



# Spa Education Trust

## Whistleblowing Policy

### Introduction

1. Whistleblowing is a term used to describe disclosures made by workers, which are in the public interest in relation to an alleged wrongdoing. This could include for example a criminal offence such as fraud, child abuse, a health and safety risk, an environmental risk, a miscarriage of justice, a breach of law, or a cover up of some wrongdoing. To be in the public interest, the wrongdoing disclosed must affect others, i.e. the general public.
2. The principles of whistleblowing and the protections offered to individuals that report such concerns are set out in the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998.
3. The Board of Trustees are committed to achieving the highest possible standards in the trust and it is important that all staff are able to raise concerns and understand the appropriate way to do so.
4. Everyone working in the trust is in a position to identify unsafe or inappropriate practice, to spot where things could be improved and identify if mistakes have been made. The leadership team and trustees cannot take action if they are not made aware of things that may be going wrong, inappropriate behavior or even an honestly held belief that something does not feel right.
5. This policy is intended to encourage and enable staff to raise concerns within the trust in order for the Board of Trustees and Executive Headteacher to respond, rather than ignoring a concern or raising concerns externally.
6. This policy sets out what workers should do if they have a concern relating to the trust, which they wish to report and how the Board of Trustees will respond. The Board of Trustees adopted this policy on 13<sup>th</sup> December 2021.

### Scope

7. All staff have a duty to report any concerns they may have about activities and/or incidents within the trust. It is recognised however that in some

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circumstances staff may wish to report issues confidentially and/or may worry about how the trust and/or other staff may respond. This policy applies to all staff in the trust and provides a framework for reporting concerns in a professional manner with due protection from any reprisals or victimisation.

8. This policy does not cover personal grievances, which are not in the public interest, for example allegations of bullying or discrimination. Personal grievances should instead be resolved in accordance with the trust's grievance procedure. Concerns about health and safety, which do not affect the public, should be reported in accordance with the health and safety policy.
9. A concern may be about something that you sincerely believe in good faith:
  - is unlawful;
  - is contrary to the trust's agreed policies or procedures;
  - falls below established standards or practice;
  - constitutes improper conduct or misconduct;
  - presents a health and safety risk to the public as well as other employees;
  - involves damage to the environment;
  - involves the unauthorised use of public funds;
  - involves potential fraud, corruption or financial irregularity;
  - Involves actual or potential abuse of children.

On the other hand, you may believe that information relating to the above has been or is likely to be deliberately concealed.

### **How to report a concern**

10. You should make a note of your concerns with as much detail as possible, as soon as possible after the concern arises. Do not try to investigate your concerns personally and do not approach or accuse individuals directly. It is essential that appropriate reporting procedures are followed to maintain the integrity and confidentiality of any future investigation or proceedings.
11. When individuals report issues, they are making a vital contribution to the overall effectiveness of the trust, the quality of education provided and the safety of the children in the trust. Reporting issues allows for reflection and action to facilitate ongoing trust improvement.

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12. The first point of contact for any concern will normally be your line manager. If your concerns relate to your line manager, then you may instead wish to report these to the next line manager or the Headteacher. Concerns about the Executive Headteacher should be reported to the Chair of the Trustees.
13. Where your concern is about the Board of Trustees, it may be raised with the Regional Commissioner. You may wish to ask your trade union representative for advice on how best to raise your concern.
14. The earlier you report your concern, the easier it will be for the trust to take action. You are not expected to prove the truth of any allegations but you will need to demonstrate to the person you report to that there are sufficient grounds for your concern.
15. Concerns may be raised verbally or in writing. It is easier for the trust to investigate concerns if you raise these directly as they can then ask you questions to clarify the issues raised. If you raise your concerns anonymously, the trust may not be able to investigate properly if you have not provided all the information needed and will not be able to tell you the outcome.
16. It is acknowledged that sometimes you may wish to raise concerns in confidence and if so, we will take all reasonable steps to protect your identity. It may not be possible to resolve your concerns without revealing your identity; for example, an investigation process may reveal the source of the information and a statement from you may be required as evidence. If this is the case, the trust will discuss with you how best to proceed.
17. If you do not wish to report your concern directly to the trust, you may wish to approach your trade union or a prescribed person or body that deals with the issue you are raising. If you choose to report your concerns to the media, then in most cases you will lose your rights under whistleblowing legislation.

