Confidential Reporting (Whistle Blowing) Procedure

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1. Introduction

The Trust is proud of the high standards of openness, integrity and accountability within Trusts and the central team, and provides a quality service to pupils, parents, governors and Trusts partners. The Trust promotes good educational practices and is committed to addressing poor practices.

Individuals who work for the Trust are often the first people to realise there may be something seriously wrong. However, you may not want to 'speak up' about it in case you seem disloyal to colleagues or you are concerned about being victimised or discriminated against. You might be worried that you could be wrong or it might just seem too complicated and therefore it may seem easier to say nothing.

You have a responsibility to raise concerns about poor practices within Trust. In addition, all staff and volunteers within Trusts must comply with the Government "Keeping Children Safe in Education" guidance. This includes taking action to protect a child who may be at risk of harm. It is advisable that this document is read in conjunction with the most recent "Keeping Children Safe in Education" document 2024 (see "Contacts"). Any employee becoming aware of inappropriate activity is therefore obliged, and governors and the headteacher/line manager encourage you, to report it. You have a right to be protected from reprisals if you do raise concerns.

The Trust recognises staff may wish to seek advice and be accompanied by their Trade Union when using the provisions of this policy procedure and acknowledges and endorses the role representatives play in this area. The procedure has been consulted on with recognised Teaching and Support Trade Unions and its operation will be kept under review. The procedure is non-contractual and can be varied by mutual agreement of all parties concerned.

2. Aim of procedure

The Trust has a number of different policies and procedures in place to deal with different types of concerns. For example, the grievance procedure for employees to raise matters relating to their conditions of employment, the complaints procedure for parents to raise concerns, and a safeguarding policy to investigate allegations of abuse. The Confidential Reporting (Whistleblowing) Procedure is not intended to replace the Trust's standard procedures. The aim of the procedure is to:

- provide a process in which serious concerns (which fall outside the scope of other procedures) can be raised and dealt with
- provide a means by which staff can receive support when concerns have been raised
- encourage and enable employees to raise their concerns within the Trust initially, rather than overlooking the problem or raising the matter externally.

It is important to note that an investigation into the concerns raised might be carried out under one of the other procedures. For example, an allegation of improper conduct may be investigated in line with the Disciplinary Procedure.

3. Principles of the confidential reporting (whistleblowing) procedure

This procedure is based on the following principles:

- The Trust's primary duty of care is to children and young people, and other users of our services
- The Trust has a duty of care to colleagues; to ensure they feel safe and supported
- Employees raising concerns will be offered full support
- Concerns raised internally will be dealt with seriously and will be thoroughly investigated
- The Trust will not tolerate any harassment, bullying or detriment to employees raising legitimate concerns
- The Trust will not tolerate employees making malicious and vexatious allegations

The Confidential Reporting procedure applies when a person has a serious concern that wrongdoing by the Trust; (it's staff, volunteers, contractors or suppliers) has occurred. For example:

- a breach of recognised standards of professional practice
- suspected conduct which is an offence or a breach of the law, including criminal activity
- suspected breach of Trust policies/procedures
- fraud, corruption or unauthorised use of public funds
- practice which poses a danger to health and safety
- physical, sexual, emotional abuse or neglect (including from individuals in senior roles and/or a position of trust)
- personal contact with children and young people which is contrary to the organisation's policies and codes of conduct
- inappropriate sexualised behaviour
- improper conduct / unprofessional behaviour inside or outside of Trust, such as name calling, bullying or racial abuse
- behaviour likely to bring the Trust into disrepute
- conduct which may be deemed unethical
- Knowledge about an individual's personal circumstances which may indicate they could be a risk to children or unsuitable to work with children
- cover up of any wrongdoing, such as the examples listed above.

This list is not exhaustive.

Employees are encouraged to raise concerns about wrongdoing at the earliest opportunity, and the Trust is committed to ensuring that all such concerns are taken seriously and handled appropriately. In line with current whistleblowing legislation, disclosures relating to sexual harassment may constitute protected disclosures where they are made in the public interest.

Individuals who raise such concerns in good faith will be protected from detriment, victimisation or dismissal as a result of raising their concern. All disclosures will be handled sensitively and confidentially, and clear reporting routes are available to ensure concerns can be raised safely and investigated fairly.

This procedure should not be used for complaints relating to your own personal circumstances, such as disciplinary matters, grievance issues, job evaluation or pay. In these instances, please contact the headteacher/line manager for advice on which procedure is the most appropriate to address the issue.

