



**Tudhoe Learning Trust**

# **Confidential Reporting Code (Whistleblowing)**

**Policy, Procedure & Guidance**

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## Introduction

Employees can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within their school or the Trust. However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or their employer. They may also fear repercussions and in these circumstances it may feel easier to ignore their concern rather than report a suspicion of malpractice.

The Trust will not tolerate any harassment or victimisation and will take appropriate action to protect you when you raise a concern in the public interest. If an employee is involved in such inappropriate conduct, appropriate action may be taken in accordance with the Trust Disciplinary Procedure.

'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing or dangers at work. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

The Trust is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment it expects employees, and others that it deals with, who have any serious concerns about any aspect of a school's work to come forward and voice those concerns.

Wherever possible, employees are encouraged to use relevant school procedures to report issues in an open and transparent way, because that is the type of culture we are trying to foster. However, it is recognised that some cases may need to proceed on an anonymous basis.

This policy makes it clear that you can raise a concern without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within school or via the Chief Executive Officer of the Trust rather than overlooking a problem or 'blowing the whistle' outside.

This policy applies to anyone involved in the school e.g. employees, volunteers, governors, Directors, and also applies to agency workers, contractors and suppliers.

These procedures are in addition to the Trust's complaints procedures and other statutory reporting procedures.

The Board of Directors has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Head Teacher of each school within the Trust has day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Trust's Chief Executive Officer will maintain a central register of the number of concerns raised, appoint investigating officers, monitor progress, the nature of the concerns raised and the outcomes (but in a way which does not breach confidentiality) and will report as necessary to the Board of Directors, where appropriate.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

In applying this policy, the Trust will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act and specified below:

- Age
- Disability

- Gender reassignment
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

The operation of this Policy will be kept under review and changes will be made as deemed appropriate.

## **Aims and scope of the code**

This code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- re-assure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised a concern in the public interest.

Anyone who raises a concern under this code must reasonably believe:

- (i) that they are acting in the public interest;
- (ii) that the concern raised tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
  - criminal activity;
  - failure to comply with an obligation set out in law or regulation;
  - miscarriages of justice;
  - endangering of someone's health and safety;
  - damage to the environment;
  - bribery;
  - financial fraud or mismanagement;
  - negligence;
  - breach of Trust/School Policy;
  - unauthorised disclosure of confidential information;
  - abuse;
  - discrimination;
  - conduct likely to damage the school/Trust's reputation
  - action which falls below the school's standards of practice
  - deliberate concealment of the above matters.

The above list is neither exclusive nor exhaustive.

Thus, any serious concerns that you have, which are in the public interest, about any aspects of the Trust's business or the conduct of employees or leadership of the school/Trust or others acting on behalf of the school/Trust can be reported under the Confidential Reporting Code.

## Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

Although every effort will be made not to reveal your identity you may be called as a witness if this matter is progressed. If a situation arises where we are not able to resolve the concern without disclosing your identity we will discuss with you whether and how we can proceed.

All information will be handled sensitively and used only for its proper purpose.

## Anonymous allegations

This code encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously can be difficult to investigate and are much less powerful. Subsequently, they are less likely to be effective but will be considered at the discretion of the school/trust. When exercising discretion, the following will be taken into consideration:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## Untrue or Malicious allegations

If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. However, if you make malicious or vexatious allegations, disciplinary action may be taken against you under the Trust Disciplinary Policy.

## How to raise a concern

As a first step, you should raise concerns with the Head Teacher. This can be done verbally but is better in writing.

You are invited to set out the background and history of the concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation.

All concerns will be discussed with the Chief Executive Officer so that they may be logged by the Trust for monitoring purposes and the Chief Executive Officer in consultation with the school, and any other relevant officers will agree how the concern should be investigated.

