



The White Hills Park Trust
A Culture of Excellence

Confidential Reporting Whistleblowing Policy

Version control

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Statutory or non-statutory:	Statutory
Author/Reviewer:	Sue Angood – HR Director

INTRODUCTION

The White Hills Park Trust are committed to providing services with the utmost integrity. However, the Chief Executive Officer and the Trustees recognise that all organisations face the risk of wrongdoing, or of unethical conduct happening within the organisation, which they are not aware of. The Trust recognise that a member of staff may be the first to realise if something is wrong within The White Hills Park Trust. However, they may not want to express their concerns because they feel that speaking up would somehow be disloyal to their colleagues or to the Trust. The Trust wish to encourage a culture which is open and honest and it hopes that any concerns would be identified and spoken about while they still remain at a low-level, however, like any large organisation the Trust recognise that issues may arise that the Trust has not been aware of. This policy aims to protect both those with to speak out and the Trust.

It is important for staff to know that The White Hills Park Trust is committed to the highest possible standards of openness, probity, and accountability. Part of meeting that commitment is to encourage employees and others with concerns about any aspect of the Trust's work to feel able to come forward and voice those concerns. The White Hills Park Trust recognises the need for confidentiality and the fact that the majority of cases will have to proceed on a confidential basis.

What is Whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. In line with section 43B of the Employment Rights Act 1996, this may include:

- (a) criminal activity
- (b) failure to comply with a legal or professional obligation
- (c) miscarriage of justice
- (d) danger to health and safety of an individual
- (e) damage to the environment
- (f) deliberate concealment of any of the above matters

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, you should report it under this policy.

Safeguarding Concerns

In the first instance, a member of staff should refer to the Trust child protection policy and managing safeguarding allegations for more information and report matters to the Designated Safeguarding Lead in your school. If this is not possible for any reason, staff can report to the CEO of the Trust.

However, in the event that they are unable to raise concerns internally, safeguarding concerns can be reported to the NSPCC whistleblowing helpline 0800 0280 285 or via help@nspcc.org.uk

AIMS OF THE POLICY

The policy is designed to ensure that all staff including volunteers and supply staff, can raise any concerns about wrongdoing or malpractice within the Trust without fear of victimisation, subsequent discrimination, or disadvantage. It is also intended to encourage and enable them to raise serious concerns within the Trust rather than ignoring a problem or 'blowing the whistle' outside of the Trust.

This policy aims to:

- encourage staff to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice;
- provide avenues for them to raise those concerns and receive feedback on any action taken;
- ensure that they receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure them that they will be protected from possible reprisals or victimisation if they have made any disclosure about wrongdoing in the reasonable belief that it is in the public interest

SCOPE OF THE POLICY

The policy is not intended to replace existing procedures, for example:

- if the concern relates to someone's own treatment as a member of staff, they should raise this under the existing grievance or harassment procedure, as appropriate;
- if a parent or other user of the Trust has a concern about services provided, they should raise this as a complaint to the Trust;
- some areas of service have their own specific procedures which need to be followed, this is particularly important for safeguarding issues.

WHO CAN RAISE A CONCERN UNDER THIS POLICY?

Any employee of the Trust can raise a concern, including volunteers and supply or agency staff, governors, trustees and members.

WHAT SHOULD BE REPORTED?

A qualifying disclosure is a disclosure of information that in the reasonable belief of the employee shows a “relevant failure” (as defined by the Employment Rights Act 1996 - see below) and is made in the public interest. The member of staff should report any concerns that they have about service provision or about the conduct of employees or Trustees of the Trust or others acting on behalf of the Trust that:

- make them feel uncomfortable in terms of known standards, or
- are not in keeping with the Trust’s regulations and policies, or
- fall below established standards of practice, or
- are improper behaviour

These concerns might relate to any of the following relevant failures:

- (a) criminal activity
- (b) failure to comply with a legal or professional obligation
- (c) miscarriage of justice
- (d) danger to health and safety
- (e) damage to the environment
- (f) deliberate concealment of any of the above matters

WHO TO RAISE A CONCERN WITH AND HOW TO RAISE IT

As a first step, the member of staff should normally raise concerns with their line manager/member of Senior Leadership/Head Teacher. This might depend, however, on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing.

Where it is not possible to raise an issue with any of the above, an alternative is to raise the issue with the HR Director.

sue.angood@whptrust.org

0115 9078115

A concern can be raised verbally or in writing.

If a member of staff is unsure whether or not to raise a concern or wants confidential advice, they may wish to consult their Trade Union.

Alternatively, they can contact Public Concern at Work (independent whistleblowing charity).

Helpline: (020) 7404 6609

E-mail: whistle@pcaw.co.uk

Website: www.pcaw.co.uk

Anonymous Allegations

This policy encourages members of staff to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful, but they may be considered at the discretion of the Trust.

Whilst anonymity may, in some circumstances, be possible to maintain, if the issue is very serious, such as a safeguarding concern or financial mismanagement, it cannot be guaranteed. However, in all cases, the appropriate support will be given to the person raising the concern.