4. Concerns to which the confidential reporting (whistleblowing) procedure can apply

The Public Interest Disclosure Act protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is about child safeguarding, financial malpractice, danger or other wrongdoing. The Act covers all workers including agency staff. It does not cover the self-employed or volunteers. The Act also provides protection should individuals have difficulty gaining a reference from an employer because they have raised a concern.
Protection under the Act extends to disclosures concerning wrongdoing that took place overseas, and, where the law applying to the misconduct, was outside of the United Kingdom.
For employees to rely on this legal protection you should reasonably believe that the disclosure is in the public interest and

a) that a criminal offence has been committed, is being committed or is likely to be committed
b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
c) that a miscarriage of justice has occurred is occurring or is likely to occur
d) that the health and safety of any individual has been, is being or likely to be endangered
e) that the environment has been, is being or is likely to be damaged, or
f) that information tending to show any matter falling within any one of the preceding paragraphs has been or is likely to be deliberately concealed.

Even when you do not have the protection of the law, the Trust will protect and support you so long as you act in good faith.

You can use the Confidential Reporting (Whistleblowing) Procedure if you are:

- an employee (including permanent, temporary, fixed term, and casual staff or a student on placement)
- a volunteer working in the Trust
- an employee in an organisation which provides a service under contract to the Trust (this includes private contractors, external partner agencies and the Local Authority)
- an agency worker or supply Teacher provided to the Trust, via a contract with an employment agency.

5. The public interest disclosure act and who can use this procedures

This procedure should not be used for complaints relating to your own personal circumstances, such as disciplinary matters, grievance issues, job evaluation or pay. In these instances, please contact the headteacher or line manager for advice on which procedure is the most appropriate to address the issue.

You can raise your concerns orally or in writing. You must state you are raising an issue under the Confidential Reporting (Whistleblowing) Procedure and specify whether you wish your identity to be kept confidential. Any concerns should be resolved as close to its source as possible. Therefore, in the first instance, concerns should be reported to your line manager, the senior leadership team or the headteacher/ line manager. However, this may not always be appropriate for example, where:

- You have already spoken with the appropriate person and they have not taken up your concerns
- The appropriate person is already aware of the circumstances and have failed to act upon them, or
- it is their own behaviour which is a cause for concern.

In such cases where you feel you cannot talk to your Headteacher/Principal, or if you prefer to talk with someone outside your direct management you can do so as follows:
You can raise your concerns with the Headteacher/line manager, Chair of the Governing Body of the Trust, or with the Trade Union.

The person to whom your disclosure is made will ask you to formalise your concerns in writing either before or after the first meeting if you have not already done so. Your formal written disclosure will be acknowledged and the person dealing with it will keep a record of further action taken.

You are entitled to be accompanied by a work colleague or trade union representative at any meeting in relation to your disclosure. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent disclosure.

6. How are concerns delt with

Situations of Imminent Danger

In the first place the Headteacher/line manager, the person to whom you made the disclosure to needs to make sure that no one is at serious risk or in danger. If they are, concerns must be reported immediately so that the relevant people or external agencies are alerted, to ensure that prompt action is taken to protect them.

Initial Assessment/Meeting

The person to whom the report is made should assess whether the issues raised are ones to which the confidential reporting procedure applies. If they are not, they should refer you to the correct procedure to follow, for example the Grievance Procedure.

If the matter appears to be one to which the confidential reporting procedure applies, the person with whom you raised your complaint with will meet with you within a reasonable timeframe to discuss the issues raised and to obtain full details of your concerns using the initial assessment form (Appendix 1).

Following your initial meeting, the person with whom the concerns have been raised will write to you within a reasonable timeframe (no more than 10 working days) and provide you with the following:

- A copy of this procedure
- A written record of the meeting
- Confirmation as to whether the concerns will be investigated and if not, why not
- How the concerns will be dealt with in the short term, including whether any initial enquiries have been made
- An estimate of how long the investigation will take to provide a final response (see section "Investigations" below)
- Support available during the process
- A point of contact, to be contacted during the investigation should you experience any detriment as a result of raising the concerns.

Investigations

Investigations may be undertaken by the headteacher/line manager, internal management, or a Trust governor. In some cases, the matter will need to be referred to the police for an independent inquiry.

As far as possible, the person conducting the investigation will endeavour to complete it within 28 working days. However, complex investigations may take longer. Any investigation taking longer than 28 working days will be reviewed and you will be kept informed of any delays.

Although you will be informed of when the investigation is concluded you may not necessarily be informed of the outcome or details regarding the investigation.

Anonymous Reporting

Anonymous concerns are much more difficult to deal with and employees are encouraged to put their name to the allegation.

In deciding whether it is possible to deal with anonymous concerns the following will be taken into account:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of being able to confirm the allegation.