### **How the trust will respond**

18. Once you have told us your concerns, the trust will identify an appropriate individual or committee to discuss your concerns with you and identify what action, if any, is needed in response. Remember that testing your concerns is not the same as accepting or rejecting them. You may be asked to provide further information.
19. The allocated individual will write to you within ten working days of receipt of your complaint to: acknowledge receipt, indicate how they propose to deal with the matter, provide an estimate of how long it may take to provide a final response, tell you whether initial enquiries have been made and tell you whether further investigations are needed or if not why not. The allocated individual will contact you using the contact details you provided when raising your concerns, unless you have specified otherwise.
20. You have the right to be accompanied at such meetings by your trade union

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representative or a work colleague (who is not involved in the area of concern) if you so wish.

21. The allocated individual will decide the most appropriate way to deal with your concern and will keep you informed of the action they take but may not be able to provide you with detail if there is a need to keep the confidence of other people and/or proceedings. Action could include:
  - an investigation under the trust's internal procedures;
  - a referral to the police;
  - a referral to the child protection officer;
  - a referral to internal or external audit;
  - An independent inquiry.
22. Any investigations will be conducted on a strictly confidential basis and the subject of your concerns will not be informed unless and until it is necessary.
23. The trust will take steps to minimise any difficulty you may experience as a result of raising a concern. For example, if you are required to give evidence in formal proceedings, the trust will advise you on procedure beforehand.

### **Escalating your concerns**

24. If you are unsatisfied with the way the trust has responded to your concern, or if you believe the wrongdoing is still ongoing, you may wish to escalate your concern to a more senior member of staff, the Board of Trustees or a prescribed person or body.
25. The Board of Trustees will not tolerate harassment or victimisation in response to whistleblowing and will take action to protect staff that have raised concerns in good faith. This does not mean that if you are already the subject of a disciplinary, redundancy or other procedure that those procedures will be halted as a result of your whistleblowing.
26. This policy is intended to provide you with a clear route to raise your concerns and for the trust to respond to these concerns appropriately. If you feel this has not happened and you feel that it is appropriate to take the matter outside of the trust then you may contact either the national audit office: [enquiries@nao.gsi.gov.uk](mailto:enquiries@nao.gsi.gov.uk) or 020 7798 7999, or the police (if the concern relates to a potential criminal matter). Complaints to other bodies may hamper a speedy investigation into your concern.

### **Unfounded, unsubstantiated or malicious allegations**

27. If you make an allegation in good faith, but it is not upheld or confirmed by subsequent investigation, you will not suffer any detriment and no action will be

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taken against you. Victimisation and/or harassment of individuals who have raised or plan to raise concerns will not be tolerated.

28.If however it appears that you have acted frivolously, maliciously or in a vexatious manner, or for personal gain, then a disciplinary investigation will be undertaken into your conduct.

29.Information which is provided to you on a confidential basis must be treated as such and this may only be overridden where there is a clear public interest in disclosing it and you act in good faith and reasonably. You would need to ensure that you could justify your disclosure because it would be a serious betrayal of trust to use confidential information for any personal advantage, or for malicious or other improper reasons.

### **Record keeping**

30.The Board of Trustees has responsibility for the maintenance and operation of this policy. They will maintain a confidential record of any concerns raised and the outcomes (so as not to endanger your confidentiality).

### **Advice and guidance**

31.Further advice and guidance on how a matter may be pursued under this policy is available from our HR advisers.

**Signed..... Date 13<sup>th</sup> December 2021**  
**Chair of Trustees**

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Signed.....  
Executive Headteacher

Date: 13<sup>th</sup> December 2021

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