In exercising this discretion, the factors to be considered would include:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from other sources

Untrue Allegations

Some concerns raised may, when investigated, prove to be groundless. If a concern is raised or an allegation made by a member of staff reasonably believing it to be true and their concerns are not confirmed by investigation, they should have nothing to fear as the Trust will recognise their genuine motives.

However, should a member of staff make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

INVESTIGATION AND OUTCOME

Once a concern is raised, an initial assessment will be undertaken to determine whether an investigation is necessary and if it is, the scope of the investigation. It may be necessary to appoint an investigator who will make recommendations including any necessary changes to ensure future wrongdoing is avoided. The Trust will aim to keep the member of staff informed of progress although on some occasions to preserve confidentiality we may not be able to give them all the details of the investigation or any disciplinary action taken as a result.

Where concerns or allegations fall within the scope of specific Trust procedures, they would normally be referred for consideration under those procedures.

As a result of this, where appropriate, the concerns raised may:

- be investigated by management, internal audit or through the discipline/grievance/harassment process
- be referred to the external auditors
- be referred and dealt with under the established child protection/safeguarding procedures
- form the subject of an independent inquiry

Within ten working days of the concern being raised the member of staff will be written to:

- acknowledging that their concern has been received
- indicating how the Trust propose to deal with the issue
- telling them whether any further investigations will take place (and if not, explaining why this is the case)
- supplying them with information regarding support available

It is likely that the member of staff raising the concern will be interviewed to ensure that their disclosure is fully understood. A meeting can be arranged away from the workplace, if they wish, and a Trade Union representative or a work colleague may accompany them in support.

The Trust will do what it can to minimise any difficulties that the member of staff may experience as a result of raising a concern. For instance, if they are asked to give evidence in criminal or disciplinary proceedings, the Trust will arrange for them to receive appropriate advice and support.

IF THE EMPLOYEE IS NOT SATISFIED

The Trust will always commit to dealing with any concerns in a fair and appropriate way. If the member of staff is unhappy with the way in which their concern has been handled they can take the matter further as detailed below. They may alternatively contact the Chair of Governors or CEO of the Trust.

TAKING THE MATTER FURTHER/EXTERNAL DISCLOSURES

The aim of the policy is to provide staff with an appropriate way to raise their concerns and it is hoped that in most cases this can be done internally. However, should the member of staff not be satisfied and/or they feel it necessary to take the matter outside the Trust, our prescribed contacts are:

- the External Auditor:
Sarah Flear, Smith Cooper
Tel: 0115 945 4300
2 Lace Market Square, Nottingham, NG1 1PB
- the relevant Trade Union
- the Police

This does not prevent staff from seeking their own legal advice.

If the member of staff raises their concerns outside The White Hills Park Trust, they should ensure that it is to one of the above or such person as may be prescribed by the secretary of state under Section 43 of the Public Interest Disclosure Act 1998. A public disclosure to anyone else could take them outside the protection of the Public Interest Disclosure Act and of this policy.

They should not disclose information that is confidential to the Trust or to anyone else, except to those included in the list of prescribed contacts.

SAFEGUARDS

The Legal Framework

The Employment Rights Act section 47 B(1) provides specific protection against suffering a detriment, to workers making disclosures about wrongdoing/malpractice which are made in the public interest.

The Act makes it unlawful for an employer to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Harassment or Victimisation

The White Hills Park Trust is committed to good practice and high standards and to being supportive of its staff.

The White Hills Park Trust recognises that the decision to report a concern can be a difficult one to make. If a member of staff honestly and reasonably believes what they are saying is true, they should have nothing to fear because they will be doing their duty to the Trust, their colleagues, and those for whom they are providing a service.

The White Hills Park Trust will not tolerate any harassment or victimisation (including any informal pressures) and will take the appropriate action to protect staff when they raise a concern in the public interest.

Confidentiality

All concerns will be treated in confidence and any records relating to the case should be handled in accordance with the General Data Protection Regulations 2018. Every effort will be made not to reveal the identity of the member of staff who raises concerns, should that be their wish.

If the concerns raised are investigated as part of the disciplinary/grievance/harassment procedures, it may not be possible to take the appropriate action on the disclosure without the help of the person raising the concerns. As a result, they may be asked to come forward to act as a witness. If they agree to this, they will be offered the appropriate advice and support.

RECORD KEEPING

The Chief Executive Officer has overall responsibility for the maintenance and operation of this policy. A record of concerns raised will be maintained along with the outcomes. Records will be kept in such a way so as not to endanger the confidentiality concerning the identity of the person raising concerns.

The Chief Executive Officer will report to the Trustees as necessary.

CONTACTS

Sue Angood HR Director
Paul Heery Chief Executive Officer

sue.angood@whptrust.org
paul.heery@whptrust.org

0115 9078115
0115 9078111

Public Concern at Work (independent whistleblowing charity)

Helpline: (020) 7404 6609

E-mail: whistle@pcaw.co.uk

All safeguarding concerns should be reported to the Designated Safeguarding Lead at your school. However, if for any reason it is not possible to report concerns internally then they can be reported to the NSPCC whistleblowing helpline 0800 0280 285 or via help@nspcc.org.uk