Anonymous allegations cannot be guaranteed to be investigated if the above criteria are not satisfied.

In addition, proper investigation may prove difficult if the investigator cannot obtain further information from the individual, or give feedback, and the investigating officer is unable to ascertain whether the disclosure was made in the reasonable belief that the disclosure was in the public interest.

The individual should reveal their identify to the person with whom the concerns are raised and measures can then be taken to preserve confidentiality as appropriate.

Confidentiality

Every effort must be made to keep the identity of an individual who makes a disclosure under this procedure confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, the individual will also be expected to keep the fact that they have raised a concern, the nature of the concern and the identity of those involved confidential. Although every effort will be made to preserve the anonymity of the individual raising the concern, there may be exceptional circumstances in which, because of the nature of the investigations or disclosure, it will be necessary to disclose the identity of the individual. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in the view of the investigating officer such circumstances exist, you will be informed that your identity is likely to be disclosed.

If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure.

Record Keeping
The Trust will keep its own record of all concerns raised under this policy in a secure environment.

7. Support available.

Individuals who raise serious concerns will inevitably feel anxious or may experience shock if witnessing something unpleasant. The person receiving the information is responsible for ensuring support. Employees should feel confident that their concerns will be treated seriously and sensitively.

The process of investigating concerns can be lengthy. The employee will be kept informed of developments and supported throughout. Employees who have genuine concerns should not be put off either raising them in the first place or seeing them through the investigation process because of a lack of support. The Trust will work to ensure that you are not left feeling vulnerable and isolated.

Members of staff who raise genuinely held concerns in good faith under this procedure should not be subjected to any detriment as a result of their disclosure. Detriment includes unwarranted disciplinary action, victimisation or threats. If the individual believes they have been subjected to a detriment within the workplace as a result of raising concerns under this procedure they should inform the person to whom the disclosure was made immediately. If the matter is not remedied the employee may raise a grievance under the Grievance Procedure.

In all circumstances you (the employee) may wish to contact the headteacher, line manager or a Trade Union representative for support. You can also seek advice from the Trust's confidential counselling service, School Advisory Service, or a referral to Everwell for occupational health support can also be made.

8. What happens if the concerns are not founded?

If the employee has acted in the public interest they will not be penalised in any way. In such cases the Trust will do what it can to support both parties.

However, the Trust must protect the organisation and its staff from false and malicious claims. Disciplinary action will be considered where any member of staff is found to have raised concerns frivolously, maliciously or for personal gain.

9. How to Take the Matter Further

Although every attempt should be made to deal with serious concerns internally in the first instance, if you believe that the concerns you have raised have not been dealt with satisfactorily, or you reasonably believe that you might be victimised or vital evidence stolen or destroyed, you can make an "external disclosure".

To make an external disclosure you must:

- Make the disclosure in the reasonable belief that the disclosure is in the public interest
- Reasonably believe that the information disclosed, and any allegation contained in it, are true
- Ensure the disclosure is not for personal gain
- Ensure that in all circumstances of the case it is reasonable to make the disclosure.

Examples of organisations that you can make an external disclosure to are:

- OFSTED
- Department for Education
- Stoke on Trent Safeguarding Children Board
- The Police
- A professional body such as the Trade Union
- The Health & Safety Executive
- The Information Commissioner.

If you do raise matters outside the Trust, you must not disclose confidential information, for example individual's names or personal circumstances.

10. External Contacts List

Stoke on Trent Safeguarding Children Board

If you think a child is in immediate danger telephone 999

Safeguarding Referral Team 01782 235100 (office hours)

Emergency Duty Team 01782 234234 (outside of office hours 1700 to 0830)

www.safeguardingchildren.stoke.gov.uk

Keeping Children Safe in Education

Keeping Children Safe in Education document:
https://www.gov.uk/government/publications/keeping-children-safe-in-education--2

Appendix 1

Issues to consider at Initial Assessment/Fact Finding meeting

(Section 8.0)

Before meeting:	**Notes:**
Date of Meeting:	
Persons present:	
Who else has been made aware of the employee's disclosure? Consider friends, family, colleagues, external agencies etc.	
Confidentiality Discuss the requirement for the employee themselves to maintain confidentiality, including the fact they have raised a concern, the nature of the concern and the identity of those involved	
After meeting: Write to the employee providing the following:	**Notes:**
A copy of the Confidential Reporting (Whistleblowing) Procedure	
A written record of the meeting in the section "discussion notes"	
Confirm whether the concerns will be investigated and if not, why not	
Confirm how concerns will be dealt with in the short term and if any initial enquiries have been made	
Confirm support available during the process	
Confirm point of contact	

Discussion Notes: