



Whistleblowing Policy

Related Policies

- Child Protection Policy
- Safeguarding Management Policy
- Grievance Procedure

1. What is Whistleblowing?

- I. Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that St Bede's School Trust Sussex (the Trust), or one of its employees or contractors, is responsible for or has taken part / is taking part in some wrongdoing.

2. Purpose of the policy

- I. Bede's wishes to ensure that an environment exists where staff can always raise their concerns and be confident that they will be dealt with in a sensitive and appropriate manner. However, Bede's also recognises that there may be instances where a more formal process is needed to make sure that staff can raise major concerns that are not covered by other policies.
- II. A culture of openness and accountability is essential in order to prevent such instances occurring and to address them when they do occur.
- III. The Trust's policy on whistleblowing is intended to demonstrate that:-
 - a) It will not tolerate malpractice;
 - b) All staff should be aware of the importance of preventing and eliminating wrongdoing at work.
 - c) It will provide the opportunity to raise concerns outside of the normal line management structure where this is appropriate;
 - d) It will provide a clear and simple procedure for raising concerns, which is accessible to all members of staff.
 - e) Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the individual who raised the concern.
 - f) No individual will be victimised for raising a matter under this procedure providing that they do so in good faith. This means that the continued employment and opportunities for promotion or training of the individual will not be prejudiced because he/she has raised a legitimate concern.
 - g) Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
 - h) An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to the Head or Bursar.
 - i) The Trust's disciplinary policy and procedure will be invoked in the case of false, malicious, vexatious or frivolous allegations.

3. Who does this Policy apply to?

- I. This policy applies to all employees and officers of Bede's. Other individuals performing functions in relation to the Trust, such as contractors and agency workers, are also able to use it.

4. Background

- I. Employment legislation governs the making of disclosures concerning workplace activities and is intended to protect employees who blow the whistle on bad practice from being subject to any detriment or from being unfairly dismissed as a result. They are called 'qualifying disclosures'. All types of wrongdoing are included whether they are acts committed by fellow employees, faults in Trust procedures or oversights which should be rectified. A qualifying disclosure is one made in the public interest by an employee or worker who has a reasonable belief that:
 - a) a criminal offence has been committed, is being committed or is likely to be committed;
 - b) something that is against Trust rules or policies;
 - c) a miscarriage of justice;
 - d) an act creating risk to health and safety;
 - e) an act causing damage to the environment;
 - f) a failure to comply with or a break of any other legal obligation;
 - g) or concealment of any of the above is being, has been, or is likely to be, committed.
- II. These acts can be in the past, present or future and employees must reasonably believe that the disclosure is "in the public interest".
- III. It is not necessary for you to have proof that such an act is being, has been or is likely to be committed – a reasonable belief is sufficient. The employee or worker has no responsibility for investigating the matter – it is Bede's responsibility to ensure that an investigation takes place.
- IV. Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

5. Safeguarding

- I. Nothing within this policy is intended to prevent staff from complying with their statutory obligations in accordance with Keeping Children Safe in Education (DfE, September 2018). In particular:
 - a) **Safeguarding / Child Protection Policy:** You should raise any initial safeguarding concerns about a child with the Designated Safeguarding Lead in accordance with the Trust's Child Protection and Safeguarding Policy and Procedures.
 - b) **Safeguarding - member of staff:** You should raise any concerns about another staff member with the Head, or if the concern is about the Head, with the Chair of Governors (without first notifying the Head).
 - c) **Whistleblowing Policy:** You should follow this procedure to raise concerns about poor or unsafe safeguarding practices within the Trust or potential failures by the Trust or staff to properly safeguard the welfare of pupils if you are concerned that the Trust's Child Protection and Safeguarding Policy and Procedures are not being followed correctly.
 - d) **Children's Social Care:** In exceptional circumstances, or if at any point there is a risk of immediate serious harm to a child, a referral should be made to Children's Social Care immediately.

6. Grievances

- I. You should not use this policy to raise a complaint relating to your personal circumstances in the workplace. The Grievance Procedure should be used in all such cases.

6.1 Procedure

- I. This procedure is to enable members of staff to express a legitimate concern regarding suspected malpractice within the Trust.
- II. A whistleblower is a person who raises a genuine concern relating to suspected malpractice within the Trust. If you have any genuine concerns related to suspected malpractice affecting any of the Trust's activities (a whistleblowing concern) you should report it under this procedure.

6.2 Confidentiality

- I. We hope that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if you wish to raise a concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating the concern to know your identity, this will be discussed with you.
- II. If there is evidence of criminal activity then the Police will in all cases be informed.
- III. We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we 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 discuss this with the Head or Bursar and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. They can be contacted on 0207 404 6609.

6.3 Raising a whistleblowing concern

Stage One

Procedure: You should disclose the suspected wrongdoing first to your Head of Department or Line Manager. In the event that your Head of Department or Line Manager is involved in the suspected wrongdoing, you shall be entitled to proceed directly to Stage Two of this procedure.

Response: You can expect a response detailing to whom the disclosure has been notified or any action taken within 10 days of your Head of Department or Line Manager becoming aware of the disclosure.

Stage Two

Procedure: If no response is forthcoming after 10 days or if your Head of Department or Line Manager is involved in the suspected wrongdoing you shall be entitled to notify the Head / Bursar as appropriate.

Response: You can expect a response detailing any action taken within 10 days of the Head / Bursar becoming aware of the disclosure.

Stage Three

Procedure: If no such response is forthcoming you should inform the Chair of Governors of the disclosure.

Stage Four

Outside body: If you do not receive a response within 10 days you shall be entitled to notify a relevant and appropriate body outside the Trust which may include:

- a) the Local Authority Designated Officer;
- b) Children's Social Care;
- c) the Health and Safety Executive;
- d) the Environment Agency;
- e) the Information Commissioner;
- f) the Department for Education (DfE);
- g) the Department for Business, Enterprise and Regulatory Reform;
- h) the Police;
- i) the Charity Commission;
- j) the Independent Schools Inspectorate (ISI).

Bypassing the procedure: In extreme circumstances you will have the right to raise your concern directly with a relevant and appropriate outside body without first having followed the stages above. This may however cause damage to the Trust and its reputation as well as constitute a breach of your own duty of confidentiality towards the Trust and this action should only be taken in extreme circumstances and after careful thought.

Extreme circumstances: The Trust will consider extreme circumstances exist where you have a reasonable belief that: the Trust will subject you to detriment if you inform your Head of Department / Line Manager in accordance with Stage One above or if you inform the Head / Bursar in accordance with Stage Two or you inform the Chair of Governors in accordance with Stage Three; a cover-up is being mounted by the Trust; or a disclosure made previously to your Head of Department / Line Manager or the Head / Bursar or the Chair of Governors in accordance with the stages above has not prompted a satisfactory response.

The media: Even where extreme circumstances are thought to exist, you should under no circumstances approach a commercial body or the media with details of the suspected wrongdoing. If you approach any such body and / or where your concern is disclosed for personal gain, the Trust may consider this to be gross misconduct and immediate disciplinary action may be taken against you.

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