) protects members of staff who "blow the whistle" where the member of staff reasonably believes that the disclosure falls within the remit of the prescribed person or body and that the information and any allegations are substantially true.

1.1.2 Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

1.1.3 The Headteacher is the first point of contact for whistleblowing queries. If the allegation is related to the Headteacher, the concern will be raised with the chair of governors.

1.1.4 Any member of the school community or the general public is able to "blow the whistle"; however, the PIDA only protects members of staff. Good practise principles include further details on how whistleblowing affects non- members of staff.

Definitions

1.1.5 **Whistleblowing:** Whistleblowing is when a member of staff reports suspected wrongdoing, or 'qualifying disclosures', at work to their employer.

1.1.6 **Qualifying disclosures:** As outlined by the PIDA, qualifying disclosures pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

1.1.7 **In the public interests** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served

- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

1.1.8 **Blacklisting** refers to an individual who is being refused work because they are viewed as a whistleblower.

1.1.9 **Grievances** involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

Scope

1.1.10 This policy will:

- Give confidence to members of the school community when raising concerns about conduct or practice that is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice or is inconsistent with school standards and policies.
- Provide members of the school community with avenues to raise concerns.
- Ensure that members of the school community receive a response to the concerns they have raised and feedback on any action taken.
- Offer assurance that members of staff are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

1.1.11 This policy will not be confused with the procedure on dealing with harassment at work or the School's Grievance and Disciplinary Procedures.

1.1.12 Under this policy, any of the following can raise a concern:

- Members of staff of the school
- Members of staff of contractors working for the school, for example, agency staff, builders and drivers
- Members of staff of suppliers
- Voluntary workers working with the school
- A trainee, such as a student teacher
- Pupils
- The wider community
- Governors

Harassment and victimisation of staff

1.1.13 The school recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

1.1.14 Staff are protected in law by the PIDA, which gives members of staff protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

1.1.15 Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the Trust's Disciplinary Policy and Procedure.

Non-members of staff

1.1.16 The PIDA and the Employment Rights Act 1996 do not protect non-members of staff as far as whistleblowing is concerned.

1.1.17 The school will not allow harassment, dismissal or exclusion for any non- members of staff who raises a genuine concern.

1.1.18 Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the Trust's Complaints Procedures Policy.

1.1.19 Governors are not members of staff and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

Good Practice Principles

1.1.20 The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

1.1.21 The school will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.

- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

1.1.22 By providing a clear procedure for mediating and resolving cases, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

1.1.23 The school will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required
- Informing staff what protection is available to them if they report someone
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

1.1.24 We will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring students and trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

Procedure

1.1.25 When raising concerns, individuals will express them in writing to the Headteacher.

1.1.26 If an individual is raising a concern about the Headteacher, they should express their concerns in writing to the chair of governors. Where this is the case, the chair of governors will take on the Headteacher's duties.

1.1.27 When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

1.1.28 The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

1.1.29 Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed here (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

1.1.30 Once an individual has raised a concern, the school will be responsible for investigating it.

1.1.31 In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

1.1.32 If a member of staff feels they should report a concern to the ESFA, they should use the online contact form.

1.1.33 Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

1.1.34 If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

1.1.35 The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

Next steps

1.1.36 The Headteacher will write to the individual within 10 working days of the initial meeting to confirm that the concern has been received, as well as to indicate

proposals for dealing with the matter.

1.1.37 The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the Headteacher will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

1.1.38 During the initial interview, the Headteacher will request the individual puts their concern in writing, if they have not already done so. The Headteacher will write a summary of the concern if the individual is unable to put it in writing.

1.1.39 The Headteacher will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the governing board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.
- If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

1.1.40 If an investigation is carried out, the whistleblower will be informed of the final outcome.

1.1.41 A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored securely.

1.1.42 It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

1.1.43 If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

1.1.44 A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

1.1.45 The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

What the school asks of you

1.1.46 The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal; therefore, it is imperative that whistleblowers:

- Do not take the concern outside the school, e.g. gossiping.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

Appeal process

1.1.47 If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the Trust's Complaints Procedure Policy.

Unfair treatment

1.1.48 An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing.

1.1.49 Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

1.1.50 Any claims of unfair dismissal needs be made within 3 months of the investigation ending.

Monitoring and review

1.1.51 The governing board will review this policy annually ensuring that all procedures are up-to-date.

1.1.52 Any changes made to this policy will be communicated to all members of staff.