In certain circumstances, you may feel unable, or it may not be appropriate, to raise your concerns with the Head Teacher, due to the seriousness and sensitivity of the issues involved and the person who is suspected of the malpractice. If this is the case, advice may be sought from and the concern can be reported to one of the following designated whistleblowing officer/s verbally or in writing to:

<b>Jim Smith,</b> Chief Executive Officer Tudhoe Learning Trust	☎ 01388 811 765 email: <a href="mailto:office@tudhoelearningtrust.co.uk">office@tudhoelearningtrust.co.uk</a>
Designated Whistleblowing Officer Tudhoe Learning Trust	☎ 01388 811 765 email: <a href="mailto:office@tudhoelearningtrust.co.uk">office@tudhoelearningtrust.co.uk</a>

The earlier you express the concern the sooner the Trust can investigate and consider appropriate action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first or a Trade Union Representative/professional association and you may invite either of these parties to be present during any meetings or interviews in connection with the concerns you have raised.

Ideally you should feel able to raise a concern within the school/Trust. However there may be circumstances where you feel unable to. You can raise a concern external to the school/Trust under whistleblowing law to prescribed person(s) who are mainly regulators and professional bodies but include other persons and bodies such as MPs. The relevant prescribed person depends on the subject matter of the concern, for example a concern about wrongdoing in a school could be made to OFSTED.

If you feel it is right to take the matter outside the school/Trust, the following are possible contact points for advice:

- your Trade Union Representative
- your professional body
- the designated whistleblowing officer

For further information regarding how to raise a concern externally.

## **How the Trust will respond**

The school and/or Trust will respond to your concerns as soon as practicable. Following the recording of the concern, either directly by the whistleblower or the person to whom it was reported, this will then be immediately forwarded to the Chief Executive Officer for logging and monitoring purposes.

The Chief Executive Officer is independent and has unlimited access to any officer, member or information within any Trust school and, in consultation with the appropriate officer, can agree the most appropriate way of investigating the concern.

Where appropriate, the matters raised may:

- be investigated internally;
- be referred to the police;

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principles, which the school and Trust will have in mind, are your well-being and the public interest. Concerns or allegations that fall within the scope of specific procedures [for example, child protection, grievance or discrimination issues] will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the person with whom you have raised your concerns will respond to you in writing:

- acknowledging that the concern has been received;

- indicating how we propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on employee support mechanisms where appropriate; and
- telling you whether further investigations will take place and if not, why not.

A copy of the response will be forwarded to the Chief Executive Officer for monitoring purposes.

The amount of contact between those considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the school and/or Trust will seek further information from you. However, should this further information need to be gleaned by you, from another person, without them being made aware of your involvement in the confidential reporting process, specific procedures will need to be applied.

Should the Head Teacher/Chief Executive Officer believe that this additional information may assist the enquiry, and that the information can only be obtained by you, no action will be taken until the matter has been referred to the relevant person(s) for a decision to be made as to whether such a course of action is both necessary and proportionate.

If the concern is about the Chief Executive Officer, or it is believed they may be involved in the wrongdoing in some way, the staff member should report their concern to the chair of the board of Trustees.

#### **Important:**

All employees must not, under any circumstances attempt to obtain any further information covertly either directly or indirectly without first having complied with the Trust's procedures in relation to staff surveillance which can be found in the Regulation of Investigatory Powers (RIPA) Policy. Failure to do so may infringe Human Rights and render the Trust liable to legal action.

The school/Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the school/Trust will arrange for you to receive advice about the procedure.

The school/Trust accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

This code is intended to provide you with an avenue within the school/Trust to raise concerns. The school/Trust hopes you will be satisfied with any action taken.

## **Raising a concern externally**

This policy is intended to provide you with an avenue to raise concerns within the School/Trust and to give you the reassurance you need to raise such matters internally. The School/Trust hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the School/Trust you should contact a prescribed person or body [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](#). This includes a list of public bodies, which can deal with particular areas of concern e.g. Education, Finance etc. You can also raise a concern to a solicitor or the police.

The NSPCC whistleblowing helpline is available as an alternative route for employees who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by the School. Employees can call 0800 028 0285 - line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

You should tell the prescribed person or body if you believe that the School/Trust:

- Will cover the issue up;
- Treat you unfairly if you complained;
- Has not resolved the issue and you've already reported it.

## Further Information

If you would like any further information or advice in relation this Code please contact the Trust HR Manager on 01388 811 765 or [office@tudhoelearningtrust.co.uk](mailto:office@tudhoelearningtrust.co.uk).